

# Elementary School Handbook

## Pre K – Grade 6



VILLAGE SCHOOL



GLOVER SCHOOL



BROWN SCHOOL

## Family Handbook

**2022-2023**

**This handbook references  
Marblehead Public Schools District policies, which were  
reviewed and voted upon by the Marblehead School Committee.**

*Please see MPS SC Policy CHCA at*

<https://www.marbleheadschoools.org/district/mps-policy-manual>

**MARBLEHEAD ELEMENTARY SCHOOLS**

**September 2022**

**Dear Parents and Students:**

**This handbook has been prepared to help you succeed in meeting the goals and expectations of Marblehead's elementary schools and to inform students and families of applicable school rules and procedures. Our aim is to create a common understanding that reflects a positive, welcoming, and safe learning environment for students, which promotes high academic achievement and continuous social emotional growth. We are committed to our students.**

**Kindly,**

**Hope Doran, *Principal*  
Glover School**

**Mary Maxfield, *Principal*  
Lucretia and Joseph Brown School**

**Amanda Murphy, *Principal*  
Village School**

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## SCHOOLS AT A GLANCE

### GLOVER SCHOOL

School Contact Information:	Hope Doran, Principal 9 Maple Street
PreK, K, Grades 1-3	Phone: (781) 639-3190 Fax: (781) 639-3192
School Day:	K-3 the doors open at 8:15-2:30 pm. Children may enter at 8:05am Kindergarten is dismissed at 2:20 pm
Report an Absence:	Call before 8:15 to report a student absent or late Phone- (781) 639-3190, Press 3
Cancellation/Delayed Opening:	School Messenger Call by 6:30am Radio: WBZ Boston 1030 Television Channels 4, 5 and 7 <a href="http://marbleheadschoools.org/announcement">http://marbleheadschoools.org/announcement</a>
District Web Address:	<a href="http://marbleheadschoools.org">http://marbleheadschoools.org</a>
Glover School	<a href="https://www.marbleheadschoools.org/Domain/11">https://www.marbleheadschoools.org/Domain/11</a>
Faculty and Staff Directory:	<a href="http://glev.marbleheadschoools.org/Staff">http://glev.marbleheadschoools.org/Staff</a>
PTO Board Members and Contact Information:	President: Sarah Magazine Yount Co-Vice Presidents: Erin Korgie & Meri Keller Treasurer: Jessica Kenney Secretaries: Lainey Samant Social Chairperson: to be elected
School Advisory Committee:	Jillian Coe Parent Tom Rice Parent Vanessa Quick Parent Carrie Killeen Teacher Alex Marques Teacher Patricia Frawley Teacher Open Committee Liaison
Key Contact Individuals for Help:	Dawn Whittier, Principal's Secretary Jennifer Elliot, School Secretary TBD, School Psychologist Linda Fazzina, School Counselor Catherine Sullivan, School Adjustment Counselor Courtney DeLeyer, Special Education Secretary TBD, School Nurse

## Lucretia and Joseph Brown School

PK-3

School Contact Information:	Mary Maxfield, Principal maxfield.mary@marbleheadschoools.org 40-42 Baldwin Road Phone- (781) 639-3112 Fax-(781) 639-31xx
School Day:	K-3 academic school day runs from 8:15AM - 2:30 PM.
Report an Absence:	Call before the start of school to report a student absent or late Phone (781) 639-3112, press 1
Cancellation/Delayed Opening:	School Messenger, Call by 6:30am Radio: WBZ Boston 1030 Television Channels 4, 5 and 7 <a href="http://marbleheadschoools.org/announcement">http://marbleheadschoools.org/announcement</a>
District Web Address: Brown: Faculty and Staff Directory:	<a href="http://marbleheadschoools.org">http://marbleheadschoools.org</a>
PTO Board Members	Abby Lewis, President Aimee Sheppard, Teacher Representative
Contact Information:	<a href="https://bellcoffinpto.org/marblehead/">https://bellcoffinpto.org/marblehead/</a>
School Advisory Members:	Mary Maxfield,, Principal Beth Hecht , Teacher Paula Morrison, Teacher Meghan Finkle, Parent Bernadette Peeples, Parent Danielle Bulger, Parent Sarah Fox, School Committee Liaison Kate Lipsitz, Parent Representative
Key Contact Individuals for Help:	Linda Mills                      Brown School Secretary Allison Eaton                  School Counselor Kara Elmer                        School Counselor Karen Doherty                  School Nurse _____ Team Chair, Special Education

# VILLAGE SCHOOL

Grades 4 - 6

- School Contact Information: Amanda Murphy, Principal  
Dr. Amy Amico, Assistant Principal  
93 Village Street  
Phone (781) 639-3159 Fax (781)-639-9423
- School Day: The regular school day: (See guidelines below)  
7:30 – 7:45 a.m. Drop off parents use the Jersey street access road.  
  
7:50 a.m. First bell rings. Students may enter the building.  
Students remain outside in designated grade level areas unless there is inclement weather.  
8:00 a.m. School day starts with students in their seats and ready to begin the day  
2:15 p.m. Dismissal
- Report an Absence: Call before 8:15 a.m. to report a student absent or late  
Phone- (781) 639-3159
- Cancellation/Delayed Opening: Automated phone Call by 6:30 a.m.  
Radio: WBZ Boston 1030  
Television Channels 4, 5 and 7  
<http://marbleheadschoools.org/announcement>
- District Web Address: <http://marbleheadschoools.org>  
Village School: <https://www.marbleheadschoools.org/Domain/10>
- PTO Leaders Reece Dahlberg and Vanessa Quick, Co- Presidents
- School Advisory Committee Members: Caitlin Welsh, Faculty Representative  
Kate Dulac Faculty  
Becky Gilbert, Faculty  
Stephanie Trainor Madigan, Faculty  
Kristen Grohe, Faculty  
TBD, Parent representative  
TBD, Parent representative  
TBD, Parent representative  
TBD, Parent representative  
Amanda Murphy, Principal
- Key Contact Individuals for Assistance: Maryann McKie Village School Secretary  
Leah Feldman Special Education Chairperson  
Kate Dulac School Counselor  
Jeff Newsome School Counselor  
Kevin Merrigan School Counselor  
Alex Rosenstein School Psychologist  
Deb Cullen School Nurse

## GENERAL

### Visitors

For safety and security reasons, all visitors must check in at the main office. Each visitor, including substitute teachers, must wear a visitor badge at all times during the visit. Please park in approved locations and do not leave vehicles running.

### Idling of Motor Vehicles on School Grounds

With limited exceptions, Massachusetts law prohibits the unnecessary idling of motor vehicles on school grounds. M.G.L. c. 90, § 16B. *See also MPS SC policy EEAJ.*

### Where to go if you have questions

Occasionally, students and/or parents are not sure who should be contacted at the school in case of questions or concerns. Please refer to the faculty directory on the school website for our faculty email addresses and telephone extensions. In addition, for:

Classroom Issues	Contact the teacher first using the teacher's email or voicemail extension. If you have additional concerns, contact your son/daughter's guidance counselor. If you still have questions, contact the Principal.
Scheduling Issues	Contact the guidance counselor first using his/her email or voicemail extension listed in our web directory. If you have additional concerns, contact the Principal.
Special Education :	Contact the appropriate teacher(s) first. If you have additional concerns, contact our Special Education Chairperson. If you still have questions, you can contact the Principal or the District Director of Student Services (Paula Donnelly).
Behavioral Issues	Contact the teacher or counselor first. If you are still concerned, contact the Assistant Principal or Principal.
Family Issues	Contact your child's school counselor for social, emotional, personal, or family issues.

### Marblehead School Committee

The Marblehead School Committee generally meets on the first and third Thursday of each month during the school year. The Committee sets policy for the school district, works with the Superintendent to develop, implement, and monitor a Strategic Plan, and develops a budget to present to Town Meeting in May. Meetings are held at 7:00 p.m. in the Marblehead High School Library unless otherwise noted. Agendas are available on the Monday prior to the meeting at the Administration Building, which is located at the Mary Alley Municipal Building on 9 Widger Road. Agendas will also be posted on our website at <https://www.marbleheadschoools.org/domain/253>. The public is welcome and encouraged to attend and participate. The meetings are usually televised by MHTV on channel 8 for Comcast and Channel 28 for Verizon. Dates for School Committee meetings can be found on the District website.



# Marblehead Public Schools Central Administrators/Directors

## **Superintendent of Schools**

Dr. John Buckey 781-639-3140

Lisa Dimier, Assistant to the Superintendent

## **Assistant Superintendent for Teaching and Learning**

Nan Murphy 781-639-3140

## **Director of Student Services**

Paula Donnelly 781-639-3140

## **Assistant Superintendent for Finance & Operations**

Michelle Cresta 781-639-3140

## **Human Resources**

Cassie Bruner 781-639-3140

## **Executive Director Operations**

Todd Bloodgood 781-639-3120

## **Food Service Director**

John Constantino 781-639-3120

## **Technology Director**

Stephen Kwiatek 781-639-3140

## **Athletic Director**

Gregory Ceglarski 781-639-3100

## **METCO Director**

TBD 781- 639- 3100

## **Marblehead Special Education PAC (SE PAC)**

The Marblehead Special Education PAC (SE PAC) is a parent advisory council organization run by parents of children with special needs. The SE PAC's purpose is to develop better understanding and communication among parents, teachers, and administrators. Membership includes parents, teachers, and the special education administration. Please refer to the school calendar for days and dates. For more information, go to [www.mhdsepac.org](http://www.mhdsepac.org).

## **METCO (Metropolitan Council for Educational Opportunities)**

The Marblehead Public Schools have been a voluntary participant in the METCO program for over 40 years. The METCO staff includes a coordinator, a counselor, tutors, bus monitors, and a clerical aide. This program is completely funded through a State Department of Elementary and Secondary Education grant. The Marblehead METCO Parent Advisory Council acts as a parental support group for parents of METCO students. The METCO PAC meets in Boston once each month. Partner families are a critical component of this program. If you are interested in hosting a METCO student, contact the program director at 781-639-3120.

## ACADEMICS

### Elementary Classroom Expectations

All elementary schools have incorporated the Responsive Classroom philosophy as well as the Positive Behavioral Interventions and Supports (PBIS) Model. Responsive Classroom assures Social Emotional support throughout the day, including Morning Meeting which is built into the schedule for all classrooms. PBIS focuses on improving each school's ability to teach and support positive behavior for ALL students, ALL staff, and in ALL settings. It is not a program, but a framework that applies evidence-based strategies and systems to help students develop healthy constructive relationships with their classmates and the staff. PBIS has been shown to increase academic performance, increase safety, and help establish a positive school culture. Teachers will provide each student a summary of academic and behavioral expectations at the beginning of each school year and reinforce these expectations frequently through effective social-emotional learning techniques.

### Homework

Average Daily time requirements for all subject areas combined shall be:

Kindergarten: not more than 30 min.

Grades 1: Not more than 30 minutes or less than 15 minutes

Grades 2: Not more than 45 minutes or less than 15 minutes

Grades 3 & 4: Not more than 1 hour or less than 30 minutes

Grades 5 & 6: Not more than 1 1/2 hours or less than 30 minutes.

**Any homework assigned over the weekends will only be in the form of completing long-term projects/assignments or to make-up any missed work. There will be no homework assigned over holidays.**

### Report Cards and Grading Scale

Report cards are distributed three (3) times a year for Grades 1 through 6. Kindergarten and first grade students do not receive a written report at the end of the first marking period. Conferences are held at the end of the first marking period for all students. Report cards are available through the Parent ASPEN Portal.

## ATTENDANCE REQUIREMENTS & PROCEDURES

Numerous research studies have identified that one of the most important factors in the success of a student is daily, on-time attendance. We understand that parents do make decisions to keep their children out of school for particular reasons, such as illness, family emergencies, and family vacations. Vacations outside of the regularly scheduled school vacations are considered an unexcused absence and are strongly discouraged. Excessive absences or tardiness greatly impact student learning and contribute to a reduced rate of academic progress.

**Absences and After School Activities:** A student must be in attendance at school the day of an afterschool activity to be able to attend said activity. To be considered in attendance for the day (and be eligible for extracurricular activities) a student must either arrive before 11:00 a.m. and remain for the rest of the day or arrive on time and not be dismissed until after 11:00AM.

*Please familiarize yourself with the following information about what to do when your child will be absent or dismissed from school, or late to school.*

### Student Absence Procedures

**When should I call my child in absent, and who do I call?**

Please call the school's main office (absentee line) before 8:15 a.m. on the day that s/he will be absent.

**What should I say on the absence message?**

When calling in your child's absence, on the absence voicemail clearly state the student's and teacher's name, grade, reason for absence and, if you know, include the your child's expected date of return.  
(See "Student Absence due to Illness" section on page 17)

**Does the school need any more information?**

Per school committee policy, the school may ask for a doctor's note certifying that the absence was justifiable for extended or excessive absences. If a student is absent from school and the parents/guardians fail to notify the school of the reason for the student's absence on the day of the absence, the parents/guardians will be contacted by the school within three (3) school days of the absence.

**Will my child's absence be excused?**

Per school committee policy, absences will be excused for illness, religious holidays, death in the family, or funerals. Family vacations are NOT excused absences. If a student is absent from school due to a family vacation, students will make up the work after their return to school at the convenience of their teachers. Students are required to see their teachers upon returning to develop a list of missing work and specific dates for test and quiz make-ups.

**Will I be contacted if my child is absent repeatedly?**

In the event that your child accumulates five (5) or more school days of unexcused absences during the school year, you will be contacted and invited to participate in a meeting with the school administration to develop a plan to address your child's attendance.

## **Student Dismissal Procedures**

**How do I arrange for the early dismissal of my child from school?**

Students who need to be dismissed prior to the conclusion of the standard school day must bring a written note from a parent/guardian to the main office before 8:00 a.m. The note must state the time, date, and reason for the dismissal. Parents/guardians may also come to the main office and request an early dismissal.

**Can my student come outside to meet me at that dismissal time?**

No. Students must be signed out of school by a parent/guardian.

## **Student Tardy Procedures**

**When will my student be considered tardy?**

**Village** begins at 8:00 a.m. **Lucretia and Joseph Brown School and Glover** begin at 8:15 a.m. Students not in their classroom at that time will be considered tardy.

**Should I send a note in with my child if they will be late?**

Yes. However, a tardy will only be excused if the reason matches the guidelines set for excused absences. (*see above*)

**Is there a limit on the number of times my child may be tardy?**

If a student misses two (2) or more classes due to unexcused tardies on five (5) or more school days during the school year, the parents/guardians will be contacted and invited to participate in a meeting with the school administration to develop a plan to address their child's attendance.

Upon a student's 7<sup>th</sup> tardy in a quarter, the student will be assigned to an office detention for that and every subsequent tardy.

*Please see MPS SC attendance policy JH*

## Absence due to Illness

If your child is absent please call the schools attendance line before school begins and leave a message with the specific reason for the absence. This information will help monitor illness trends and keep all students well. If your child is contagious, please keep him/her at home until your doctor has cleared him/her for return to school.

- **Strep Throat**-Students being treated for strep throat must be kept home a minimum of 24 hours after treatment begins.
- **Conjunctivitis/Pink Eye**- Students may return to school after 3 doses of antibiotic treatment.
- **Vomiting and Diarrhea**- Students should be kept home for 24 hours after episodes of gastrointestinal distress.
- **Fever**-Students should be fever free without the use of fever reducing medication for 24 hours prior to returning to school.
- **Head Lice**-Please notify the school nurse if your child contracts head lice. We will notify parents of any head lice concerns and serve as a resource for treatment. Please do not keep children out of school for this very common childhood condition.

## COMMUNICATION

### Registration

All students are registered through our Central Office. Contact Peg Slattery at 781-639-3140 ext. 10102

### Aspen

Aspen is the student information system used by the Marblehead schools. You will have one parent account to access all your children's information. If you happen to receive separate parent accounts for each child, please let the Technology Department know and they can merge the accounts for you. Parents and students can access the system directly at <http://aspen.marbleheadschoools.org/aspen>.

Parents should access **Contact Verification Workflow** to update their contact details and other information about their children. We request parents use this process whenever necessary to update contact and emergency information. The Technology Department has posted a series of instructions and other information about Aspen for your reference on our webpage at <http://www.marbleheadschoools.org/technology/aspen>. Step-by-step instructions for filling out the Contact Verification Workflow can be found on this site. If you have trouble with your account or have other questions, please contact us at [aspen@marbleheadschoools.org](mailto:aspen@marbleheadschoools.org).

### School/Home Communication – Automated service

The Marblehead Public Schools subscribes to a “school to home” phone service. This communication system will enable the building principal or the superintendent to contact parents in a timely manner in the event of an emergency situation, or to pass on general information regarding weekly schedules or other school updates.

### Change of Address/Phone Number

It is important to promptly update your Aspen account in the Parent Portal in the event of any changes in a student's or parent's/guardian's residential address, email address and/or telephone number(s) so that parents/guardians can be reached in the event of an emergency. Kindly notify the main office of such changes.

### Notification of Field Trips

Parents will be informed, in writing, of any field trip no later than one week before it is to occur (except in unexpected circumstances). The written notification shall include, but not be limited to, the following details: date, location(s), and relevance to curriculum, cost (if any), driver information, and request for parental permission. **Students may not**

**participate in field trips without parent/guardian consent signed and returned to school.** Staff members supervise students during out-of-school activities. The liability waiver form must not be altered.

## **Mandatory Fingerprinting for Parent/Community Volunteers**

On January 20, 2013, Governor Patrick signed Chapter 459 of the Acts of 2012, “An Act Relative to Background Checks”. All newly hired school employees, including administrators, teachers, permanent substitutes, tutors, paraprofessionals, secretaries, clerical staff, maintenance staff and custodians, cafeteria workers, field trip chaperones and bus drivers, who work in the schools, are required to complete the new fingerprint-based state and national background check along with the regular CORI check.

Marblehead Public Schools will continue to require that volunteers, who come to the schools during the day, continue to only need a **CORI completed every three (3) years**. Once submitted, these CORIs usually only take a day or two to be processed. **Volunteers who are to be field trip chaperones, daily and overnight, will now also need to be fingerprinted.** This process may take much longer (could be as long as a few weeks) and there is a cost factor to the volunteer. If the volunteer is a licensed educator, the cost is \$55.00 and for all others \$35.00. This new law requires that you plan ahead for your chaperones. **We will not allow a chaperone on a field trip if they have not been fingerprinted.**

*What to do?*

You must preregister either at <http://www.identogo.com/FP/Massachusetts.aspx> or, by calling 866-349-8130. **The fingerprint locations will not accept walk-ins.** The volunteer will be required to provide **Marblehead Public Schools ESE Organization Code: 01680000** when registering.

## **Services and Accommodations for Students with Disabilities**

Some students with disabilities require individualized accommodations, specialized instruction, and/or supportive services to ensure their free appropriate public education. These services can include, but are not limited to, speech therapy, physical therapy, occupational therapy, specialized instruction, or placement in a specialized classroom. Parents or teachers may refer students they are concerned about to the Student Services Office. We take special education referrals seriously and want to be sure to respond within required timelines. Therefore, all special education referrals shall be made via hard copy, delivered either to the building principal, special education chairperson, or Director of Student Services. Within five (5) school days of a student’s referral for an evaluation of eligibility for special education services in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B, a consent form authorizing an evaluation of the student will be forwarded to the student’s parent(s)/guardian(s). Within forty-five (45) school days of receipt of the parent(s)/guardians’ consent, an evaluation will be conducted and a TEAM meeting will be held to determine if the student is eligible for special education services. If the student is found eligible for special education services, the Team will develop an Individualized Education Program (IEP) identifying the necessary services.

In some cases, the evaluation Team determines that a student with a disability may require only individual accommodations as opposed to specialized instruction and/or related services. Such students are then referred for an evaluation of their eligibility for accommodations and/or services in accordance with Section 504 of the Rehabilitation Act of 1973. A Student may also be referred directly for an evaluation of eligibility under Section 504. The District will respond promptly to any such Section 504 evaluation request and shall conduct an evaluation of the student. For more information regarding the services available to students with disabilities please contact your building principal or the Marblehead Public Schools’ Director of Student Services (781-639-3140).

## **Delivery of Articles**

In an ongoing effort to ensure that we minimize any unnecessary disruptions in the learning process during classroom lessons, we are urging parents to refrain from dropping off any “non-essential items” needed for the school day.

Lunches, homework assignments, and other forgotten items being dropped off at school create interruptions, so we ask that you are mindful of this, and keep messages to a minimum. If students forget their lunches, simply advise them to inform their teachers, get a school lunch, and reimburse the lunch staff the following day. In this way, students will learn to become more responsible for remembering their lunches in the future, and academic instruction won't be compromised. Of course, if your child has an urgent request, we are always here to help. Thank you for your anticipated understanding and commitment.

## **Confidentiality**

The MPS elementary schools comply with all federal and state laws and regulations pertaining to confidentiality of student/family information and the maintenance and confidentiality of student records information (see the "Student Records" section of this handbook for more information). Volunteers may be asked to complete the District confidentiality/non-disclosure form to comply with District policies and state and federal laws and regulations.

## **Classroom Assignment Process**

The faculty spends a great deal of time and energy assigning students from one class and grade to the next. The classroom teachers and specialists take into account all available information and go through a laborious process to arrive at recommendations for balanced groupings. MPS wants what is best both for individual students and for each class as a whole. We take into consideration academic skill levels, behavior; social relationships group dynamics, student interests, and special situations in our effort to arrive at an optimal projected distribution of students for the following year. We take the responsibility of assignment of students seriously. A faculty committee meets with the principal in the spring to create the first assignment draft based on the above criteria. The draft is then copied and submitted to all staff members for feedback. All suggested changes are presented to the appropriate committee. If you believe that your child has needs that require special consideration in the assignment process, please contact the building principal. Requests for assignment to specific teachers will not be accepted.

## **Student School Bus Behavior**

Students are expected to behave in an orderly manner while riding the bus, and during the loading and unloading procedures. The bus driver shall be in complete charge of the bus and its passengers at all times and shall ensure the safety and well-being of all students who ride the school buses. Riding the school bus is considered a privilege. Students who fail to observe applicable rules and safety procedures will be subject to discipline and/or may lose their right to ride the bus. Students are reminded that all school rules and District policies are in effect while on school bus.

## **After School Activities**

After school activities vary from school to school. For updated information, please refer to the school-specific website.

## **Student User Fee (Grades 4- up only)**

The educational philosophy of the Marblehead Public Schools is to foster and support the participation of all students in a wide variety of student activities beyond the regular school day program such as clubs, organizations, plays, intramural and interscholastic sports programs. Marblehead Public Schools financially support student activities through local appropriation and students' user fees.

User Fees are a one-time fee of \$131, which covers all intramural sports and extracurricular activities throughout the school year. Provisions for financial hardship will be made using the Federal Lunch Program criteria. Inquiries may be made in the main office of your school.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

The School Committee has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statutes. In connection with rights, there are responsibilities that must be assumed by students. Among these rights and responsibilities are the following:

1. Civil rights--including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school and to maintaining a safe and orderly educational environment.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his/her rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy with respect to the student's school records.

It is the School Committee's belief that as part of the educational process students should be made aware of their legal rights, and of the legal authority of the School Committee to make and delegate authority to its staff to make rules regarding the orderly operation of the schools. Students have the right to know the standards of behavior that are expected of them, and the consequences of misbehavior.

## Food Services

Applications for free and reduced priced meals are sent home with each student on the first day of school. They are also available at the District Administration office, in each school, and at [Food Services](#).

If you received benefits last school year, you must re-apply as they will expire on September 30, 2022.

School menus are available for download at <http://marbleheadschoools.org/foodservice/menus>

Breakfast is served on all school days at Village, Veterans Middle, and Marblehead High School's.

lunch is available every day except for early release and half days.

All students have an account with the lunch program. It is established upon enrollment. You may access this account by setting up a user's account at [www.MySchoolBucks.com](http://www.MySchoolBucks.com) This will allow you to see what has been purchased and make payments if you choose.

Payment for lunch is expected prior to, or at the time of service. Please be advised that change will not be made in the elementary schools, with the exception of the Village School. Any excess payment will be applied to your student's account. Negative balance notices will be sent home intermittently.

**Please refer to the "food services" section on the Marblehead Public Schools' website for more detailed information: [www.marbleheadschoools.org/foodservice](http://www.marbleheadschoools.org/foodservice)**

## Student Health

Each school has a school nurse to assess and treat your child for illness or injury during the school day. Please communicate any health concerns or issues directly with your school nurse. Please notify the school nurse with any changes in health or new conditions such as fractures or medication changes. School nurses are your partners in keeping your child healthy and ready to learn.

### Concussions

Per state law and school committee policy, any student who suffers a head injury or concussion, whether such injury occurs in or out of school, must be medically cleared to return to school as well as participate in school athletic activities. Responsible staff will follow the guidelines for graduated return to academics and activities tailored appropriately to the student's age and condition. *Please see Appendix D for the Marblehead School Committee Policy, JJIF, on Athletic Concussions*

### Life Threatening Allergies

It is our goal to keep all children safe in school. Please notify the school nurse and your child's teacher of any allergies that your child may have. Where appropriate, an Individualized Health Care Plan and/or Section 504 Plan will, with your participation, be developed for your child. To ensure the safety and wellbeing of students with life threatening food allergies, we encourage food free celebrations. Teachers will notify and coordinate with parents for any food requests for school. **All food items must carry a label of ingredients and be reviewed by the school nurse. Homemade baked goods are not allowed. Any food surprises will be sent home. Latex balloons are not allowed in schools, due to allergies.**

### Immunizations and Physical Exam

The Massachusetts Department of Public Health requires that all children be properly immunized against varicella, measles, mumps, rubella (MMR), polio, diphtheria, tetanus, pertussis (DPT), and hepatitis B before entrance into school.



Exemptions from immunizations are allowed under Massachusetts law only for religious or medical reasons, both of which require documentation. Non-immunized/susceptible individuals will be excluded from school in the event of an outbreak of any vaccine preventable disease. Please contact the school nurse if your child has an exemption. Immunization and Physical exams are required for entry to school for Kindergarten, 4<sup>th</sup> grade, 7<sup>th</sup> grade, and 10<sup>th</sup> grade and for any new student. Please bring updated immunization records to the school nurse.

State mandated screenings are conducted annually for vision, hearing, height and weight. If your child does not meet state standards on these screenings, you will be notified by the school nurse. Your child should then be evaluated by a physician for diagnosis, treatment, or referral. You will be notified in advance of the screening and have the right to decline the screening.

**Immunization Requirements for the 2022-2023 school year are:**

- **Kindergarten**
  - Hepatitis B-3 doses, DTaP /DTP-5doses, Polio-4 doses, MMR-2 doses, Varicella-2 doses
- **Grades 1-3**
  - Hepatitis B-3 doses, DTaP/DTP-4 or more doses or 3 doses Td, Polio-3 or more doses, MMR-2 doses,
  - Varicella- 2 doses
- **Grades 4-6**
  - Hepatitis B-3 doses, DTaP/DTP-4 or more doses or 3 doses Td, Polio-3 or more doses, Measles-2 doses,
  - Mumps, 1 Rubella, Varicella-1 dose
  - \*Note- The difference in dosage requirements is due to a phase in schedule for increased immunization recommended by CDC and adopted in 2010 by Massachusetts.

The current Massachusetts school immunization requirements can be found on the website: [www.mass.gov/dph/imm](http://www.mass.gov/dph/imm)  
If you have any questions about current or future school immunization requirements, please contact the Division of Epidemiology and Immunization at 617-983-6800.

Reminder: State-supplied vaccines are available for catch-up of all children through 18 years of age, regardless of insurance status:

- Tdap vaccine\* -MCV4 vaccine
- Varicella vaccine\* -Hepatitis A vaccine\*
- MMR vaccine\*

## **Health Office Prescription Drop Off**

**Only medication prescribed by a physician may be dispensed by the school nurse.** Medication must be brought to the Health Office by a parent or guardian in a prescription container with the official prescription label on it. If necessary, ask your pharmacist to give you a duplicate container for safe storage of the medication at home and school. The school cannot dispense medication that does not have the prescription label on the package. Inhalers will be stored in the health office unless the school nurse and parent mutually agree to alternate storage. The nurse will notify parents or others identified on a student's emergency card prior to administering any over-the-counter medication covered in the MPS medication policy and protocol.

**Please notify your school nurse of changes in medication or new medication so that we can assist your doctor and you in monitoring side effects and efficacy.**

**For the safety of all students within the school building, no child should be sent to school in possession of**

**prescription or over the counter medications. A student found in possession of medications in violation of this policy may be subject to disciplinary action.**

## **Special Medical Considerations**

Parents of a child with any medical condition that may require special attention or planning should contact the school nurse as soon as possible. This includes conditions such as asthma, severe allergies, seizure disorders or diabetes. An Individualized Health Care Plan and/or a Section 504 Plan is developed collaboratively with school, family and health care provider. Parents should also notify the school nurse of any changes in their child's daily medications or medical conditions. The Massachusetts Asthma Action Plan is to be completed by your health care provider for students with asthma.

*Please see MPS SC Health/Nursing policies JLC, JLCB, JLCD, JLCA, and JLCCB*

## **Home/Hospital Educational Services**

As soon as you become aware of an impending medically related absence for your child that will require your child's confinement at home or in a hospital setting in excess of 14 school days over the school year, you may begin the process of requesting home/hospital educational services. You do NOT need to wait until your student has actually missed fourteen (14) days of school for medical reasons before submitting such a request.

- The student's guidance counselor will serve as the primary contact at school to manage the home/hospital tutoring process.
  - The guidance counselor will request that the parents/guardian obtain and submit to the school, a "Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons" or equivalent document. from the student's physician (DESE form 28R/3)
- The guidance counselor will provide you this form or you may obtain the form directly from the Massachusetts Department of Elementary and Secondary Education's website at <https://www.doe.mass.edu/sped/28mr/> .
- In supporting your child's need for home hospital educational services, your child's physician must verify that your child is expected, due to an identified medical reason, to be confined to your home or to a hospital setting for a period of time in excess of fourteen (14) school days during the school year and must also identify an anticipated date of return to school.
- Upon receipt of the fully completed and signed Physician's Affirmation the guidance counselor will complete the appropriate paperwork for submission to the principal for authorization of home/hospital services.
- The principal will determine the number of hours of home/hospital; educational services to be provided. The principal will also coordinate with the Director of Student Services relative to home/hospital educational services for eligible students with disabilities.
- The guidance counselor will work with the parents to schedule the home/hospital educational services to be provided by the school.

## **Homeless Students**

Per School Committee policy and Federal law, the Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families in accordance with the McKinney-Vento Act. For the 2022-2023 school year, Emily Dean, Student Services Liaison (781-639-3140), has been designated to serve as the District Homeless Liaison. You may also contact the building principal if you have any need for assistance, and he/she can connect your family with the District's Homeless Liaison.

*Please see MPS SC Homeless policy JFABD*

## Pets/Animals

Pets are not allowed in school unless specifically authorized by the classroom teacher and the building principal. Dogs are not allowed on school property, including playgrounds and athletic fields.

## Student Expectations

### Computer/Internet Usage

The school's computers are provided as learning tools. Students who abuse the schools/personal computers or internet access on school grounds may be excluded from their use and may also face school discipline. Sites prohibited may include, but are not limited to, instant message/email, pornographic sites, games, shopping, or translation sites. Use of electronic translators is also prohibited at the discretion of the classroom teacher. The use of school-provided electronic devices or networks to harass or bully others is strictly prohibited and may result in loss of access to the school's network and equipment and other disciplinary consequences. *Please see Appendix C for the MPS Acceptable Usage policy and Student Email policy.*

### Dress Code

(Grades PreK to 3): Students are expected to come to school dressed in neat and appropriate clothing. Extreme forms of dress that may be distracting to students' learning are not allowed. Parents are asked to review clothing selection with their children, especially during cold weather, i.e., socks, raincoats, hats, boots, etc. Shirts or clothing, which display violence, obscene or harassing language, weapons, drugs, or alcohol should not be worn to school. Students will be required to wear such shirts inside out or to change clothes. Students are not allowed to wear hats in the building except for religious or documented medical reasons and with prior approval of the school administration..

Village School (Grades 4-6): In addition to the above dress code, the following are required standards of dress for the Village school:

- With the exception of head coverings worn for religious or medical purposes, hats and other head coverings must be removed upon entering the building, and be placed in the student's locker
- Coats and jackets cannot be worn from 8:00 am to 2:15 pm and must be kept in student's locker. Faculty members may allow students to wear these items if the room temperature is too cold.
- Footwear laces will be tied.
- Clothing will be neat and appropriately buttoned or zipped at all times.
- Underwear may not be visible and the torso must be fully covered at all times.
- Pajamas are not allowed.

### Cell Phone/Electronics Usage

Cell phones and electronic devices must be turned off and put away once students arrive at school until the end of the day. The school day is defined as 7:50-2:15 for Village, 7:55-2:20 for Lucretia and Joseph Brown and Glover or until a school activity is completed (including school events). An example would be early arrival before the school day starts homework club, which ends at 2:45 and library that ends at 3:00. Teachers may allow the use of smart phones for classroom projects such as performing research or using the compass function. Additional protocols include:

- Teachers may allow cell phone use in an emergency such as the cancellation of an after school activity in which a student must call home to arrange transportation. **Please do not text or call your child on their cell phones during school hours.**
- Students violating this rule will have their cell phones taken from them by the staff member. The staff member will return the phone to the student at the end of the day with a reminder that the next offense will result in an office referral. A second offense will result in the student and the phone being sent to an administrator who will take the phone and release it to a parent or guardian. A third offense may result in disciplinary consequences including detention or suspension..

- Teachers may allow students to use e-readers such as a Kindle, Nook or iPad for book reading provided the student does not use such devices for game play. The wireless settings if possible should be disabled.
- At all times, students may not use electronic devices to take photographs or videos on school grounds at any time unless specifically directed to do so by a teacher for educational purposes.
- At all times, students may not use personal electronics to harm or hurt other people including the use of embarrassing or abusive language or spreading lies or gossip on public/private messaging, social networks, or blogs.

## **Physical Restraint**

The Marblehead Public Schools complies with the requirements of Massachusetts statutes and regulations governing the use and reporting of physical restraint in schools. M.G.L. c. 71, § 37G; 603 CMR 46.00. Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Physical restraint is considered an emergency procedure of last resort and may be used only when: (a) the student's behavior poses a threat of assault, or imminent, serious, physical harm to self and/or others; and (b) less intrusive interventions are ineffective or deemed to be inappropriate under the circumstances. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm. Physical restraint is prohibited in the following circumstances: (a) as a means of punishment; or (b) as a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm.

In the event that a physical restraint is administered, the parents/guardians will be notified orally within twenty-four (24) hours of the restraint and shall be provided with a written Restraint Report within three (3) school days of the restraint. 603 CMR 46.06.

*Please see MPS SC Policy JKAA*

## **Student Records**

### Notification of Rights under the Family Educational Rights and Privacy Act

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

- (1) The right to inspect and review the student’s education records within forty-five (45) calendar days of the day the school receives a request for access.
- (2) The right to request the amendment of the student’s education records that the parent/guardian and/or eligible student believe are inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.
- (3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Summary of Massachusetts Student Records Regulations  
603 CMR 23.00

**(1) Definitions**

**Student Record:** The student record consists of the transcript and the temporary record, including all information recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that are maintained by the school district and are organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth as defined under state law. Electronic communications (e.g., emails, text messages, etc.) shall not be considered to be student records maintained by the school district unless printed and placed in the student's temporary record.

**Parent:** A student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non-custodial parent for purposes of M.G.L. c. 71, § 34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

**Eligible Student:** A student who has reached fourteen (14) years of age or who has entered 9<sup>th</sup> grade. Upon reaching 18 years of age, the adult student may submit a written request to the principal or to the Superintendent of Schools to limit the rights of the parent(s) to request the amendment or release of the student record. Under Massachusetts law, however, a student cannot limit the right of the parent(s) to inspect the student record regardless of the Student's age. M.G.L. c. 71, § 34E.

**Authorized School Personnel:**

(a) School administrators, teachers, counselors, and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching counseling, and/or diagnostic capacity. Any such personnel who are not employed directly by the school committee shall have access only to the student record information that is required for them to perform their duties.

(b) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the school committee or are employed under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.

(c) The Evaluation Team which evaluates a student.

**(2) Inspection of the Student Record**

A parent, or a student who has entered the ninth grade or is at least 14 years old (eligible student), has the right to inspect all portions of the student record upon request. The parent and/or eligible student have the right to receive copies of any part of the record, although a reasonable fee may be charged for the cost of duplicating materials. The record must be made available to the parent or eligible student no later than ten (10) calendar days after the request, unless the parent or student consents to a delay. The parent and/or eligible student may request to have parts of the record interpreted by a qualified professional of the school or may invite anyone else of their choosing to inspect or interpret the record with them.

## **II. Rights of Non-Custodial Parents**

M.G.L. c/ 71, § 34H and 603 CMR 23.07 specify detailed procedures that govern access to student records by parents who, by order of a court, do not have physical custody of their children. For more information, please see “Access for Non-Custodial Parents” below.

## **III. Confidentiality of Student Records**

With a few exceptions, no individual or organization but the parent(s), the eligible student, and authorized school personnel are eligible to access information in or from a student record without the specific, informed written consent of the parent or an eligible student. One such exception is the authority of the District to forward, without consent, the complete student record to schools or school districts to which a student transfer or enrolls.

## **IV. Amendment of the Student Record**

Eligible students and/or parents have the right to add additional information, comments, data, and/or other relevant material to the student record. Eligible students and/or parents also have the right to request in writing that the student record be amended. Any such request should be directed to the principal. The principal will render a written decision on any such amendment request. A denial of a request to amend a student record may be appealed to the superintendent.

## **V. Destruction of Student Records**

Massachusetts regulations require that certain parts of the student record, such as the temporary record, be destroyed within seven (7) years of a student’s transfer or graduation. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. Before any such information may be destroyed, the parent and eligible student will be notified in writing and provided with the opportunity to obtain a copy of any records to be destroyed. Electronic communications (emails) that are not printed and placed in a student’s temporary record are not “maintained” by the District as student records for purposes of state and/or federal laws and regulations.

## **VI. Directory Information**

Federal and state regulations authorize school districts to disclose appropriately designated “directory information” without written consent, unless you have advised the district to the contrary in accordance with applicable procedures. The primary purpose of directory information is to allow the Marblehead Public Schools to include this type of information from your child’s education records in certain school publications. Examples include but are not limited to:

- A playbill, showing your student’s role in a drama production;
- The annual yearbook;
- Honor roll or other recognition lists;
- Graduation programs; and
- Sports activity sheets, such as for wrestling, showing weight and height of team members

Directory information, which is information that is generally not considered harmful or an invasion of privacy, if released, can also be disclosed to outside organizations without prior written consent.

**If you do not want directory information pertaining to your child disclosed without your prior written consent, please notify the principal in writing by no later than September 15th.** The Marblehead Public Schools has designated the following information as directory information:

- Student’s name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Email address
- Photograph

- Degrees, honors, and awards received
- Date and place of birth
- Dates of attendance
- Grade level

The above is only a summary of some of the more significant provisions of the laws and regulations pertaining to student records. If more detailed information is desired, a copy of the Massachusetts Student Record regulations may be obtained from the Department of Elementary and Secondary Education. These state regulations are designed to insure parent and student rights of confidentiality, inspection, amendment, and destruction of student records, and to assist school authorities in their responsibilities for the maintenance of student records. The regulations apply to all information kept by a school committee on a student in a manner such that the student may be individually identified. The applicable regulations may be found at 603 CMR 23.00.

### Non-Custodial Parent Access to Student Records

#### **M.G.L. c. 71, § 34H - Noncustodial Parents: Receipt of Information for Child Enrolled in Public Elementary or Secondary Schools; Notice to Custodial Parent**

*Each public elementary and secondary school shall provide student records, including, but not limited to, the following information, in a timely and appropriate manner to the parents of a child enrolled in the school if the parents are eligible for information under this section and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program established under chapter 71A; notification of absences; notification of illnesses; notification of any detentions, suspensions or expulsion; and notification of permanent withdrawal from school. Each school shall also make reasonable efforts to ensure that other written information that is provided to the custodial parent but not specified in the preceding sentence be provided to the requesting parent if that parent is eligible for information under this section. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare which are not granted through the award of custody. For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation. All such documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district shall be placed in the student's record.*

*A. A parent requesting information under this section shall submit a written request to the school principal.*

*B. Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district and shall immediately notify the custodial parent of the receipt of the request. Notification must be made by certified mail and by first class mail in both the primary language of the custodial parent and in English. The notification shall also inform the custodial parent that information requested under this section shall be provided to the requesting parent after 21 days unless the custodial parent provides to the principal of the school documentation of any court order which prohibits contact with the child, or prohibits the distribution of the information referred to in this section or which is a temporary or permanent order issued to provide protection to the child in the custodial parent's custody from abuse by the requesting parent unless the*

*protective order or any subsequent order which modifies the protective order, specifically allows access to the information described in this section.*

*C. If at any time, the principal of a school is presented with an order of a probate and family court judge which prohibits the distribution of information pursuant to this section, the school shall immediately cease to provide said information and shall notify the requesting parent that the distribution of information shall cease.*

*D. The principal of each public elementary and secondary school shall designate a staff member whose duties shall include the proper implementation of this section.*

*E. The Massachusetts Department of Elementary and Secondary Education shall promulgate regulations to implement the provisions of this section. Said regulations shall include provisions which assure that the information referred to in this section is properly marked to indicate that said information may not be used to support admission of the child to another school.*

## **Student Conduct**

### **Behavioral Provisions**

- All school personnel are expected to enforce the school's disciplinary code at all times.
- Please note that the school's teachers reserve the right to invoke additional penalties if so stated in their written course guidelines.
- Depending on the severity and/or frequency of an offense, the school's administrator may use his/her discretion in determining the appropriate length for each disciplinary step.
- Students will be given notice for teacher detentions or office detentions. Parents may request 24-hour notice.
- All students will be provided with due process prior to the imposition of an in-school suspension, out-of-school suspension, or expulsion.

### **Definitions of Typical Behavioral Consequences**

#### Teacher Detention

Assigned to students prior to being referred to/or disciplined by the Administrator. These typically run until 3:00 p.m.

#### Office Detention

These are also assigned to students for inappropriate behavior inside/outside the classroom. Students are expected to complete work and/or academic reading during office detentions. Failure to use this time productively will result in the assigning of additional detentions. Office detentions may also be enforced during lunch.

#### In-School Suspension

The removal of a student from regular classroom activities, but not from the school premises, for no more than ten consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. If a student is placed in in-school suspension for more than ten (10) school days, consecutively or cumulatively during a school year, such suspension shall be considered a long-term suspension for due process, appeal, and reporting purposes.

In-school suspensions may be imposed for Type 2 and 3 offenses. During the day, the student must work productively on outstanding work, assignments provided, and any additional academic work assigned by the administration.

#### Out-of-School Suspension

- (a) Short-Term Out-of-school Suspension:** The removal of a student from the school premises and regular classroom activities for ten (10) cumulative school days or less in the school year. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.
- (b) Long-Term Out-of-School Suspension:** The removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten school days cumulatively for multiple disciplinary offenses in any school year. A principal may, in his or her discretion, allow a student to serve



a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in M.G.L. c. 71, § 37H(a) or (b), or M.G.L. c. 71, § 37H ½ no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

Out-of-school suspensions may be assigned for Type 2 and 3 offenses. Students are not allowed on the school campus or at school activities until the date they return to school. In accordance with M.G.L. c. 76, § 21, students are allowed to make-up all assignments, tests and quizzes missed due to a suspension or expulsion.

#### Social Probation

Students may be restricted from attending school functions and/or activities that are extra-curricular in nature, due to poor behavior during the school day or any school functions. Such restrictions shall not be subject to the due process requirements of the Massachusetts Student Discipline regulations at 603 CMR 53.00.

#### Expulsion

The removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days in a school year, indefinitely, or permanently as permitted under M.G.L. c. 71, § 37H or 37H½ for:

- (a) possession of a dangerous weapon;
- (b) possession of a controlled substance;
- (c) assault on a member of the educational staff; or
- (d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L. c. 71, § 37H or 37H½.

#### Police Notification

Because all members of the school community are subject to both the laws of the Commonwealth and town ordinances, the school cooperates with the police in investigation of possible violations of laws and ordinances pertaining to, and including but not limited to: possession and use of controlled substances, illegal use of alcohol, theft, assault, harassment, improper use of motor vehicles, vandalism, illegal parking, possession or use of weapons/firearms/explosives, possession of stolen property, hate crimes, and bullying.

#### **Type 1 Prohibited Actions include, but are not limited to:**

- Skateboarding, roller skating, rollerblading, scooter, bike, or any other type of wheeled device, riding anywhere in the building or on school grounds *unless* ridden to school and parked at a bike rack for the school day.
- Using/wearing radios, iPods, MP3 players, CD players, cell phones, or any other communication or music related devices during school hours. NOTE: Cell phones and all other telecommunication devices **must be shut off** at all times and placed in a locked locker.
- Possession/use of “playthings” (i.e., Gameboy’s, cards, toys, water balloons etc.)
- Gambling or betting
- Chewing gum or candy (cough drops are allowed with permission from the nurse or parent/guardian)
- Eating or drinking outside the cafeteria without permission (students may carry water)
- Littering anywhere in school or on school grounds
- Tardiness to school
- Tardiness to class without a pass
- Using a locker or being in a corridor at any time other than passing between classes except with a valid pass
- Being in building before or after school, unsupervised
- Behavior not conducive to an effective/safe learning environment
- Inappropriate language, swearing, etc.
- Instigating, or being involved in inappropriate/disruptive behavior and/or activity, including “playful altercations,” in hallways, stairwells, classrooms, common spaces (theater, gym, cafeteria), entering/leaving school, on school property, or on a school bus
- Inappropriate displays of affection
- Inappropriate school attire
- Wearing hats, hoods, bandanas or other types of headwear (unless used for religious purposes)
- Wearing backpacks or side bags between classes (from 8:00 a.m. - 2:30 p.m.)
- Skipped detention

**Consequences for Type 1 Behaviors include, but are not limited to:**

- Verbal warning
- Parental notification
- Conference
- Written apology
- Teacher detention
- Office detention, or in-school suspension, including re-entry meeting with the student and parent(s)
- Confiscation (possibly until conclusion of school year)
- Restricted lunch privileges/cafeteria clean-up
- Social Probation
- Filing of a 51A (Department of Social Services) or CRA (Juvenile District Court)
- *NOTE: . A first offense for a Type 1 Prohibited Action which is deemed by the principal or the principal's designee to be severe or egregious may also result in a Type 2 consequence. A second offense for a Type 1 Prohibited Action may also result in a Type 2 consequence*

**Type 2 Prohibited Actions include, but are not limited to:**

- Threats, teasing, harassment, verbal abuse, bullying, retaliation or intimidating behavior of any kind. This includes verbal, visual symbols, cyberbullying, or any electronic communication.
- Dishonesty, lying, cheating/plagiarism
- Forgery of signatures, or dishonesty in notes or passes
- Throwing of any objects including, but not limited to, snowballs, water, or food
- Leaving any group, or exhibiting inappropriate behavior, while under the supervision of a faculty member or authorized chaperone on a field trip or other event
- Possession of a chain, including chain wallets
- Theft of any personal, private, or school property
- Disrespectful gestures, profanity, or injurious behavior directed at another person, including misbehavior towards/insubordination of any staff member, including substitute teachers
- Any action, including vandalism and graffiti, which results in injury or damage to property, whether intended or not (full restitution is required)
- Truancy or class cutting
- Fighting, in which a person makes physical contact with another person
- Bringing to school any animals or live organisms without prior permission from the main office
- Unauthorized use or entry of any school building or property (trespassing)
- Violation of the school internet policy
- Skipping detention
- Inappropriate behavior at any athletic or other event or rally (whether at home or at another site) including, but not limited to, profanity, taunting, threats, and fighting

**Consequences for Type 2 Behaviors include, but are not limited to:**

- Parental notification
- Conference
- Written apology
- Office detention, or in-school suspension, including re-entry meeting with the student and parent(s)
- Confiscation (possibly until conclusion of school year)
- Restricted lunch privileges/cafeteria clean-up
- Exclusion from school-sponsored activities and field trips
- Notification sent to any extracurricular “coach or sponsor” – Possible loss of leadership role/playing time/participation
- Out-of-school suspension, including re-entry meeting with the student and parent(s) on the day that the student is scheduled to return to school Police notification
- Social Probation
- Filing of a 51A (Department of Social Services) and/or CRA (Juvenile Court)
- Police notification

*NOTE: A Type 2 Prohibited Action that is determined by the principal or the principal's designee to be severe and/or egregious may result in a Type 3 consequence. A second offense for a Type 2 Prohibited action may also result in a Type 3 consequence.*

**Type 3 Prohibited Actions include, but are not limited to:**

- Pulling a fire alarm
- Posing a threat to and/or jeopardizing the safety of the school community (threatening actions or letters)
- Possession, use, or providing of tobacco, alcohol, drug paraphernalia, drugs, and/or controlled substances, as defined by M.G.L. Chapter 94C and/or other statutes or regulations
- Possessing or displaying sexually explicit material
- Harassment/Bullying/Cyber Bullying/Retaliation (second and subsequent violations)
- Assault of any staff member or student on school premises or at a school sponsored or school related event or athletic game
- Possession of dangerous weapons including, but not limited to, a gun or a knife (this includes the use of any device that could be construed as a weapon, i.e., fake guns and knives etc.) or other implements or devices capable of, or used for, causing bodily injury.
- Possession or use of lighter, matches fireworks, smoke bombs, stink bombs, propellants, or any other explosive or flammable devices or materials

**Consequences for Type 3 Behaviors include, but are not limited to:**

- Parental notification
- Exclusion from school-sponsored activities and field trips
- Out-of-school suspension (short-term or long-term), including re-entry meeting with the student and parent(s) on the day that the student is scheduled to return to school
- Social Probation
- Police notification
- Notification sent to any extracurricular “coach or sponsor” – Loss of leadership role/playing time/participation
- Expulsion as permitted under M.G.L. c. 71, §§ 37H and/or 37H1/2
- Filing of a 51A (Department of Social Services) or CRA (Juvenile District Court)
- Felony Charge/ Felony Delinquency
- 

*Please see MPS SC policies relating to:*

*Student conduct – JIC*

*Student discipline – JKD*

*Student rights JI*

*Bus Behavior – EEAEC/JICC, EEAEC-R*

**DISCIPLINARY DUE PROCESS**

In administering discipline, school staff and administrators will be careful to observe the right to due process under the law for each student.

**1. DUE-PROCESS RIGHTS FOR STUDENTS CHARGED WITH POSSESSION OF A DANGEROUS WEAPON, POSSESSION OF A CONTROLLED SUBSTANCE, OR ASSAULT ON SCHOOL STAFF AND/OR FOR STUDENTS WHO HAVE BEEN CHARGED WITH OR CONVICTED OF A FELONY (M.G.L. c. 71, § 37H, M.G.L. c. 71, § 37H ½ also referred to as “statutory offenses.”)**

- *Interim Short Term Disciplinary Removal:* In limited situations where a student is charged with a violation of M.G.L. c. 71, § 37H or is subject to suspension in accordance with M.G.L. c. 71, § 37H1/2, and is determined by the principal to present an immediate threat to persons, property, or the orderly educational environment of the school, the student may be suspended from school by the principal on an interim short term basis of ten (10) school days or less pending a formal hearing to consider the student’s long-term suspension or expulsion. Prior to the imposition of any disciplinary sanction that might result in a student’s interim suspension from school for ten

(10) consecutive school days or less pending a long-term suspension/expulsion hearing, the student will be given oral notice of the offense with which he/she is charged and an opportunity to respond. In the event that the principal determines that the student will be suspended from school on an interim, short-term basis pending a formal hearing to consider the student's possible long-term suspension or expulsion, the student and the student's parent(s)/guardian(s) will be notified by telephone and in writing. Such interim, short-term removals shall not be subject to appeal.

- *Disciplinary Sanctions and Appeals:* Prior to the imposition of any disciplinary sanction that might result in the student's suspension or expulsion from school for possession of a dangerous weapon, possession of a controlled substance, or assault on school staff and/or due to a felony charge\_for more than ten (10) consecutive school days or expulsion, the student and the parents/guardians will be given written notice in English and in the primary language of the student's home of a principal's hearing at which the student and parent/guardian have the right to be represented by an attorney (at private expense), to examine the evidence against the student, and to present witnesses and documentary evidence in the student's defense. Following this hearing, a written decision will be issued. The student and the parent(s)/guardian(s) will have the right to appeal any decision imposing a long-term suspension or expulsion from school to the superintendent. Where the student is suspended on a long-term basis or expelled in accordance with M.G.L. c. 71, § 37H, the student shall have ten (10) calendar days from the effective date of the exclusion to file a written appeal with the Superintendent. For exclusions imposed pursuant to M.G.L. c. 71, § 37H ½, the student shall have five (5) calendar days from the effective date of the exclusion to file a written appeal with the superintendent. Pending the outcome of any such appeal, the disciplinary sanction imposed by the principal shall remain in effect. M.G.L. c. 71, § 37H, M.G.L. c. 71, § 37H ½.

NOTE: All proceedings conducted in accordance with M.G.L. c. 71, §§ 37H and 37H ½ shall be conducted by the principal and may not be delegated to a designee. All appeals of suspensions or expulsions imposed by the principal in accordance with M.G.L. c. 71, §§ 37H and 37H ½ shall be conducted by the superintendent and may not be delegated to a designee.

## 2. DUE-PROCESS RIGHTS FOR STUDENTS CHARGED WITH OTHER VIOLATIONS (Non-Statutory Offenses - M.G.L. c. 71, § 37H ¾ and 603 CMR 53.00)

### ● Applicable Definitions:

**Parent:** A student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

**Principal:** The instructional administrative leader of a public school **or his or her designee for purposes of school disciplinary matters.**

**School-wide Education Service Plan:** The document developed by a principal, in accordance with M.G.L. c. 76, § 21, that includes a list of education services available to students who are expelled or suspended from school for more than ten consecutive days.

**Superintendent:** The chief executive officer of the District employed by the School Committee **or his or her designee appointed for purposes of conducting a student appeal.**

#### a. In-School Suspension

A principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses. Prior to imposing an in-school suspension in accordance with 603 CMR 53.10, the principal shall inform the student of the disciplinary offense charged and the basis for the charge and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) school days cumulatively or consecutively in the school year.

On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting

at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10 (4), if such meeting has not already occurred. The principal 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 for school communications, or other method of delivery agreed to by the principal and the parent.

b. Out-of-School Suspension

(i) Notice and Principal's Hearing (603 CMR 53.08):

Prior to the imposition of a short-term out-of-school suspension or a long-term suspension under this section, the principal shall provide oral and written notice of the charges and potential disciplinary sanction and of the student's and parent's/guardian's right to participate in a hearing with the principal, to contest the charges against the student and to provide evidence, including mitigating facts, and witnesses in the student's defense.

The hearing may take place without the student's parent(s)/guardian(s) only if the principal has sent written notice and has documented at least two (2) attempts to contact the parent/guardian in the manner specified by the parent for emergency notification.

The purpose of the principal's hearing is to hear and consider information regarding the alleged incident for which the student may be suspended, to provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, to determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

In every case of student misconduct for which suspension may be imposed under this section, the principal will exercise discretion in deciding the consequence for the offense and, where appropriate, shall avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include, but are not limited to, the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and/or positive interventions and supports.

The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense and in accordance with the requirements of 603 CMR 53.00.

(ii) Short-term Suspension Hearing

The principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student and the parents/guardians shall have an opportunity to present information, including mitigating facts, that the principal or the principal's designee should consider in determining whether other remedies and consequences may be appropriate. The principal designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student. Students and parents do not have the right under applicable policies and regulations to be represented by legal counsel at a short-term suspension hearing.

Based on the available information, including mitigating circumstances, the principal shall determine whether there is a preponderance of evidence to support a determination that the student committed the disciplinary offense, and, if so, the remedy or consequence to be imposed.

The principal shall provide written notice to the student and parent/guardian of the principal's findings and determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other schoolwork as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice of hearing.

(iii) Long-term Suspension Hearing

In addition to the rights afforded a student in a short-term suspension hearing, the student and parent/guardian shall also have the opportunity to review the student's record and the documents upon which the school may rely in making a determination to suspend the student or not; the right to be represented by counsel or a lay person of the student's choice (at the student's/parent's/guardian's expense); the right to produce witnesses on the student's behalf and to present the student's explanation of the alleged incident (although the student may not be compelled to do so); the right to cross-examine witnesses presented by the school; and the right to request that the hearing be recorded and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

If present, the parent/guardian shall, in addition to the student, have an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

Based on the preponderance of evidence presented at the hearing, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, the remedy or consequence to be imposed. The principal shall send the written determination in English and the primary language spoken in the student's home to the student and parent/guardian by, certified first-class mail and by email to an address provided by the parent for school communications, or by any other method of delivery agreed to by the principal and the parent/guardian.

If the student is suspended for more than ten (10) school days for a single infraction or for more than ten (10) school days cumulatively for multiple infractions in any school year, the notice will include written notification of the right to appeal to the superintendent and the process for appealing. Except as provided for under M.G.L. c. 71, §§ 37H and/or 37H1/2, no student may be suspended for more than ninety (90) school days for one or more violations of school rules ("non-statutory offenses") within a school year.

c. Emergency Removal (603 CMR 53.07)

The principal may remove a student from school temporarily when a student is charged with a violation of school rules in accordance with M.G.L. c. 71, § 37H3/4 and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption presented. The principal shall immediately notify the superintendent in writing of the emergency removal and the reason for it, and describe the danger or disruption presented by the student. The emergency removal shall not exceed two (2) school days following the day of the emergency removal.

In the event of an emergency removal, the principal shall make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal and the reason(s) therefor. The principal or designee shall provide written notice to the student and parent/guardian and provide the student an opportunity for a disciplinary hearing with the principal, and the parent/guardian an opportunity to attend the hearing, to be conducted before the expiration of the two (2) school days following the Student's emergency removal, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent/guardian.

The principal shall render a decision orally on the same day as the disciplinary hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08.

In the event of an emergency removal from school, the principal will not release the student until adequate provisions have been made for the student's safety and transportation.

d. Appeals (M.G.L. c. 71, § 37H3/4)

Students do not have the right to appeal an in-school or short-term out-of-school suspension imposed pursuant to M.G.L. c. 71, § 37H3/4. Students and parents/guardians do, however, have the right to appeal a long-term suspension imposed by the principal to the superintendent. The student and/or the parent/guardian shall have five

(5) calendar days following the effective date of the suspension to submit a written request for an appeal to the superintendent but may be granted an extension of time of up to seven (7) calendar days upon written request. If the appeal is not timely filed, the superintendent may deny the appeal.

The superintendent will hold a hearing with the student and the parent(s)/guardian(s) within three (3) school days of the student's request for an appeal. The time may be extended by up to seven (7) calendar days if requested by the parent(s)/guardian(s). The superintendent's hearing may proceed without the parent(s)/guardian(s) only if a good faith effort was made to include parent(s)/guardian(s). The superintendent shall be presumed to have made a good faith effort if the superintendent has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent/guardian of the date, time, and location of the hearing in both English and in the primary language of the student's home.

At the appeal hearing, the superintendent shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, the appropriate consequence therefore. The student shall have all of the rights afforded to students at the Principal's hearing for long-term suspension. The superintendent will issue a written decision within five (5) calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal but may not impose a suspension greater than that imposed by the principal's decision. The Superintendent's appeal decision shall constitute the final decision of the Marblehead Public Schools

e. Opportunity For Academic Progress During Suspension/Expulsion

Principals shall ensure that students who are suspended from school for ten (10) or fewer consecutive school days, whether in or out of school, are provided with the opportunity to make continued academic progress during the period of suspension, to make up assignments, homework, quizzes, exams, papers and projects missed while suspended, and to earn credits toward the student's graduation.

Principals shall develop a school-wide Education Services Plan detailing the alternative educational services available to all students who are expelled or suspended from school for more than ten (10) consecutive school days, whether in or out of school, to ensure the student's continued academic progress and earning of credits toward the student's graduation. Upon the selection of an alternative educational service identified in the school's Education Services Plan by the student and the student's parent/guardian, the school shall facilitate and verify the student's enrollment in the selected alternative education service. M.G.L. c. 76, § 21

## **Discipline and Students with Disabilities**

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act and related regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act of 1973, are, generally, also entitled to increased procedural protections upon the imposition of a discipline sanction that will result in the student's removal for more than ten (10) consecutive school days or which will result in a pattern of short term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

- (1) Students with disabilities may be excluded from their programs for ten (10) school days or less to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "change of placement," building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team will meet to determine the relationship between the student's disability and the conduct for which the student is subject to discipline. (Manifestation Determination). In most instances, during disciplinary exclusions exceeding ten (10) school days in a single school year, the student shall have the right to receive services identified as necessary by the Team to provide him/her with a free appropriate public education during the period of exclusion.

- (2) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to eligible students with disabilities. The student's Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or, where appropriate, conduct a functional behavioral assessment.
- (3) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the misconduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further disciplinary removal or exclusion from the student's current educational program based on that incident of misconduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or Section 504 Team develops, and the parent(s)/guardian(s) consent to, a new placement or until the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The student's Team shall also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment.
- (4) If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may, with or without parent/guardian consent, place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

**Note:** If a request is made for an evaluation of a student's eligibility for special education services under the Individuals with Disabilities Education Act during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student will remain in the educational placement determined by school authorities, which may include suspension or expulsion from school. If the suspension imposed terminates prior to the completion of said expedited evaluation, the student shall be allowed to return to school immediately upon the conclusion of the disciplinary exclusion.

## **Investigative Procedure**

When the school receives a report or information of inappropriate conduct or potential violations of school rules by a student, the principal or other designated staff member may conduct an investigation. During the course of the investigation, school personnel may talk to witnesses, may search students or students' lockers, internet sites, cell phones or possessions and take other appropriate investigative steps. The removal of any student from class for such purposes in excess of ½ of the standard school day shall constitute an in-school suspension.

## **Student Searches**

A student's person, personal possessions, desk, internet sites, and student locker may be searched whenever school administrators have reasonable suspicion that the student is in possession of illegal, prohibited, or contraband items/materials. Any and all illegal, prohibited, or contraband materials discovered as a result of such a search will be confiscated. Students found in possession of such items or materials will be subject to disciplinary action and criminal prosecution.

## **Lockers**

At some elementary schools, each student will be assigned a locker for storage of school materials and outer garments.

Students must not bring valuables or large sums of money to school. As much as we work to safeguard private property, **the school is not responsible for lost or stolen items.**

**Lockers are school property and the school reserves the right to search lockers at any time. Students have no expectation of privacy in the contents of their lockers.**



## **Appeals of Disciplinary Actions not Resulting in Suspension or Expulsion**

A student is entitled to appeal disciplinary action by a staff member. Appeals of disciplinary actions resulting in suspension or expulsion from school shall be appealed in accordance with the “Disciplinary Procedures” set forth above. If a student wishes to appeal disciplinary action that does not result in suspension in or out of school or, the matter must first be discussed with the person who took the disciplinary action. If it cannot be settled at that level, it may be appealed next to the principal. In cases where the principal makes the original decision, the principal's decision may be appealed to the superintendent.

### **Non-Discrimination Notice**

The Marblehead Public Schools provides equal education and employment opportunity without regard to race, color, national origin, veteran status, religion, sex, disability, gender identity or sexual orientation. The Marblehead Public Schools complies with all applicable State and Federal Laws, including but not limited to: Title VI, Title VII, Title IX, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and Massachusetts General Laws, c. 151B, c. 151C, c. 76, §5, and c.71B.

The Marblehead Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, gender identity, sexual orientation, pregnancy, or veteran status in employment, in the administration of, operation of, or access to its academic and non-academic programs and policies. It does not discriminate on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act. Inquiries by students, employees, and/or prospective employees regarding disabilities and Section 504 of the Rehabilitation Act or the Americans with Disabilities Act may be directed to the appropriate coordinators at each school building or to the District’s Section 504/ADA Coordinator.

The Marblehead Public Schools has duly appointed individuals responsible for the overall monitoring, auditing, and ensuring compliance with this non-discrimination policy. For compliance issues regarding employment activities, employees should contact: Cassie Bruner, Human Resources Director, 781-639-3140 at 9 Widger Road, Marblehead, Massachusetts 01945 for compliance issues regarding employment. For compliance issues regarding educational activities, contact: Dr. Paula Donnelly, Director of Student Services, 781-639-3140 , 9 Widger Road, Marblehead, Massachusetts 01945. Individuals who believe they have been discriminated against in any of the District's educational or employment activities can file a written grievance with the appropriate officer. All grievances will be responded to in accordance with applicable District grievance procedures.

The Marblehead Public Schools is an equal opportunity/affirmative action employer. Dr. Paula Donnelly is the District’s Section 504/ADA and Title IX Coordinator and can be reached at (781) 639-3140 . The District’s general Harassment Officer, [REDACTED] may be contacted at 781-639-3140..

### **SECURITY CAMERAS**

Please be aware that security cameras are in use throughout the Brown, Glover, and Village Schools to help ensure student and staff safety.

# Bullying, Harassment, Sexual Harassment, and Hazing

## BULLYING IN SCHOOLS

### MPS SC Policy: JICFB

*The Marblehead Public Schools is committed to creating a working and learning environment free of bullying, along with an environment that fosters student's social and emotional health and wellbeing. Bullying and harassment are major distractions from learning. Fear can lead to chronic absenteeism, truancy, or even dropping out of school. Bullying of any type has no place in a school setting.*

#### **Definitions:**

*“Bullying” is the repeated use by one or more students or a school staff member of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself/herself or of damage to his/her property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.*

*“Cyber-bullying” is bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.*

*Where the term “bullying” is used in this document, it is intended to encompass both “bullying” and “cyber-bullying” as defined above.*

#### **Policy:**

*Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.*

*Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.*

*The school district shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence based.*

*The school district shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The consultation shall include, but not be limited to, notice and a public comment period. The plan shall be updated at least biennially.*

*The plan shall include, but not be limited to: (i) descriptions of and statements prohibiting bullying, cyber-bullying and retaliation; (ii) clear procedures for students, staff, parents, guardians and others to report bullying or retaliation; (iii) a provision that reports of bullying or retaliation may be made anonymously; provided, however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report; (iv) clear procedures for promptly responding to and investigating reports of bullying or retaliation; (v) the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation; provided, however, that the disciplinary actions shall balance the need for accountability with the need to teach appropriate behavior; (vi) clear procedures for restoring a sense of safety for a victim and assessing that victim's needs for protection; (vii) strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying; (viii) procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator; provided, further, that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation; and provided, further, that the procedures shall provide for immediate notification pursuant to regulations promulgated under this subsection by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator; (ix) a provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action; and (x) a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students. The plan shall afford all students the same protection regardless of their status under the law.*

*The plan shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify, and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents, (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim, and witness to the bullying; (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying.*

*The plan shall include provisions for informing parents and guardians about the bullying prevention curriculum of the school district or school and shall include, but not be limited to: (i) how parents and guardians can reinforce the curriculum at home and support the school district or school plan; (ii) the dynamics of bullying; and (iii) online safety and cyber-bullying.*

*The school district shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.*

*The school district shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in employee handbooks. The plan shall be posted on the district's website.*

*Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his/her school. A member of a school staff, including, but not limited to, an educator, administrator, school nurse, secretary, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; and (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.*

*If an incident of bullying or retaliation involves students from more than one school district, the school district or school first informed of the bullying or retaliation shall, consistent with the state and federal law, promptly notify the*

appropriate administrator of the other school district or school so that both take age-appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the local school district, the school district informed of the bullying or retaliation shall contact law enforcement.

**REFERENCES:**

Massachusetts Department of Elementary and Secondary Education's Model Bullying Prevention and Intervention Plan

**LEGAL REFS.:**

603 CMR 26.00

MGL 71:370

MGL 265:43, 43A

MGL 268:13B

MGL 269:14A

**CROSS REFS.:**

AC, Nondiscrimination

JBA, Student-to-Student Harassment

JICFA, Prohibition of Hazing

JK, Student Discipline Regulations

**REPORTING BULLYING**

*(Excerpts from the Marblehead Public Schools' Bullying Prevention and Intervention Plan)*

**Reporting by Staff:** A staff member will report immediately (without unnecessary delay) to the principal when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline. 2.

**Reporting by Students, Parents or Guardians, and Others:** Marblehead Public Schools expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal of the school. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee.

**Responding to Reports of Bullying or Retaliation**

1. **Assessing Safety:** Before fully investigating the allegations of bullying or retaliation, the principal or designee will assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. There may be circumstances in which the principal or designee, at their discretion and in accordance with applicable law, contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary. The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The confidentiality of students and witnesses reporting alleged acts of bullying and/or retaliation will be maintained to the extent possible given the school's obligation to investigate the matter. All relevant district policy will be adhered to.

**2. Obligations to Notify Others:**

- a. Notice to Parents/Guardians: Upon determining that bullying or retaliation has occurred, the principal or

designee will promptly notify the parents or guardians of the target and of the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

- b. **Notice to Another School or District:** If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify, by telephone, the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. **Notice to Law Enforcement:** At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

**3. Investigation:** The principal or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. Interviews may be conducted by the principal or designee, or other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation, using the MPS Marblehead Public Schools Intervention Incident Reporting Form to summarize the incident(s), steps taken and result(s) of the investigation. Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation as necessary.

**5. Determinations:** The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary. Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development. The principal or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations. The principal or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

**6. Responses to Bullying:** Marblehead Public Schools has incorporated a range of individualized strategies and interventions that may be used in response to remediate a student's skills and or to prevent further incidences of bullying and/or retaliation.

## **HARASSMENT, STUDENT TO STUDENT**

*Harassment of students by other students will not be tolerated in the Marblehead Public Schools. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school activities.*

*Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, creed, color, national origin, sexual orientation, gender identity, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.*

*The District will promptly and reasonably investigate allegations of discriminatory harassment. The principal of each building will be responsible for handling or delegating all complaints by students alleging harassment. Retaliation against a student, because a student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including suspension and expulsion.*

*See MPS SC policy JBA*

## **HAZING, PROHIBITION OF**

### ***Policy JICFA***

#### ***From the Marblehead Public Schools Policy Manual***

*In accordance with Massachusetts General Laws, Chapter 536 of the Acts of 1985, the School Committee hereby deems that no student, employee or school organization under the control of the School Committee shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any person while on school property.*

*Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the Principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the District are obligated by law to report incidents of hazing to the police department.*

*Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days. Any student who participates in the hazing of another student or other person may, upon the approval of the Superintendent of Schools, be suspended from school.. Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.*

*In all cases relating to hazing, students will receive procedural due process.*

*Legal Reference.: M.G.L. c. 269, §§17, 18, and 19*

*CROSS REF: JIC, Student Conduct*

### ***Hazing***

*M.G.L. c..269, § 17*

*Whoever is a principal organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or by both such fine and imprisonment.*

*The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding,*

*forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to be contrary, consent shall not be available as a defense to any prosecution under this action.*

*M.G.L. c.269, § 18*

*Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. A fine of not more than one thousand dollars shall punish whoever fails to report such crime.*

*M.G.L. c. 269, § 19*

*Each secondary school shall issue to every group or organization under its authority or operating on or in conjunction with its campus or school, and to every member, plebe, pledge or applicant for membership in such group or organization, a copy of Chapter 269 of the General Laws. An officer of each such group or organization, and each individual receiving a copy of said sections seventeen and eighteen shall sign an acknowledgement stating that such group, organization or individual has received said copy.*

*Legal Reference: M.G.L. c. 269*

## Appendix B

### Selected Laws Related to Student Conduct and Discipline

#### **M.G.L. c.269, §10 – Possession of Weapons**

*It is illegal to have a weapon in school or on school property. Students who are in possession of a weapon risk expulsion from school. In all cases, authorities will be notified, the student will be immediately suspended from school, and an expulsion hearing will be held. Weapons are defined as guns, knives, bows, arrows, darts, laser pointers or any other objects, which in the opinion of the administration may cause harm to you or others.*

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

*Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.”*

*Students who are in possession of a weapon or a look alike weapon risk expulsion from school. In all cases, authorities will be notified, the student will be immediately suspended from school, and an expulsion hearing will be held. Weapons are defined as guns, knives, bows, arrows, darts, or any other objects, which in the opinion of the administration may cause harm to you or others.*

**M.G.L. c.71, § 37L** -Notification to school personnel of reporting requirements for child abuse and neglect and fires; reports of students possessing or using dangerous weapons on school premises; transferred students' school records

The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect under section 51A of chapter 119 and the reporting requirements for fires under section 2A of chapter 148.

In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of children and families, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of children and families, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.



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

**M.G.L. c. 71, § 37H** - Policies relative to conduct of teachers or students; student handbooks

*Massachusetts General Law ch.71, §37H mandates that all student handbooks contain the following provisions relative to student behavior and conduct.*

*(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or knife, a controlled substance as defined in Chapter 94C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the Principal.*

*(b) Any student who assaults a principal, an assistant principal, a teacher, teacher's aide or other educational staff on school premises or at school-sponsored events, including athletic games, may be subject to expulsion from the school by the principal.*

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

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

*(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.*

*(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.*

*(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.*

**M.G.L. c. 71, § 37H1/2** - Felony complaint or conviction of student; suspension; expulsion; right to appeal

*(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his/her right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.*

*The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his/her request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his/her behalf and shall have the right to counsel [at their own expense]. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.*

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

*The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his/her request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his/her behalf, and shall have the right to counsel [at their own expense]. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion. Upon expulsion of such student, no school or school district shall be required to provide educational services to such student.*

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**M.G.L. c. 71, § 37H3/4:** Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2

*Section 37H3/4. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H.5.*

*(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.*

*(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster,*

or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

**M.G.L. c. 76, § 18:** Notice to parent or guardian and meeting with school committee prerequisite to student permanently leaving school; annual report; application of section

No student who has not graduated from high school shall be considered to have permanently left public school unless an administrator of the school which the student last attended has sent notice within a period of 5 days from the student's tenth consecutive absence to the student and the parent or guardian of that student in both the primary language of the parent or guardian, to the extent practicable, and English. The notice shall initially offer at least 2 dates and times for an exit interview between the superintendent, or a designee, and the student and the parent or guardian of the student to occur prior to the student permanently leaving school and shall include contact information for scheduling the exit interview. The notice shall indicate that the parties shall agree upon a date and time for the exit interview, and that interview shall occur within 10 days after the sending of the notice. The time for the exit interview may be extended at the request of the parent or guardian and no extension shall be for longer than 14 days. The superintendent, or a designee, may proceed with any such interview without a parent or guardian if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. The exit interview shall be for the purpose of discussing the reasons for the student permanently leaving school and to consider alternative education or other placements.

The superintendent or a designee shall convene a team of school personnel, such as the principal, guidance counselor, teachers, attendance officer and other relevant school staff, to participate in the exit interview with the student and the parent or guardian of the student. During the exit interview, the student shall be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student.

*The department of elementary and secondary education shall: (i) publish a model protocol for conducting exit interviews with students; and (ii) compile and maintain a list of research and information relative to the consequences of dropping out, the benefits of earning a high school diploma and a list of alternative education resources and programs available to the student, in addition to those that the district may provide, that schools shall present at the exit interview.*

*The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such student has taken.*

*The provisions of this section shall not apply to a student who has completed the regular course of education, or apply to a student whose absences have been excused, nor shall this section be construed to permanently exclude a student who wishes to resume his education.*

# Acceptable Usage Policy and Student Email Policy

File: IJNDB

## Marblehead Public Schools Student Acceptable Usage Policy

### Responsibility

Access to Marblehead Public Schools' ("MPS") network systems, email, Internet, intranet, student records, and other computer or technological resources (collectively, the "MPS Network Systems") is provided for educational and MPS administrative use exclusively. This Acceptable Usage Policy ("AUP") governs all use of network systems by students and includes Internet and network access: social networks, blogs and wikis, live and text-based chatting, newsgroups, and other Internet utilities. This includes the use of personal equipment and accounts on all MPS networks.

### Students must comply with the following rules:

- Identify themselves accurately in all communications using the MPS Network Systems
- Use MPS Network Systems only for their specified educational purpose
- Post/send only appropriate information in light of the educational purpose of the MPS Network Systems
- Access only their own account and keep their passwords private from any other users
- Refuse permission to others to use the student's account
- Only alter their own work
- Remove their old files when they are no longer needed
- Adhere to all other MPS codes of conduct when using the MPS Network Systems

### Students are prohibited from the following activities:

- Engaging in harassment, libel, slander, or bullying of any kind
- Using the MPS Network Systems for commercial or political purposes
- Using another person's account
- Using the MPS Network Systems to advocate or facilitate the illegal use of drugs or alcohol
- Using the MPS Network Systems to access or transmit/post material which is profane, obscene, fraudulent, offensive, discriminatory, threatening, demeaning, intimidating, sexually explicit or pornographic
- Using the MPS Network Systems for illegal activities including, but not limited to, copyright violations (such as copying music, videos or software)
- Giving out another individual's personal or private information, including but not limited to that person's address or phone number or educational information
- Recording or posting audio, video or any material of or created by another student or faculty member without that individual's permission
- Engaging in spamming (sending massive, inappropriate and unsolicited information) or flooding (transferring data without intent of meaningful communication)
- Using equipment without permission
- Altering the configuration of school technology (changing system settings) or engaging in any misuse, disruption, or degradation of the MPS Network Systems, including intentional physical misuse or damage to equipment, materials, data or programs
- Downloading or installing software of any kind
- Illegally copying software
- Bypassing system security or filters
- Engaging in any other conduct while using the MPS Network Systems that is deemed by the Building Principal or the Superintendent to be detrimental to MPS or any school learning environment

## **Sanctions**

Network access is a privilege, not a right. Violations of this policy may result in the following at the discretion of MPS:

- Loss of access privileges
- Disciplinary action at the building level, in accordance with the discipline code in the student handbooks.
- Referral to appropriate law enforcement agencies

## **Privacy**

Users do not have any expectation of privacy or confidentiality in the content of electronic communications or of other files sent, received and/or stored within the MPS Network Systems. The use of a password is solely to protect the user's information from access by fellow users, but creates no expectation of privacy with regard to access to that information by authorized MPS employees. MPS also reserves the right to examine all data sent, received and/or stored within the MPS Network Systems, whether such records, communications, folders, and information are password-protected or not. All communications including text and images may be disclosed to law enforcement or other appropriate third parties without the prior consent or knowledge of the sender or receiver.

*File: IJNDB-R*

### ***Student Email and Internet Posting Guidelines***

*Student use of email and posting material on the Internet must follow these guidelines. Adherence to the Acceptable Use Policy for Students is the basis for use of email and posting on the Internet and it must be complied with at all times. The Acceptable Use Policy for Students may be found in the Student Handbook.*

#### ***Grades 9-12***

*May be provided email account by the District*

*Students may post their own work on the Internet including their full name and picture provided that their parent or guardian has given permission\* by signing the Internet Publishing Permission and Release Form for Students. Students are responsible for knowing what their parent permission is and to abide by that permission.*

#### ***Grades 6-8***

*May be provided email account by the District*

*With permission and guidance from a faculty member, students may post their own work on the Internet, including their full name and picture provided that their parent or guardian has given permission by signing the Internet Publishing Permission and Release Form for Students.*

#### ***Grades K-5***

*Students may not use any individual email account. Messages may be sent through teacher-monitored accounts.*

*As part of a teacher-directed project, students may post their own work on the Internet, including their first name and last initial and picture, provided that their parent or guardian has given permission by signing the Internet Publishing Permission and Release Form for Students. These postings must be reviewed by the classroom teacher prior to actual posting.*

*\* Students who have reached the age of majority (18) do not need parental permission.*

## **Concussions**

### **ATHLETIC CONCUSSION POLICY**

#### **Purpose**

This policy provides guidance and standardized procedure for the prevention, training, management and return to activity decisions regarding students who incur head injuries or concussion as defined by M.G.L. 111:222; 105 CMR 201.000 while involved in extracurricular athletic activities (1), in order to protect their health and safety as required by Massachusetts law and regulation. The requirements of the policy apply to all Marblehead Public School students, however configured, grades 4-12 who participate in any school sponsored extracurricular athletic activity. In order to further protect all Marblehead Public School students, it shall be required that any student K-12 who suffers a head injury or concussion, whether such injury occurs in or out of school, be medically cleared to return to school as well as participate in school athletic activities. Responsible staff will follow the guidelines for graduated return to academics and activities tailored appropriately to the student's age and condition.

#### **Scope of Responsibility**

The Superintendent shall, through the Athletic Director, Principals, and Lead Nurse maintain complete and accurate records of the district's compliance of the Concussion Law, and shall maintain the following records for three years at a minimum, or until the student graduates unless state or federal law requires a longer retention period:

1. Verifications of completion of annual training and receipt of materials;
2. DPH Pre-participation forms or school based equivalents and receipt of materials;
3. DPH Report of Head Injury Forms or school based equivalents;
4. DPH Medical Clearance and Authorization Forms, or school based equivalents;
5. Graduated reentry plans for return to full academic and extracurricular athletic activities.

The following persons: coaches; certified athletic trainers; trainers; volunteers; school and team physicians; school nurses; athletic directors; directors responsible for a school marching band; activity coordinators; employees or volunteers; and students who participate in any extracurricular athletic activity and their parents are responsible to comply and follow through with all aspects of this policy including: annual training, record keeping, communication, reporting, assessment, evaluation, treatment, and referral. Guidance counselors and teachers may be involved in facilitating academic accommodations with a student who suffers a concussion.

(1) Extracurricular Athletic Activity means an organized school sponsored athletic activity generally occurring outside of school instructional hours under the direction of a coach, athletic director or marching band leader including, but not limited to, Alpine and Nordic skiing and snowboarding, baseball, basketball, , fencing, field hockey, football, flag football, golf, gymnastics, horseback riding, ice hockey, lacrosse, marching band, rifle, rugby, soccer, skating, softball, squash, swimming and diving, sailing, tennis, track (indoor and outdoor), ultimate Frisbee, volleyball, water polo, dance, cheerleading and wrestling. All interscholastic athletics are deemed to be extracurricular athletic activities.

#### **Definition**

A concussion is caused by a bump, blow or jolt to the head or body. Any force that causes the brain to bounce around or twist within the skull can cause a concussion. A bump, blow or jolt to the head or body can be caused by either indirect or direct trauma. Most frequently concussions are not diagnosed by loss of consciousness.

A concussion is defined as a transient alteration in brain function without structural damage, but with other potentially serious long-term ramifications. In the event of a concussion, the brain sustains damage at a microscopic level in which cells and cell membranes are torn and stretched. The damage to these cells also disrupts the brain at a chemical level, as well as causing restricted blood flow to the damaged areas of the brain, thereby disrupting brain function. A concussion, therefore, is a disruption in how the brain works; it is not a structural injury. Concussions are difficult to diagnose because the damage cannot be seen. An MRI or CT scan cannot diagnose a concussion, but they can help rule out a more serious brain injury to a student athlete. Because concussions are difficult to detect, student athletes must obtain medical approval before returning to athletics following a concussion.

## **Review**

This policy and attached protocol and procedure (JJIF-R) shall be reviewed annually by the Marblehead Public Schools' Athletic Department Personnel and The Marblehead Public Schools' Health Services School Nurses. Any recommendation for revision shall be submitted to the Superintendent. All School Committee approved policy changes will be provided to appropriate staff in writing.

Upon the adoption of this policy by the School Committee, the Superintendent shall ensure that DPH receives an affirmation on school district letterhead that the district has developed policies and the School Committee has adopted a final policy in accordance with law. This affirmation shall be updated by September 30, 2013 and every two years thereafter upon review or revision of its' policies.

An accurate synopsis of this policy shall be placed in the student and faculty handbooks.

*Legal References:* M.G.L. c. 111, §:222; 105 CMR 201.000

Final corrected copy 5/30/12 (AICS)

3/15/2012 SC 3rd reading

3/1/2012

2/16/2012



### NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)

The Protection of Pupil Rights Amendment (PPRA) affords parents certain rights regarding the District's conducting of surveys, collection, and the use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey"), if the survey is funded in whole or in part by a program of the U.S. Department of Education (DOE): political affiliations or beliefs of the student or student's parent; mental or psychological problems of the student or student's family; sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of others with whom respondents have close family relationships; legally recognized privileged relationships, such as with lawyers, doctors, or ministers; religious practices, affiliations, or beliefs of the student or parents; and/or income, other than as required by law to determine program eligibility.
- Notice and an opportunity to opt a student out of the following: any other protected information survey, regardless of funding; any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
- Inspect, upon request and before administration or use: protected information surveys of students; instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and instructional material used as part of the educational curriculum.

The above rights transfer from the parents to a student who is eighteen (18) years old or an emancipated minor under State law.

The Marblehead Public Schools will develop and adopt policies, in consultation with parents/guardians, regarding these rights, as well as methods to protect student privacy in the administration of protected information surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. The District will directly notify parents of these policies at least annually at the start of each school year and after any substantive changes. The District will also directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation in the specific activity or survey. The District will make this notification to parents at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys.

Specific activities and surveys covered under this requirement include: the collection, disclosure, or use of personal information for marketing, sales, or other distribution; the administration of any protected information survey not funded in whole or in part by DOE, and any non-emergency, invasive physical examination or screening as described above.

Parents who believe their rights under PPRA have been violated may file a complaint with:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-5901