

## AMENDED AGENDA

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A § 20 Act relative to extending certain COVID-19 measures adopted during the state of emergency

### Marblehead School Committee

Name of Board or Committee

Zoom Conference join via the web link or Dial in

**Link:** <https://marbleheadschoools-org.zoom.us/j/97503094523?pwd=eWlMOE1aN29aN1ZmVnNxVGxXMHdvUT09>

**Meeting ID:** 975 0309 4523

**Password:** 385934

**Dial in Phone #** 1-646-558-8656

<b>Monday</b>	<b>August</b>	<b>29<sup>th</sup></b>	<b>2022</b>	<b>6:00pm</b>
Day of Week	Month	Date	Year	Time

**Agenda or Topics to be discussed listed below** (That the chair reasonably anticipates will be discussed)

- I. Initial Business
  - a. Call to Order
  - b. Commendations
  - c. Public Comment
  
- II. Review of 2022-2023sy School Handbooks (Vote)
  
- III. Appointment of School Nurse(s) (Vote)
  
- IV. Review of Policies and Adoption of Procedures:
  - ac-nondiscrimination
  - aca-nondiscrimination on the basis of sex*
  - acab-sexual harassment*
  - ac-r-nondiscrimination and harassment
  - Procedure for policy ij-r-reconsideration of instructional resources
  - Title IX-Grievance Procedure
  - Civil Rights Grievance Procedure
  
- V. Enrollment and Staffing Updates
  
- VI. Schedule of Bills (Vote)
  
- VII. Stipend Equipment and Discussion for Hybrid Meetings (Vote)

VIII. Booster's Advertising Discussion

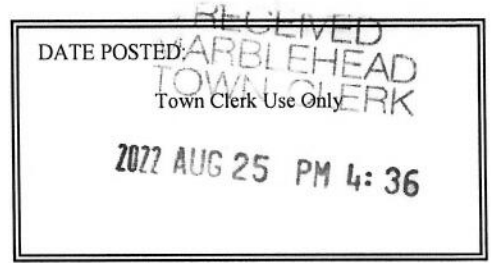
(Vote)?

IX. Closing Business

- a. New Business
- b. Correspondence
- c. Adjournment

**THIS AGENDA IS SUBJECT TO CHANGE**

**Chairperson:** Sarah Fox  
**Posted by:** Lisa Dimier  
**Date:** 8/25/2022



## MEETING NOTICE

POSTED IN ACCORDANCE WITH THE PROVISIONS OF MGL 30A § 20 Act relative to extending certain COVID-19 measures adopted during the state of emergency

### Marblehead School Committee

Name of Board or Committee

Zoom Conference join via the web link or Dial in

**Link:** <https://marbleheadschoools-org.zoom.us/j/97503094523?pwd=eWlMOE1aN29aN1ZmVnNnxVGxXMHdvUT09>

**Dial in Phone #** 1 646 558 8656

**Meeting ID:** 975 0309 4523

**Password:** 385934

<b>Monday</b>	<b>August</b>	<b>29<sup>th</sup></b>	<b>2022</b>	<b>6:00pm</b>
Day of Week	Month	Date	Year	Time

**Agenda or Topics to be discussed listed below** (That the chair reasonably anticipates will be discussed)

- I. Initial Business
  - a. Call to Order
  - b. Commendations
  - c. Public Comment
  
- II. Review of 2022-2023sy School Handbooks (Vote)
  
- III. Appointment of School Nurse(s) (Vote)
  
- IV. Review of Policies and Adoption of Procedures:
  - ac-nondiscrimination
  - ac-r-nondiscrimination and harassment
  - Procedure for policy ij-r-reconsideration of instructional resources
  - Title IX-Grievance Procedure
  - Civil Rights Grievance Procedure
  
- V. Enrollment and Staffing Updates
  
- VI. Schedule of Bills (Vote)
  
- VII. Stipend Equipment and Discussion for Hybrid Meetings (Vote)
  
- VIII. Booster's Advertising Discussion (Vote)?

- IX. Closing Business
- a. New Business
  - b. Correspondence
  - c. Adjournment

**THIS AGENDA IS SUBJECT TO CHANGE**

**Chairperson:** Sarah Fox  
**Posted by:** Lisa Dimier  
**Date:** 8/25/2022

From: **Matthew MacAvoy** <[REDACTED]>  
Date: Thu, Aug 25, 2022 at 6:34 PM  
Subject: Student Handbooks  
To: Paula Donnelly <[donnelly.paula@marbleheadschoools.org](mailto:donnelly.paula@marbleheadschoools.org)>  
Cc: John Buckey <[buckey.john@marbleheadschoools.org](mailto:buckey.john@marbleheadschoools.org)>

Dear Dr. Donnelly:

Per the District's request, this firm has conducted a comprehensive review of the District's High School, Middle School, and Elementary School student handbooks. I have attached above a complete copy of each handbook with all changes proposed in redline and relevant commentary included in the margins.

As reflected in the attached redlined drafts, we are recommending substantial revisions of all of the three (3) District student handbooks. While the changes and related comments are largely self-explanatory, the major changes proposed are as follows:

1. Correction of language related to attendance/absence notifications to bring the handbooks into compliance with current legal requirements and current DESE guidance.
2. Inclusion of a statement in each handbook relative to the use of physical restraint.
3. Inclusion of notices of rights under both federal and state laws and regulations relative to student records.
4. Inclusion of a Notice of Rights under the Protection of Pupil Rights Amendments
5. Revision of the statements relative to both services for, and discipline of, students with disabilities.
6. Revisions of the existing language in the Elementary and Middle School handbooks relative to bullying to bring the definitions into compliance with M.G.L. c. 71, § 37O. In addition, we have included (from the Committee's current BPIP) the required student-specific language relative to the bullying complaint investigation process.
7. Modification of various provisions and statements relative to harassment and, particularly sexual harassment, as the existing handbook language relative thereto does not comply with, and in many places directly conflicts with, the requirements of the federal Title IX regulations at 34 CFR Part 106. (Please note that revised policies and draft Grievance Procedures were provided to the District by this firm in July 2020.)
8. Substantial modification of the Student Discipline and Disciplinary Due process statements in all handbooks to ensure compliance with applicable laws and regulations to provide consistency and uniformity across the District at each grade level.
9. Updating of statutory language from statutes contained in the handbook that have been amended since the date on which they were originally included in the handbook.
10. Addition of "No Idling" statements in each handbook.

These constitute the major revisions proposed. In addition, please note that the handbooks were reviewed in significant detail and we have proposed numerous, yet often subtle, changes to the previous handbook language for purposes of clarity.

Please do not hesitate to contact me if you have any questions or would like to do a conference call to discuss the changes at any time. While I very much would have preferred to have additional time to conduct this review and to make necessary revisions, I do appreciate being provided with the opportunity to review the District's handbooks as this firm has not been provided with the opportunity to conduct such a review since 2012.

Matthew W. MacAvoy, Esq.  
Nuttall, MacAvoy & Joyce, P.C.  
1020 Plain Street, Suite 270  
Marshfield, Massachusetts 02050  
Tel: (781) 837-7428  
Fax: (781) 837-7498  
[www.snmedlaw.com](http://www.snmedlaw.com)

# 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**



## Table of Contents

### SCHOOLS AT A GLANCE

Glover School	5
Lucretia and Joseph Brown School	6
Village School	7

### GENERAL 8

Visitors	8
Where to go if you have questions	8
Marblehead School Committee	9
Marblehead Public Schools Central Administrators/Directors	9
Marblehead Special Education PAC (SEPAC)	9
METCO (Metropolitan Council for Educational Opportunities)	9

### ACADEMICS 10

Classroom Expectations	<del>11</del> 10
<i>Village School</i> Behavioral Expectations: Keep Each Other Well	<del>Error! Bookmark not defined.</del> <del>Error! Bookmark not defined.</del> 10
Homework	<del>11</del> 10
Report Cards and Grading Scale	<del>Error! Bookmark not defined.</del> <del>Error! Bookmark not defined.</del> 10

### ATTENDANCE REQUIREMENTS & PROCEDURES ~~Error! Bookmark not defined.~~~~Error! Bookmark not defined.~~10

Student Absence Procedures	<del>12</del> 11
Student Dismissal Procedures	<del>12</del> 11
Student Tardy Procedures	<del>12</del> 11

### COMMUNICATION ~~13~~11

Registration	<del>13</del> 11
Aspen	<del>13</del> 11
School/Home Communication	<del>13</del> 12
Change of Address/Phone Number	12
Notification of Field Trips	<del>13</del> 12
Mandatory Fingerprinting for Parent/Community Volunteers	<del>14</del> 12
Services and Accommodations for Students with Disabilities	<del>14</del> 13
Delivery of Articles	<del>15</del> 13
Confidentiality	<del>15</del> 13
Placement Process	<del>15</del> 13
Student School Bus Behavior	<del>15</del> 14
After School Activities	<del>16</del> 14
Student User Fee (Grades 4- up only)	<del>16</del> 14
Student Rights and Responsibilities	14

### MEDICAL/FOOD/FAMILY SERVICES ~~13~~15

Food Services	<del>17</del> 15
Student Health and Concussions	<del>17</del> 15
Absence due to Illness	<del>17</del> 15
Life Threatening Allergies	<del>18</del> 16
Immunizations and Physical Exam	<del>18</del> 16
Health Office Prescription Drop Off	<del>19</del> 17
Special Medical Considerations	<del>Error! Bookmark not defined.</del> <del>Error! Bookmark not defined.</del> 17

Home/Hospital Tutoring	<del>194</del> <del>17</del>
Homeless Students	<del>202</del> <del>18</del>
Pets/Animals	<del>202</del> <del>18</del>
<b>Student Expectations</b>	<b>18</b>
Computer/Internet Usage	18
Dress Code	18
Cell Phone/Electronics Usage	19
Student Conduct	19
Discipline and Students with Disabilities	22
Investigative Procedure	<del>343</del> <del>423</del>
Student Searches	<del>353</del> <del>523</del>
Lockers	<del>353</del> <del>523</del>
Appeals Procedure	<del>353</del> <del>523</del>
Non-Discrimination Notice	<del>353</del> <del>523</del>
<b>Appendix A</b>	<b>25</b>
Bullying, Harassment, Sexual Harassment, and Hazing	<del>373</del> <del>725</del>
<b>Appendix B</b>	<del>454</del> <del>332</del>
Selected Laws Related to Student <a href="#">Conduct and Discipline</a>	<del>454</del> <del>432</del>
<b>Appendix C</b>	<del>484</del> <del>636</del>
Acceptable Usage Policy and Student Email Policy	<del>525</del> <del>036</del>
<b>Appendix D</b> .....	<b>38</b>
Athletic Concussion Policy	38
<b>Appendix E</b> .....	
<a href="#">Protection of Pupil Rights Amendment -Notice of Rights</a>	

Formatted: Font: Cambria, 12 pt

**SCHOOLS AT A GLANCE**

**GLOVER SCHOOL**

School Contact Information: Hope Doran, Principal  
9 Maple Street  
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  
<http://marbleheadschoools.org/announcement>

District Web Address: <http://marbleheadschoools.org>  
Glover School <https://www.marbleheadschoools.org/Domain/11>  
Faculty and Staff Directory: <http://glov.marbleheadschoools.org/Staff>

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: Open, Parent  
Open, Parent  
Open, Parent  
Open Glover Teacher  
Emily Perez Glover Teacher  
Teacher  
Open Committee Liaison

Key Contact Individuals for Help: Dawn Whittier, Principal's Secretary  
Jennifer Elliot, School Secretary  
\_\_\_\_\_, School Psychologist  
\_\_\_\_\_, School Counselor

Commented [mm1]: add names

Formatted: Highlight

Formatted: Highlight

\_\_\_\_\_, School Adjustment Counselor  
Courtney DeLeyer, Special Education Secretary  
Elizabeth Rostron, School Nurse  
\_\_\_\_\_, Special Education Team Preschool Coordinator  
\_\_\_\_\_, Special Education Chair, ACCESS

Formatted: Highlight

## 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  
<http://marbleheadschoools.org/announcement>

District Web Address: <http://marbleheadschoools.org>  
Brown:  
Faculty and Staff Directory:

PTO Board Members Abby Lewis, President  
Aimee Sheppard, Teacher Representative

Contact Information: <https://bellcoffinpto.org/marblehead/>

School Advisory Members: Mary Maxfield,, Principal  
Janet Bach , Teacher  
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

Formatted: Highlight

## 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
Beth Stanojev	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 ~~listed~~ posted on our website at <https://www.marbleheadschoools.org/domain/253>. The public is welcome and

**Commented [mm2]:** The District is strongly encouraged to include this notice in all handbooks.

**Formatted:** Font: Cambria, 14 pt, Bold

**Formatted:** Font: 14 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: Italic

**Formatted:** Font: Italic

**Formatted:** Font: Italic

**Formatted:** Font: 11 pt

**Formatted:** Font: Cambria, 12 pt, Bold

**Formatted:** Centered

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 (SEPEC)

The Marblehead Special Education PAC (SEPEC) is a parent advisory council organization run by parents of children with special needs. The SEPEC'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.

\*\*\*\*\*Wondering if something should go here about standards based.....

**Commented [mm3]:** The District is not legally required to provide a detailed explanation of standards-based report cards in the handbook.

To the extent that the District is looking for sample language, however:

A standards-based report card reveals specifically how a child is performing based on each standard listed and indicates what areas may need additional attention. All teachers at a grade level measure student learning against a set of academic criteria. Standards-based report cards provide direct feedback to parents/guardians regarding the progress their child is making toward the year-end standards that have been established by the Massachusetts Department of Elementary and Secondary Education.

## 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.AM and remain for the rest of the day or arrive on time and not be dismissed until after 11:00 a.m.AM.

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.](#)

**Commented [mm4]:** This procedure is required under MGL 76, 1B.

### 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 ~~and 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*)

**Formatted:** Font: Italic

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

**Formatted:** Font: Bold

[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.](#)

**Commented [mm5]:** Required under M.G.L. c. 76, 1B

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*

Formatted: Indent: First line: 4"

## **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 ~~of changes in a~~ student's or parent's/guardian's residential address, email address and/or telephone number(s) so that parents/~~or~~ 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).

**Commented [mm6]:** Revised existing language to ensure that it also addresses the requirements of Section 504 of the Rehabilitation Act.

**Formatted:** Font: Not Bold

~~Some students with disabilities require specialized instruction and/or supportive services to help them make effective progress in school. These services can include, but are not limited to, speech therapy, physical therapy, occupational therapy, specialized instruction, or placement in a special 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 request for an evaluation of a student's eligibility for special education, a consent form authorizing an evaluation of the student will be forwarded to the parent(s). Within forty-five (45) school days of receipt of the parent(s) 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 an individual accommodation plan in accordance with Section 504 of the Rehabilitation Act. 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 at 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](#).

**Commented [mm7]:** Please note that the draft of this handbook provided for counsel's review did not contain a Student Records summary.

## Placement Classroom Assignment Process

The faculty spends a great deal of time and energy [placing-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 [placing-assignment of](#) students seriously. A faculty committee meets with the principal in the spring to create the first [placement-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 should receive](#) special consideration in the [placement-assignment](#) process, [please contact the building principal you will be notified about a special placement process in the spring. Requests for assignment to specific teachers](#) ~~Specific teacher requests~~ will not be accepted.

**Commented [mm8]:** Given that the term "placement" does have legal implications under Section 504 and the IDEA, we would recommend substituting the word "assignment" for "placement" in this section.

## 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 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 ~~the following applicable~~ rules and safety procedures ~~are 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.

## MEDICAL/FOOD/FAMILY SERVICES

### 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 District Public Schools' website page -"food services" at \[www.marbleheadschoools.org/foodservice\]\(http://www.marbleheadschoools.org/foodservice\) 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 ~~entire~~ [Marblehead School Committee Policy, JJIF](#), on *Athletic Concussions*

### 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.

Commented [mm9]: Moved to Attendance Section of Handbook at page 13.

## Life Threatening Allergies

It is our goal to keep all children safe in school. Please notify the school nurse and your child's teacher as well as the 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 only 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. Please bring updated immunization records to the school nurse. 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 2015-2016 are:

- **Kindergarten**
  - Hepatitis B-3doses, 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 3doses Td, Polio-3 or more doses, MMR-2doses,
  - 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-1dose
  - \*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\*

**Commented [mm10]:** It is necessary that some reference be made in this section to Section 504 of the Rehabilitation Act as children with life threatening or substantially limiting allergic conditions are eligible students for purposes of Section 504 of the Rehabilitation Act of 1973.

**Commented [mm11R10]:** The US DOE has determined that a district's addressing of the needs of students with life threatening allergic and other medical conditions only through an IHCP is a violation of Section 504.

**Formatted:** Indent: Left: 1", No bullets or numbering



## 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. ~~No child should be sent to school with medication for the safety of the child and others.~~ 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.

**Commented [mm12]:** Replaced with new language at conclusion of this section.

**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 ~~medicalSection~~ 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*

**Commented [mm13]:** The correct terminology is "Section 504 Plan."

## Home/Hospital ~~Tutoring~~ Educational Services

As soon as you become aware of an impending ~~extended (14 days or more) 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 ~~tutoring-educational services(tutoring).~~ 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.~~

**Commented [mm14]:** We recommend revision of this section to ensure consistency with the applicable regulation at 603 CMR 28.03(3)(c)

- The student's guidance counselor will ~~be the~~ 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 "The Physician's Statement for Temporary Home or Hospital," "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 ~~Guidance~~ 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

**Formatted:** Indent: Left: 0.5"

**Formatted:** Font: 11 pt

**Formatted:** List Paragraph, Centered, Right: 0", Space Before: 0 pt, Line spacing: single, Widow/Orphan control, Tab stops: Not at 0.7" + 4.29"

**Formatted:** Font: 11 pt, Not Bold, No underline

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 14 pt, Bold, Underline

**Formatted:** Indent: Left: 0.5"

- [date of return to school.](#)
- Upon receipt of the ~~doctor-fully completed and~~ signed Physician's ~~Affirmation Statement~~ the guidance counselor will ~~fill-out~~complete the appropriate paperwork for submission to the principal for authorization of home/hospital ~~tutoring services.~~
- The principal will determine the number of hours of home/hospital; educational services to be provided the student is eligible for tutoring. ~~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 ~~locate an appropriate~~ 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), ~~will be~~has been designated to serve as the ~~District Homeless Office 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, ~~or~~ 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: (needs to be changed!)

**Formatted:** Indent: Left: 3.5", First line: 0.5"

**Formatted:** Font: Italic

**Formatted:** Font: Italic

**Formatted:** Font: Italic

**Commented [mm15]:** We are recommending some change to this statement of the Dress Code. It should be noted that Massachusetts provides significant legal protections for student dress and freedom of expression. M.G.L. c. 71, sections 82 and 83. The Massachusetts Supreme Judicial Court has determined that that school districts exercise the authority only to limit attire which actually results in the substantial disruption of the school environment.

Having stated this, we are not recommending removal of the provision prohibiting the wearing of clothing conveying certain messages (drugs, violence, alcohol, etc.) but would caution district administrators to tread carefully when considering disciplinary consequences for violations of this provision.

In addition, as the issue of gender-neutrality in student dress codes has been a significant issue over the past several years, we would strongly recommend the removal of provisions in this statement which disproportionality impact students identifying as female.

**Commented [mm16]:** We are recommending some change to this statement of the Dress Code. It should be noted that Massachusetts provides significant legal protections for student dress and freedom of expression. M.G.L. c. 71, sections 82 and 83.

In addition, as the issue of gender-neutrality in student dress codes has been a significant issue throughout the united states over the past several years, we would strongly recommend the removal of provisions in this statement which disproportionality impact students identifying as female.

- With the exception of head coverings worn for religious or medical purposes, hats and other head coverings must ~~come off~~ 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.
- ~~Short shorts and very short skirts will not be allowed. The acceptable length will be at the discretion of the school administration.~~
- Footwear laces will be tied.
- Clothing will be neat and appropriately buttoned or zipped at all times.
- ~~Tube, halter, camisole tops and bare midriffs are unacceptable.~~
- Underwear may not be visible and the torso must be fully covered at all times.
- Pajamas are not allowed.

**Commented [mm17]:** This is not gender neutral.

### 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.

**Commented [mm18]:** While this provision does not need to be removed, it is extremely broad as it potentially covers out of school speech on private devices that may not rise to the level of bullying or harassment and which does not result in substantial disruption of the schools.

As the US Supreme Court has determined that school districts generally lack the authority to impose discipline for such out of school conduct, administrators should be encouraged to tread carefully when taking action for a violation of this provision.

### 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.

**Commented [mm19]:** Strongly recommended that the handbook include the general notice of Restraint practices.

**Formatted:** No underline

**Formatted:** Font: +Body (Cambria), 14 pt

**Formatted:** Font: (Default) Times New Roman, 11 pt

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:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

### 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

**Commented [mm20]:** The District is required to provide annual notices of rights under FERPA and under the Massachusetts student records regulations. This statement should be included in the Handbook for that purpose.

**Formatted:** No underline

**Formatted:** Font: Cambria, 14 pt, Bold

**Formatted:** Underline

**Formatted:** Centered

**Formatted:** Font: Not Bold

**Formatted:** Font: Not Bold

**Formatted:** Indent: Left: 0"

**Formatted:** Font: Not Bold

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:**

Formatted: Font: Not Bold

- 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.
- ~~A student will be given oral notice of the offense with which he/she is charged and an opportunity to respond prior to the imposition of any disciplinary sanction that might result in the student's suspension from school for ten (10)~~

~~consecutive school days or less. In the event that the Principal determines that the student will be suspended from school, the student's parent(s)/guardian(s) will be notified by telephone and in writing.~~

- All students will be provided with due process prior to the imposition of an in-school suspension, out-of-school suspension, or expulsion.

**Commented [mm21]:** This statement is inconsistent with the Massachusetts Student Discipline regulations at 603 CMR 53.00.

## 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.

**Formatted:** Space Before: 0 pt, After: 0 pt

**Commented [mm22]:** Current and Correct definition of In-School Suspension from 603 CMR 53.02.

In-school suspensions may be ~~assigned-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.

**Commented [mm23]:** These are the current and correct definitions as set forth in 603 CMR 53.02

(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.

**Formatted:** Indent: Left: 0.13"

**Formatted:** Font: Bold

**Formatted:** Font: Not Bold

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. ~~Per the definition of excused absences by MA state regulations, students are allowed to make up the point value of assignments missed during a suspension.~~ 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 ~~excluded-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.

**Commented [mm24]:** We strongly recommend inclusion of this statement (which is also contained in the Massachusetts regulations at 603 CMR 53.02.

### Expulsion



Permanent removal from school per MA state regulations. 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 use of 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” (for e.g., 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 head wear+ess (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 house-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 could also result in a Type 2 consequence*

**Formatted:** List Paragraph, Bulleted + Level: 1 + Aligned at: 0" + Tab after: 0.25" + Indent at: 0.25"

**Formatted:** Font: 11 pt, Italic

**Formatted:** Font: 11 pt, Italic

**Formatted:** Font: 11 pt, Italic

**Formatted:** Font: 11 pt, Italic

**Formatted:** Font: 11 pt, Italic

**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, cyber bullying, 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 ed-office 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

**Commented [mm25]:** As the District has various forms of detention, we recommend not referencing "office detention" specifically.

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

- Parental notification
- Conference
- Written apology
- Office detention, or in-house 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
- Recommendation for expulsion, including a hearing with the student and parent(s)
- Filing of a 51A (Department of Social Services) and/or CRA (Juvenile District Court)
- Police notification

**Formatted:** Indent: Left: 0", Hanging: 0.5"

**Commented [mm26]:** None of the listed Type 2 offenses are expellable offenses under current Massachusetts law

**Formatted:** Font: 12 pt

*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 could 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, ~~or drug paraphernalia~~ 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) ~~time or more~~
- Assault ~~and/or battery~~ 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

**Commented [mm27]:** MGL 71, 37H does not require that a battery be committed to support a student's expulsion for assault. The student need only place a staff member in immediate fear of imminent physical harm and have the apparent capacity to inflict that harm. Every battery is an assault. Not every assault involves physical battery.

**Formatted:** Indent: Left: 0.25", No bullets or numbering

**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
- Recommendation for expulsion, including a hearing with the student and parent(s) 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

Policy CHCA-E

From the Marblehead Public Schools Policy Manual

Notwithstanding any general or special law to the contrary all student handbooks shall contain the following provisions:

- ~~1. Any student who is found on school premises or at school sponsored or school related events, including athletic games, in possession of a dangerous weapon or a controlled substance, may be subject to expulsion from school by the Principal.~~
- ~~2. Any student who assaults any employee of the School District may be subject to expulsion from school by the Principal.~~
- ~~3. Any student who is charged with a violation of either (1) or (2) above shall be notified in writing of their opportunity for a hearing, provided, however that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing the Principal may decide to suspend rather than expel a student.~~
- ~~4. Any student who has been expelled shall have the right to appeal to the Superintendent.~~
- ~~5. When a student is expelled under the provisions listed above and applies for admission to another school for acceptance, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the pupil's expulsion. LEGAL REFS: M.G.L. ch.71, §37H~~

**Commented [mm28]:** I would recommend replacing this entire section with the following alternate due process statement.

In its current form, this section is applying the requirements of 603 CMR 53.00 to all types of offenses including offenses covered under 37H (drugs, weapons, assaults of staff) and 37H1/2 (felony charges). That is legally incorrect and unduly binds District administrators as 37H and 37H1/2 offenses are not subject to the requirements of the discipline regulations (the District is only required to implement the due process procedures specifically provided for in the actual 37H and 37H1/2 statutes.)

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.

Formatted: Normal, Indent: Left: 0.25", No bullets or numbering

Formatted: Font: 11 pt, Font color: Text 1

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.**

Formatted: Font: Bold

Formatted: Font: Bold

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.

Formatted: Line spacing: single

(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

Formatted: Line spacing: single, Tab stops: Not at

Formatted: Line spacing: single

Formatted: Line spacing: single, Tab stops: Not at

Formatted: Line spacing: single

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 therefor. 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

Formatted: Indent: First line: 0", Line spacing: single

Formatted: Line spacing: single

Formatted: Left

## 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 prior to imposing discipline~~ that will result in the student's removal for more than ten (10) consecutive school days or ~~which will result in ere there is~~ 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 ~~up to~~ 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, behavior~~ (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, those students with IEPs~~. 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 ~~mis~~conduct 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 mis~~-conduct (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.

Commented [mm29]: Recommending minor revisions to this statement.

Formatted: Indent: First line: 0", Line spacing: single

Formatted: Font: Not Italic

Formatted: Font: Not Italic

## Investigative Procedure



When the school receives a [report complaint](#) or information of inappropriate conduct ~~or potential violations of school rules~~ by a student, the [pPrincipal](#) 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.](#)

**Commented [mm30]:** This is a DESE provision. See DESE Student Discipline Question and Answer Guide.

## 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.**

**Commented [mm31]:** If students are assigned desks, I would recommend that this section be titled "Desks/Lockers" and add "/desks" after the word "locker" where it appears.

## Appeals [of Disciplinary Actions not Resulting in Suspension or Expulsion](#) Procedure

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 ~~exclusion from school~~, 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 [pPrincipal](#). In cases where the [pPrincipal](#) makes the original decision, the [pPrincipal's](#) decision may be appealed to the [sSuperintendent](#). ~~The student(s) being investigated may be removed from class for all or part of the school day during the investigation.~~

**Commented [mm32]:** Proposing modification of this section to more clearly distinguish it from the appeal provisions of the Massachusetts discipline statutes and regulations.

Please note that this level of process for disciplinary consequences not resulting in suspension or expulsion is not required under Massachusetts law although the District can elect to provide this level of process if so inclined. In considering changes to this provision, the District may want to consider removing the provision for appeal to the Superintendent.

## Non-Discrimination Notice ~~\*\*\*\* officers need to be double checked.~~

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, [ch. 151B](#), [ch. 151C](#), [ch. 76](#), §5, and [bc.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, Vietnam era or disabled or~~ veteran status in ~~its~~ 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,

**Formatted:** Highlight

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. ~~The Superintendent of Schools, The building principal is the local Sec. 504 Coordinator and can be reached at (781) 639-3140.~~ [Dr. Paula Donnelly](#) is the District's [Section 504/ADA and Title IX](#) Coordinator and can be reached at (781) 639-3140. ~~TBD~~ [The District's general Harassment Officer, \\_\\_\\_\\_\\_ may be contacted at \(781-639-3140\).](#)

**Commented [mm33]:** This all needs to be clarified.

**Formatted:** Highlight

### SECURITY CAMERAS

Please be aware that security cameras ~~have been installed~~ [are in use](#) throughout the Brown, Glover, and Village Schools to help ensure student and staff safety.

## Appendix A

### 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.*

**Commented [mm34]:** The identification of staff as potential bullies is required. Although the Committee's BPIP doe include this language in the definition, this handbook summary did not.

*"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~~ 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.:**

[Title VII, Section 703, Civil Rights Act of 1964 as amended](#)

[Federal Regulation 74676 issued by EEO Commission](#)

[Title IX of the Education Amendments of 1972](#)

603 CMR 26.00

MGL 71:370

MGL 265:43, 43A

MGL 268:13B

MGL 269:14A

**CROSS REFS.:**

AC, Nondiscrimination

ACAB, Sexual Harassment

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.

**Commented [mm35]:** MGL c. 71, 370 requires that the specific provisions of the District’s bullying procedures specifically describing the process for reporting and investigating bullying be included in the handbook.

**Formatted:** Font: Italic

**Formatted:** Left

**Formatted:** Font: Italic

**Formatted:** Font: 11 pt, Bold

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Bold

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Bold

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Bold

**Formatted:** Font: 11 pt

## 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.

Formatted: Font: 11 pt, Bold

Formatted: Font: 11 pt

Formatted: List Paragraph, Left, Indent: Left: 0.56", Hanging: 0.19", Outline numbered + Level: 8 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.75" + Tab after: 2" + Indent at: 2", Tab stops: 0.75", List tab + Not at 2"

Formatted: List Paragraph, Left, Indent: Left: 2"

Formatted: List Paragraph, Left, Indent: Left: 0.56", Hanging: 0.19", Outline numbered + Level: 8 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1.75" + Tab after: 2" + Indent at: 2", Tab stops: 0.75", List tab + Not at 2"

Formatted: Font: 11 pt, Bold

Formatted: Font: 11 pt

Formatted: Left

Formatted: Font: 11 pt, Bold

Formatted: Font: 11 pt

Formatted: Font: 11 pt, Bold

Formatted: Font: 11 pt

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.

Formatted: Font: 11 pt, Bold

Formatted: Font: 11 pt

## **HARASSMENT, STUDENT TO STUDENT**

### Policy JBA

#### From the Marblehead Public Schools Policy Manual

*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.*

*Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:*

- *Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities;*
- *Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;*
- *Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.*

*Harassment as described above may include, but is not limited to:*

- *Verbal, physical or written harassment or abuse;*
- *Repeated remarks of a demeaning nature;*
- *Implied or explicit threats concerning one's grades, achievements, or other school matters.*
- *Demeaning jokes, stories, or activities directed at the student.*

*The District will promptly and reasonably investigate allegations of discriminatory harassment. The pPrincipal 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. The Superintendent will develop administrative guidelines and procedures for the implementation of this policy.*

*LEGAL REF.: M.G.L. c.76:5, M.G.L. 151B:3A; Title VII, Section 703, Civil Rights Act of 1964 as amended; Board of Education 603 CMR 26:00*

*See MPS SC policy JBA*

## **SEXUAL HARASSMENT**

### Policy ACAB

#### From the Marblehead Public Schools Policy Manual

*The Marblehead Public Schools are committed to providing a working and learning environment based on dignity and respect, free of harassment or intimidation. All those associated with the schools are expected to foster a climate that is supportive, respectful and conducive to teaching and learning.*

*Sexual harassment is among the behaviors that are destructive to a positive working and learning climate, and as such is prohibited by state law (Chapters 151B and 151C of the Massachusetts General Laws), federal law (Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972), and Marblehead Public Schools policy. Any member of the school community who engages in sexual harassment as defined below will be in violation of this policy. This policy encompasses behavior of adults towards adults or students, and students towards students or adults.*

*Definition: It is a violation of this policy when a person makes any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: 1) submission to or rejections of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of benefits, privileges, employment or placement services or as a basis for the evaluation of academic achievement; or 2) such advances, requests or conduct have the*

Commented [mm36]: This policy is problematic in that it is not limited to incidents of harassment based upon the targets membership in a protected class. Such non-discriminatory harassment is bullying under Massachusetts law and should be addressed through the District's bullying response procedures.

Accordingly, I would recommend that only a modified summary of the state policy be included in the handbook with a reference to the underlying policy.

While beyond the scope of this handbook review, we would recommend revision of Committee policy JBA to make the policy applicable only to harassment based upon membership in a protected class or upon association with a protected class member.

Commented [mm37]: We are recommending deletion of this statement in anticipation of the revocation of this separate sexual harassment policy (which is not required)

~~purpose or effect of unreasonably interfering with an individual's education or career by creating an intimidating, hostile, humiliating or sexually offensive educational or employment environment.~~

~~Sexual harassment, as defined above, may include, but is not limited to, the following:~~

- ~~● verbal or written harassment or abuse~~
- ~~● pressure for sexual activity~~
- ~~● repeated remarks to a person, with sexual or demeaning implications~~
- ~~● unwelcome touching~~
- ~~● suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.~~
- ~~● display of lewd or sexually explicit materials, inappropriate jokes, or language of a sexual nature~~

~~Responsibilities: All persons associated with Marblehead Public Schools are responsible for:~~

- ~~1) Ensuring that his/her behavior does not sexually harass any other person associated with the schools.~~
- ~~2) Reporting any observed or experienced harassment or mistreatment immediately to the building administrator or Superintendent of Schools and cooperating fully in the investigation of alleged sexual harassment; and~~
- ~~3) Actively participating in the public schools' efforts to prevent sexual harassment in the schools.~~

~~Retaliation in any form, including threats, intimidation, reprisal or harassment, towards any person who makes a sexual harassment complaint, or who assists in or participates in an investigation, proceeding, or hearing is strictly prohibited. If it occurs, it may be considered grounds for dismissal of staff, or removal from the educational setting for a student, who perpetrates a retaliatory act or causes or encourages retaliatory acts.~~

~~False Reports: False reports of sexual harassment can cause permanent damage to the victim of such claims and must therefore be treated as a very serious matter. A false claim may be considered grounds for dismissal of staff, or discipline including removal from the educational setting for a student, who makes a false claim.~~

~~Confidentiality: Reports and complaints of sexual harassment will be kept as confidential as possible consistent with the rights of all parties.~~

~~Sexual Harassment Officers: Two Sexual Harassment Officers (one male and one female) will be designated in the District who will be responsible for processing complaints of sexual harassment in accordance with the procedures available from the Superintendent's Office or the Principals' Offices.~~

#### ~~Complaint Procedures:~~

- ~~1) What one person may consider acceptable behavior may be viewed as sexual harassment by another person. Therefore, the victim should make clear to the harasser that the behavior is offensive and must stop. If the harasser does not stop the behavior, or if the victim is uncomfortable confronting the harasser, or if the behavior warrants further action in the opinion of the victim, the victim should lodge a complaint with the building administration, the Superintendent of Schools or the Sexual Harassment Officer who will notify the administration.~~
- ~~2) Upon receipt of a complaint, the building administrator or Superintendent will immediately ask a Sexual Harassment Officer to investigate the matter. The complaint should be as specific as possible, including names, dates, times, places, witnesses, and specific words or actions which were experienced as offensive. In cases involving students, the student's parents will be notified immediately of the complaint, the steps to be followed, and the ways in which they will be involved in the process.~~
- ~~3) All complaints of sexual harassment will be promptly investigated. Depending on the circumstances, the investigation may encompass any or all of the following:
  - ~~a) The alleged victim may write a letter to the alleged harasser describing the offensive behavior, the circumstances under which it took place, the way the behavior made the victim feel, and requesting that the harasser apologize and promise not to repeat the behavior. The Sexual Harassment Officer will then meet with the alleged harasser, hear the harasser's account of the situation, present the victim's letter, and discuss the matter.~~
  - ~~b) A meeting between the alleged victim and the alleged harasser may be held. Such a meeting will be held in the presence of the Sexual Harassment Officer.~~
  - ~~c) The Sexual Harassment Officer may interview all parties and witnesses to the alleged harassment.~~~~
- ~~4) In cases of alleged student harassers, the Sexual Harassment Officers will report the facts of the alleged harassment to the building administrator. If the building administrator determines that these facts constitute harassment,~~



~~disciplinary consequences such as detention, suspension, or expulsion consistent with school rules may be implemented. In cases of alleged adult harassers, the Sexual Harassment Officers will report the facts of the alleged harassment to the building administration or the Superintendent of Schools. If the administrator or Superintendent determines that these facts constitute harassment, disciplinary action, including, but not limited to, warning, suspension, demotion, or termination may result. In all cases, the receiving administrator will make a written decision as to whether harassment occurred. If disciplinary steps are taken, copies of the reports of facts and the written decision will go to the harasser, the personnel file in cases of adult harassers, and to the parents in cases of student harassers. The victim, and his or her parents, if the victim is a student, will also be informed of the determination as to whether harassment occurred.~~

~~In addition to, or in lieu of discipline, harassers will be required to participate in an education program designed to heighten understanding and awareness of the effects of sexual harassment on victims, society, and the climate of schools and workplaces. Other types of resolutions may also be implemented.~~

- ~~5) Repeated or extreme forms of harassment, violence, or civil rights infringements by a student will result in a recommendation for expulsion or termination from Marblehead Public Schools.~~
- ~~6) In addition to disciplinary steps taken by public school officials, there may be legal options that may be pursued either by the victim, the schools or public agencies. The Sexual Harassment Officers will make information on legal options and obligations available to all parties.~~
- ~~7) Under certain circumstances, sexual harassment may constitute child abuse under Massachusetts General Laws, Chapter 119, Section 51A. Marblehead Public School personnel shall comply with Massachusetts laws and School Committee policy in reporting suspected cases of child abuse.~~
- ~~8) The Sexual Harassment Officers will make complete records of all complaints, facts, steps taken, determinations, and resolutions, and those records will be kept in a central file in the Principals' offices and the Superintendent's Office for a period of 60 years.~~

#### **State and Federal Remedies:**

~~In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governing agencies set forth below. Our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (OCR – 180 days; MCAD – 6 months).~~

~~1) United States Department of Education Office for Civil Rights – Region I  
— J.W. McCormack Post Office and Court House  
— Post Office Square  
— Boston, MA 02109 (617) 223-9685~~

~~2) The Massachusetts Commission against Discrimination (“MCAD”)  
— One Ashburton Place – Rm. 601  
— Boston, MA 02108 (617) 727-3990~~

~~CROSS REF.: — AC, Nondiscrimination  
— JICFB, Bullying  
— ACAC Sexual Harassment Policy of the Town of Marblehead~~

#### **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

Formatted: Font: 11 pt, Not Bold, Italic

Formatted: Font: 11 pt, Not Bold, Italic

### **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. ch.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*

Formatted: Font: +Body (Cambria)

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. ch.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**

Formatted: Left

Formatted: Font: Times New Roman, 11 pt

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. ch. 71, § 37H - Policies relative to conduct of teachers or students; student handbooks**

Formatted: Font: Times New Roman, 11 pt

Formatted: Left

*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) When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion

**Commented [mm38]:** The statute was amended through Chapter 222 of the Acts of 2012. This section "e" was removed. The following sections e-g reflect the current statutory language.

(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.

**Formatted:** Font: Italic

(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. ch. 71, § 37H1/2 - Felony complaint or conviction of student; suspension; expulsion; right to appeal**

**Formatted:** Font: 11 pt

**Formatted:** Left

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: Times New Roman, 11 pt

*(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 ~~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.

#### M.G.L. ch. 71B

All students, including those receiving services under the Individuals with Disabilities Education Act (IDEA), M.G.L. c. 71B, and/or Section 504 of the Rehabilitation Act of 1973, are expected to adhere to the rules and regulations stated in this Student Handbook. The following procedures shall, however, apply when students with disabilities are subjected to suspension or expulsion in excess of (10) consecutive school days or when, as a result of a pattern of disciplinary removals exceeding ten (10) school days cumulatively in the school year, the student has been subjected to a disciplinary change in placement. Students entitled to the additional procedural protections set forth below include: (1) students who have been found eligible for special education services in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B; and (2) students who have been evaluated and determined to be eligible students as defined under Section 504 of the Rehabilitation Act of 1973; and (3) students who the District knows or should have known may be eligible for special education under the IDEA or Section 504.

a. A suspension of longer than ten (10) consecutive school days or a series of short term suspensions that exceed ten (10) school days in a school year and constitute a pattern of removal are considered to constitute a disciplinary change in placement.

b. Within ten (10) school days of any decision to impose a suspension or expulsion that would result in a disciplinary change in placement of a student with a disability, building administrators, the parent(s)/guardian(s), the student (where appropriate), and relevant members of the student's IEP/504 Team ("Manifestation Team") will convene to determine whether the violation for which the student is subject to a disciplinary change in placement was caused by or was directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or Section 504 Plan.

c. If the Manifestation Team determines that the conduct for which the student is subject to suspension WAS NOT a manifestation of the student's disability, the student may be disciplined in accordance with the policies and procedures applicable to all students except that students eligible for special education services under the Individuals with Disabilities Education Act shall be entitled to a free appropriate public education as of the eleventh (11<sup>th</sup>) cumulative day of disciplinary exclusion in the school year. A functional behavior assessment will be conducted where appropriate.

d. If the Team determines that the conduct for which the student is subject to suspension WAS a manifestation of the Student's disability, the District will conduct a functional behavior assessment or review any existing behavior intervention plan and takes steps (with the consent of the parent/guardian) to revise/amend the IEP, the placement, or the behavior intervention plan and the student will not be suspended or expelled for the violation found to be a manifestation of his/her disability.

e. The parent(s)/guardian(s) shall have the right to appeal the manifestation Team's determination, the imposition of a disciplinary change in placement, and/or the student's placement in an interim alternative educational setting to the Massachusetts Bureau of Special Education Appeals. The student will remain in the disciplinary placement imposed by school authorities pending a decision on any such appeal or until the expiration of the disciplinary sanction, whichever comes first.

**Commented [mm39]:** This is not language from M.G.L. c. 71B.

The information provided in this statement is provided in the previously set forth section "Discipline and Students with Disabilities"

~~f. If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a dangerous weapon, or causes substantial bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational setting (IAES) for up to forty five (45) school days without regard as to whether said conduct was a manifestation of the Student's disability. 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.~~

~~g. 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. Under such circumstances, the District shall make every effort to complete all initial evaluation testing and to convene an Evaluation Team meeting within thirty (30) school days of the District's receipt of the parent(s)/guardian(s)' written consent to the testing proposed for purposes of the student's initial evaluation. 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.~~

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

~~1. If, prior to the disciplinary action, the school had knowledge that the student may be a student with a disability, the school will provide the student with all protections available under the laws pertaining to students with disabilities until and unless the student is subsequently determined not to be eligible. The district may have prior knowledge if:~~

- ~~1. The parent had expressed concern in writing; or~~
- ~~2. The parent had requested an evaluation; or~~
- ~~3. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.~~
- ~~2. The school will not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.~~
- ~~3. If the school had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the school will proceed consistent with federal requirements to conduct an expedited evaluation to determine eligibility.~~

~~If the student is found eligible, then they will receive all procedural protections subsequent to the finding of eligibility.~~

**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

Formatted: Justified, Line spacing: Multiple 1.15 li

Formatted: Justified, Indent: Hanging: 0.18", Pattern: Clear

Commented [mm40]: Add this statute

Formatted: Font: Bold

Formatted: Font: Italic

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

**Formatted:** Font: +Body (Cambria), Bold

**Formatted:** Font: Times New Roman, 11 pt

**Commented [mm41]:** As the DESE is very focused on ensuring that all attendance related notices and information are provided to student and parents, we would recommend including this statute in this section.

**Formatted:** Font: Times New Roman, 11 pt

**Formatted:** Font: Times New Roman, 11 pt, Italic



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.

Formatted: Font: Italic

## Appendix C

### 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: JNDB-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

Formatted: Font: 11 pt

## APPENDIX E

### 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

**Commented [mm42]:** The District is, in addition to specific notice of any surveys conducted, required to provide an annual notice of rights under the PPRA. It is recommended that this general notice be included in the handbooks for that purpose.

**Formatted:** Font: Cambria, 14 pt, Bold, Font color: Blue

**Formatted:** Left

**Formatted:** Font: Cambria, 14 pt, Bold, Font color: Blue



# **Marblehead Veterans Middle School**



## **Family Handbook**

**2022 - 2023**



### **MVMS MISSION STATEMENT**

The mission of Marblehead Veterans Middle School is to set high standards for scholastic excellence and to empower students to be self-motivated life-long learners. We strive to ensure that all students will develop a mastery of skills, the capacity for critical thinking and the adaptability to be successful in a changing world. We seek to create an environment that teaches respect for the community and responsibility for one's decisions, fosters recognition of self, and promotes an appreciation of people's differences.

### **MVMS CORE VALUES**

Marblehead Veterans Middle School is an academic community  
where respect, collaboration and excellence interconnect.

This handbook references  
Marblehead Public Schools District policies,  
reviewed and voted upon by the Marblehead School Committee.  
*Please see MPS SC Policy CHCA*

## Table of Contents

<b>About MVMS &amp; MPS</b>		
Welcome to MVMS .....		5
School Year Calendar .....		6
MVMS at a Glance .....		7
Visitors .....		7
Where to go if you have a question .....		7
MPS Central Administrators & Directors.....		8
METCO .....		8
SEPAC .....		8
Teaming & Daily Schedules .....		9
The School Day .....		9
Course Offerings .....		9
Advisory Program .....		9
Daily Bell Schedule .....		10
 <b>Academics</b>		
Classroom Expectations .....		11
Homework .....		11
Assignment Notebooks .....		11
Report Cards/Grading Scale .....		11
Make-up Work due to Absences .....		12
Academic Recognition (Honor Rolls) .....		12
Requirements for Promotion .....		12
Academic Dishonesty and Plagiarism .....		12
 <b>Attendance Requirements &amp; Procedures</b>		
Student Absences .....		13
Student Dismissals .....		13
Student Tardies .....		13
 <b>Communication</b>		
School/Home Communication – School Messenger.....		14
Change of Address/Phone Number .....		14
Notification of Field Trips .....		14
Office Telephone Use .....		14
Health Education .....		14
Services & Accommodations for Students with Disabilities.....		14
Lost & Found .....		15
 <b>Medical/Food/Family Services</b>		
Food Services .....		16
School Nurse Information .....		16
Absence due to illness .....		16
Food allergies .....		17
Concussions .....		17
Immunizations .....		17
State Regulations for Immunizations.....		17
Prescription medication guidelines.....		18
Physical examinations .....		18
Special medical considerations .....		18
Home/Hospital Tutoring .....		18

Homeless Students	19
<u>Student Records</u>	
Student Expectations	
Computer Usage	20
Dress Code	20
Cell Phone/electronics Usage	21
Student Conduct	21
Behavioral provisions	21
Definitions of common consequences	21
Type 1 prohibited actions/consequences	22
Type 2 prohibited actions/consequences	23
Type 3 prohibited actions/consequences	23
Discipline and Students with Disabilities	24
Investigative Procedure	25
Student Searches	25
Lockers	25
Appeal Process	26
Non-Discrimination Notice	26
After School Activities	
Clubs	27
Sports	27
User Fees	27
Academic Eligibility for Activities	27
Appendix A – Bullying, Harassment, Sexual Harassment, and Hazing Policies	28
Appendix B – Selected Laws Related to Student <u>Conduct and Discipline</u>	35
Appendix C – Acceptable Usage Policy and Student Email Policy	38
Appendix D – Athletic Concussion Policy	40
<u>Appendix E - Student Surveys</u>	

Formatted: Heading 2



## MARBLEHEAD VETERANS MIDDLE SCHOOL

Duncan Sleigh Square  
217 Pleasant Street  
Marblehead, Massachusetts 01945  
781-639-3120 Fax: 781-639-3130

---

### To the Student:

Welcome to Marblehead Veterans Middle School! This handbook is intended as a roadmap to success here at MVMS, and it includes the information necessary for you to be ~~come~~ an active member of our school.

As you transition into middle school, your success will depend upon the degree of your academic and social involvement. We encourage you to be an active learner as well as an active member of the school community. The entire staff at MVMS is dedicated to assist you in any and every way that is necessary to ensure your two years here are productive, exciting, and prepare you for high school. It is our goal to provide you with the necessary knowledge and skills that will allow you to be successful in all future academic pursuits. It is our hope that you will invest in your education and development by being responsible school citizens, treating people with dignity and respect, and taking great pride in your school.

Entering a new school can be worrisome. To help ease that transition, I encourage you to get involved in one of the clubs, activities, or sports that are listed at the back of this handbook. These are great opportunities to make new friends.

### To the Parents/Guardians:

A successful school experience is truly a collaborative effort. It is our responsibility to provide the best possible educational experience we can for the students of MVMS. As partners, we must have parents and guardians work together with us to support and encourage our students. Strong and effective communication is an essential element of all great schools; throughout the year, we encourage everyone to take advantage of the new parent portal into the grading system here at MVMS. Information about this new system has already been sent home, but can also be ~~found~~ [accessed](https://www.marbleheadschoools.org/veterans-middle-school) by visiting our website at <https://www.marbleheadschoools.org/veterans-middle-school>.

On behalf of the faculty and staff here at Marblehead Veterans Middle School, I would like to welcome you to the 2022 - 2023 school ~~year, and year and~~ wish you the best of luck!

Sincerely,

Matthew J. Fox  
Principal

**Marblehead Public Schools  
2022-2023 School Calendar**

August/September 2022 (17)				
M	T	W	Th	F
*29*	30	31	1	2
5	-6-	7	-8-	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

October 2022 (19)				
M	T	W	Th	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

November 2022 (19)				
M	T	W	Th	F
	1	2	3	4
7	8	9	10	11
14	15	16	17	18
21	22	23	24	25
28	29	30		

December 2022 (15)				
M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

January 2023 (20)				
M	T	W	Th	F
2	-3-	4	5	6
9	10	11	12	13
16	17	18	19	20
23	24	25	26	27
30	31			

- August**
- \*29\* New Teacher Orientation
  - 30-31 Teacher Prof. Dev.
- September**
- 1 Teacher Prof. Dev.
  - 2 No School
  - 5 No School-Labor Day
  - 6- **First Day of School 1<sup>st</sup>-12<sup>th</sup> Grade**
  - 8- **1<sup>st</sup> Day of School K & PreK**
  - 26-27 No School-Rosh Hashanah
- October**
- 5 Yom Kippur
  - 10 No School-Indigenous Peoples' Day
  - 26 Early Release-Prof Dev PreK-12<sup>th</sup>
- November**
- 11 No School-Veterans Day
  - 23 Early release
  - 24 & 25 No School-Thanksgiving Break
- December**
- 8 No School-PreK-8 Conferences Prof Dev 9-12
  - 15 Early Release-PreK-8 Conferences Prof Dev 9-12
  - 22 Early Release
  - 23-30 No School-December Break
- January**
- 2 No School-Dec/Jan Break
  - 3- **Students return to school**
  - 16 No School-MLK day
- February**
- 20-24 No School-Winter Break
- March**
- 15 Early Release-Prof Dev PreK-12<sup>th</sup>
- April**
- 7 Early Release PreK-12<sup>th</sup> Good Friday
  - 17-21 No School-Spring Break
- May**
- 29 No School-Memorial Day
- June**
- 19 No School-Juneteenth
  - 22 Last Day Students and Staff

February 2023 (15)				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28			

March 2023 (23)				
M	T	W	Th	F
		1	2	3
6	7	8	9	10
13	14	15	16	17
20	21	22	23	24
27	28	29	30	31

April 2023 (15)				
M	T	W	Th	F
3	4	5	6	7
10	11	12	13	14
17	18	19	20	21
24	25	26	27	28

May 2023 (22)				
M	T	W	Th	F
1	2	3	4	5
8	9	10	11	12
15	16	17	18	19
22	23	24	25	26
29	30	31		

June 2023 (15)				
M	T	W	Th	F
			1	2
5	6	7	8	9
12	13	14	15	16
19	20	21	22	23
26	27	28	29	30

***	No School for Students-Teacher Work Day		No School for Students and Teachers/School Year Staff-Holiday or Vacation breaks
**	New Staff Orientation Only		
	No School PreK-12 <sup>th</sup> Grade (Parent Conferences and/or Prof Dev)		Early Release Days for either PreK-12 <sup>th</sup> or PreK-8 <sup>th</sup> students due to Prof Dev, Conferences or before a holiday break
	Last Day of School for students and Staff- 180 days		185 <sup>th</sup> Day of school for students and staff if needed for cancellations

## **ABOUT MVMS & MPS**

### **MVMS At a Glance**

School Contact Information	217 Pleasant Street, Marblehead, Massachusetts 01945 Phone – (781) 639-3120 Fax – (781) 639-3130
School Day	The academic school day runs from 8:00 a.m. - 2:30 p.m.
Lunch Schedule	Grade 8 11:38 a.m. - 12:08 p.m. Grade 7 12:10 p.m. - 12:40 p.m.
Report An Absence	<b>Call before 8:15 a.m. to report a student as absent or late.</b> 781-639-3120 ext.: 30002
Cancellation/Delayed Opening	Blackboard telephone call and/or email by 6:30 a.m. Radio: WBZ Boston - 1030; Television channels 4, 5 and 7. Website: <a href="https://www.marbleheadschoools.org/">https://www.marbleheadschoools.org/</a>
Web Address	<a href="https://www.marbleheadschoools.org/veterans-middle-school">https://www.marbleheadschoools.org/veterans-middle-school</a>

### **Visitors**

For safety and security reasons, all visitors must check in at the main office. ~~Each~~All visitors, including substitute teachers, must wear a visitor badge at all times during the visit. Three visitor spots are located near the main entrance next to the island and additional parking is adjacent to the tennis courts. Please park in approved locations and do not leave vehicles running. The visitors' parking area is not to be used for drop-off and pick-up of students. .

### **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 Marblehead Veterans Middle School in case of questions or concerns. Please refer to the MVMS faculty directory on our web site for our faculty email addresses and telephone extensions: <https://www.marbleheadschoools.org/domain/103>

Classroom Issues	Contact the teacher first using the teacher's email or voicemail extension. If you have additional concerns, contact your student's guidance counselor. If you still have questions, contact the Assistant Principal or Principal.
Scheduling Issues	Contact the guidance counselor first using their email or voicemail extension listed in our web directory. If you have additional concerns, contact the Principal.
Curriculum Issues	Contact the lead teacher. If you have additional concerns, contact the Assistant Principal or Principal.
Special Education Issues	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 and Program Accountability.

**Commented [mm1]:** The District is strongly encouraged to include this notice in all handbooks.

**Formatted:** Font: Times New Roman, 12 pt

**Formatted:** Font: 12 pt

**Formatted:** Font: Times New Roman, 12 pt

**Formatted:** Font: Italic

- Behavioral Issues Contact the teacher or guidance counselor first. If you are still concerned, contact the Assistant Principal.
- Family Issues Contact your student's guidance 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 at 9 Widger Road. The public is welcome and encouraged to attend and [to](#) participate during the public comment period.

### **Marblehead Public Schools Central Administrators/Directors**

<b>Superintendent of Schools</b>	781-639-3140 ext.: 10114
<b>Assistant Superintendent Teaching and Instruction</b>	781-639-3140 ext.: 10114
<b>Assistant Superintendent for Finance</b>	781-639-3140 ext.: 10108
<b>Director of Student Services</b>	781-639-3140 ext.: 10105
<b>Executive Director of Technology</b>	781-639-3140 ext.: 10107
<b>Food Service Director</b>	781-639-3120 ext.: 30136
<b>Facilities Director</b>	781-639-3140 ext.: 10103
<b>Athletic Director</b>	781-639-3100 ext.: 26105

### **METCO - Metropolitan Council for Educational Opportunities**

The Marblehead Public Schools ~~have~~[has](#) been a voluntary participant in the METCO program for over 40 years. The METCO staff includes a director, 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. Host families are a critical component of this program. If you are interested in hosting a METCO student, contact the program director at 781-639-3100.

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

The Marblehead Special Education PAC (SEPAC) is a parent advisory council organization run by parents of children with special needs. [The](#) SEPAC'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 <https://www.mhdsepac.com/>



### Teaming and Daily Schedules

Marblehead Veterans Middle School, in response to data-based research on middle schools, assigns students to teams that create communities for learning. In the 7<sup>th</sup> and 8<sup>th</sup> grades, students are assigned to one of the two teams per grade; either Red Team or Black Team. The goal of teaming students in the middle school is two-fold. Our first goal is to create a smaller community of students. The second goal is to allow teachers common planning time to discuss students, their achievements, and to identify those needing additional assistance.

### The School Day

The academic school day runs from 8:00 a.m. - 2:30 p.m. Please note: Students are not allowed in the academic areas of the building prior to 7:50 a.m. unless they have an appointment to see a faculty member or are in the library. Breakfast is served in the cafeteria at 7:30 a.m. each day. Students who stay after school for activities or extra help must be with a faculty member at all times. As all after-school activities and sports do not begin until 3:00 p.m., students are expected to be with a faculty member or studying and doing homework in the library until 3:00 p.m.

### Course Offerings

<b>On-Team Subjects</b>	<b>World Language Classes</b>	<b>Unified Arts Rotation</b>	<b>Physical Education/Health</b>	<b>Performing Arts Classes</b>	<b>Classes Providing Assistance</b>
<ul style="list-style-type: none"> <li>• English</li> <li>• Math</li> <li>• Science</li> <li>• Social Studies</li> </ul>	<ul style="list-style-type: none"> <li>• French</li> <li>• Latin</li> <li>• Spanish</li> </ul>	<ul style="list-style-type: none"> <li>• Art</li> <li>• Music</li> <li>• Technology</li> <li>• Science/Engineering</li> </ul> <p>Students rotate through these classes every quarter</p>	<ul style="list-style-type: none"> <li>• Physical Education</li> <li>• Health</li> </ul> <p>Students rotate through these classes every quarter</p>	<ul style="list-style-type: none"> <li>• Band</li> <li>• Chorus</li> <li>• Orchestra</li> </ul> <p>These classes meet three times a week around lunch Students not taking a performing arts class will be assigned to a "Just Read" class</p>	<ul style="list-style-type: none"> <li>• Curriculum Support (CS)</li> <li>• Academic Support (AS)</li> <li>• Math Literacy (Math Lit)</li> </ul> <p>CS is a special education class, and placement is determined by the team. AS is a regular education class, and placement is a family decision Math Lit is a voluntary math support class that takes the place of Health</p>

### Advisory Program

*"Every student needs at least one thoughtful adult who has the time and takes the trouble to talk with the student about academic matters, personal problems, and the importance of performing well in middle grade school."*

*-Carnegie Council on Adolescent Development*

Each student is assigned an advisor with whom he or she will meet two times per week on Wednesdays and Thursdays. Topics discussed by all grades during advisor meetings include goal setting, self-esteem, study skills, decision-making, peer relationships, stamping out social cruelty, leadership opportunities, and community service projects.

**Daily Bell Schedule**

Our schedule is unique to Marblehead Veterans Middle School and has been recognized as a model by Carnegie Corporation’s *Turning Points: Educating Adolescents in the 21<sup>st</sup> Century*. The schedule below demonstrates our 6-period day; including lunch and advisory/performing arts (band, orchestra, and chorus). This schedule is subject to change based upon COVID safety protocols and requirements.

<u>PERIOD</u>	<u>DAY 1</u> Drop I Block	<u>DAY 2</u> Drop H Block	<u>DAY 3</u> Drop G Block	<u>DAY 4</u> Drop D Block	<u>DAY 5</u> Drop C Block	<u>DAY 6</u> Drop B Block	<u>DAY 7</u> Drop A Block
8:00 – 8:54	A	I	H	G	D	C	B
8:56 – 9:48	B	A	I	H	G	D	C
9:50 – 10:42	C	B	A	I	H	G	D
10:44 – 11:36	D	C	B	A	I	H	G
11:38 – 12:08	<p>E</p> <p>7<sup>th</sup> Grade – Performing Arts/Just Read (Monday, Tuesday, Friday), Advisory (Wednesday, Thursday)</p> <p>8<sup>th</sup> Grade Lunch</p>						
12:10 – 12:40	<p>F</p> <p>8<sup>th</sup> Grade – Performing Arts/Just Read (Monday, Tuesday, Friday), Advisory (Wednesday, Thursday)</p> <p>7<sup>th</sup> Grade Lunch</p>						
12:42 – 1:34	G	D	C	B	A	I	H
1:36 – 2:30	H	G	D	C	B	A	I

## ACADEMICS

### Classroom Expectations

Teachers will give each student a written summary of academic and behavioral expectations at the beginning of each course and describe the relative weights to be assigned to different types of work and tests in determining the grade and the policy for make-up work.

### Homework

Per School Committee Policy:

Grades 7-8: Teachers of all core courses shall assign meaningful homework. The quality, not quantity, of the assignment is the object. Students will typically have 25 minutes homework per core subject area per night. Teachers will utilize a master team schedule for important assignments to prevent the likelihood of a student having [three \(3\)](#) or more tests or significant assignments due on a given day.

*Please reference the entire MPS SC homework policy IKB*

### Assignment Notebooks

Students are required to record all homework assignments in the assignment notebook provided by the school. Along with other forms of communication, parents/guardians are encouraged to review this notebook with their child.

### Report Cards and Grading Scale

Quarterly report cards are available via the parent portal.

<b>Letter Grade</b>	<b>Grade Equivalency</b>
<b>A+</b>	100 – 97
<b>A</b>	96 – 94
<b>A-</b>	93 – 90
<b>B+</b>	89 – 97
<b>B</b>	86 – 84
<b>B-</b>	83 – 80
<b>C+</b>	79 – 77
<b>C</b>	76 – 74
<b>C-</b>	73 – 70
<b>D+</b>	69 – 67
<b>D</b>	66 – 64
<b>D-</b>	63 – 60
<b>F</b>	59 and Below

A student may also receive an "I" for incomplete work, or a "P" for passing work, if individual and/or extenuating circumstances arise.

I - Incomplete work must be made up within [ten \(10\)](#) school days after the report card is issued and is the responsibility of the student. Otherwise, the course grade will revert to an "F."

### Make-up Work Due to Student Absence

Students who are absent are responsible for meeting with their teachers on the day they return to school to create a plan for any work they missed. If a student has been absent for multiple days, they are also encouraged to seek assistance from their guidance counselor. Students will have the same amount of days as their absence to make-up assignments after their return to school. For example, if a student is absent on Tuesday and returns to school on Wednesday, make-up work is due on Thursday. Parents/[guardians](#) may request teacher-prepared homework for students on the second day of absence if they know their child will be absent three [\(3\)](#) or more days.

### Academic Recognition

**High Honors:** Students earning at least all A's and one B each quarter

**Honors:** Students earning all A's and B's each quarter

### Requirements for Promotion

Students are expected to successfully complete 75% of their major courses and four [\(4\)](#) of the following areas: art, music, wellness/family and consumer sciences, technology education, media literacy, and physical education. Failure to do so will require the student to attend summer school, or, in some cases, be retained. Passing a yearlong course requires earning a minimum grade of "D" each quarter or its equivalent of four points during the year (A = 4 points, B = 3 points, C = 2 points, D = 1 point). Promotion may also occur at the discretion of the principal, in consultation with the teacher(s) and parents. [The principal shall, however, exercise final decision-making authority with regard to a student's promotion or retention.](#)

### ACADEMIC DISHONESTY AND PLAGIARISM

Tests, quizzes, homework, written papers, and other forms of assignments are tools for a teacher to measure how well a student is learning. Therefore, all work must be the student's own words. For written work all sources must be shown, e.g., cited quotations for exact words or attribution for ideas. Any student contributing to the academic dishonesty of another student will face the same consequences as the student s/he assisted. The rules regarding academic dishonesty and plagiarism apply over the course of a student's two years at MVMS. It is not based on offenses per class or year. For example, if the first offense occurred in a student's seventh grade year and the next offense occurred during eighth grade, the penalty for a second offense would apply.

#### FIRST OFFENSE – Type 1 Offense

- A. Zero given for test or assignment.
- B. Parent notification.
- C. Student will complete a plagiarism packet.
- D. An extremely serious case, such as stealing a test, may result in out-of-school suspension or more severe consequences.

#### SECOND OFFENSE – Type 2 Offense

- A. Zero given for test or assignment.
- B. Teacher, guidance counselor and/or administrator will meet with student and parent to discuss incident and behavioral consequences.
- C. Student must redo assignment satisfactorily (though grade remains a zero). Student must complete plagiarism packet.
- D. An extremely serious case, such as stealing a test, may result in out-of-school suspension or more severe consequences.

#### THIRD OFFENSE – Type 2 Offense

- A. Zero given for test or assignment.
- B. Teacher, administrator, and guidance counselor meet with student and parent to discuss incident and behavioral consequences.
- C. Student must redo assignment satisfactorily (though grade remains a zero). Student must complete plagiarism packet and additional research on plagiarism.

**Commented [mm2]:** It is strongly recommended that this sentence be included. This statement is consistent with SC Policy IKE.

D. An extremely serious case, such as stealing a test, may result in out-of-school suspension or more severe consequences.

## 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. Please see the following information about what do to when your child will be absent or dismissed from school, or late to school. Per established attendance practices at MVMS, a letter will be sent home following the fifth unexcused absence.

### Student Absence Procedures

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

Please call the school before 8:15am on the day that they will be absent. Please call **781-639-3120 ext. 30002**.

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

When you call your child in absent, please clearly state their name, grade, reason for absence, and, if you know, [their your child's expected](#) date of return. [If you do not contact the school to confirm your child's absence, you will be contacted by telephone or electronic mail as to the basis for your child's absence within three \(3\) school days of the absence](#)

**Commented [mm3]:** The following notification is required under MGL c. 76, 1B and as part of the District's attendance action procedures.

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

Yes, [in addition to contacting the school by no later than 8:15 a.m. on the day of your child's absence](#), please send in an absence note with your student when they return to school. Make sure you include the dates of absence. Per [School Committee](#) policy, the school may ask for a doctor's note certifying that the absence.

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

Per school committee policy, absences will be excused for illness, religious holidays, serious illness 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 each of their teachers upon returning and 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 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 the student's attendance.](#)

**Commented [mm4]:** The following notification is required under MGL c. 76, 1B and as part of the District's attendance action procedures.

**Formatted:** Font: Bold

**Formatted:** Font: Bold

[In the event that your child is absent without excuse in excess of ten consecutive school days, you will be contacted relative to the convening of an Exit Interview meeting in accordance with Massachusetts law. Please see M.G.L. c. 76, § 18 in Appendix B.](#)

### 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.

#### **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?**

The first class at MVMS begins at 8:00 a.m. Students not in their [first class](#) at that time will be considered tardy.

#### **Should I send a note in with my child if (s)he will be late?**

Yes. However, a tardy will only be excused if the reason matches the guidelines set for excused absences.

**Since running late or bad traffic is not a reason for an excused tardy, what will happen to my child who is late to school?**

As we understand that there are those days when families are running late or traffic backs up, each student will be allowed two unexcused tardies per quarter, with no consequences.

**What happens after those two “free” unexcused tardies?**

Students will be required to meet with the teacher of their first block class after school. The student will have to turn in a signed “Tardy Pass” to the main office, demonstrating that they met with that teacher. Tardy passes will be handed out from the main office. Failure to turn in a signed pass may result in an office detention.

**How many times will the “tardy pass” system be used?**

If a student misses two (2) or more classes due to 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 the student’s attendance.

**Commented [mm5]:** Required under M.G.L. c. 76, 1B

Upon ~~the~~ 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.

**Formatted:** Indent: Left: 4", First line: 0.5"

## COMMUNICATION

### School/Home Communication – Blackboard

The Marblehead Public Schools subscribes to a “school to home” communication service, Blackboard. 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 Residential Address/Email Address/ Phone Number

It is important to notify the school promptly of changes in [residential address](#), [electronic mail address](#), and/ or telephone number(s) so that parents/~~or~~ guardians can be reached in the event of an emergency.

### Notification of Field Trips

Parents will be informed of all field trips, no later than one (1) week before they occur (except in unexpected circumstances).. **Students may not participate in field trips without parent/guardian consent signed and returned to school.** [The required consent forms submitted with alterations or revisions are not valid.](#) Staff members supervise students during out-of-school activities.

*Please see MPS SC field trip policy IJOA*

### Office Telephone Use

Students are allowed to use the telephone in the main office during lunch or before or after school. In special circumstances, students may obtain permission from a classroom teacher to use the phone in the main office during the school day.

### Health Education

As part of our Health curriculum, students are presented with a unit on human development that includes reproductive health and human sexuality. In accordance with [M.G.L. c. 71, § 33, Chapter 71, Section 33 of Massachusetts General law](#), school committee policy shall afford parents or guardians the flexibility to exempt their children from any portion of said curriculum through written notification to the school principal.

*Please see MPS SC Health Education policies IHAM, IHAM-1, and IHAM-R*

### Services and Accommodations for Students with Disabilities

Some students with disabilities require [individualized accommodations](#), specialized instruction, and/or supportive services to ~~help them make effective progress in school~~ [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 [Pupil-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, Within five \(5\) school days of a request for an evaluation of a student’s eligibility for special education](#), 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)’ 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](#) ~~an individual accommodation plan~~ 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 the building principal at 781-639-3113 or the Marblehead Public Schools Director of Student Services at 781-639-3140.

### **Lost & Found**

There are two “Lost and Found” areas at MVMS. They are located in the gym and the Cafeteria. Any clothing or items that go unclaimed will be sent to a local charity periodically throughout the year.

Textbooks and other school materials are the responsibility of the student, and **must be paid for if lost or damaged.**

## **MEDICAL/FOOD/FAMILY SERVICES**

### **Food Services**

**Breakfast:** Students should eat a healthy breakfast before arriving at school. The breakfast program at MVMS runs from 7:30 a.m. to 7:50 a.m.

#### **Breakfast Rules**

1. Students are not permitted into the Cafeteria until 7:30 a.m.
2. Once a student is in the Cafeteria, they must stay until the bell rings at 7:50 a.m.
3. Students are to be respectful and courteous to all.
4. Students are to remain seated during breakfast.
5. Students are not to take open containers of drinks or food from the Cafeteria.
6. Students are responsible for cleaning their immediate area before 7:50 a.m.

**Lunch:** Grades 7 & 8 will have a thirty minute lunch break. Well-balanced meals are available. Milk and/or snack may be purchased separately. Free and reduced price lunches are available to those who qualify. For current lunch menu information, go to <https://www.marbleheadschoools.org/district/food-services>.

#### **LUNCH SCHEDULE**

<b>Grade</b>	<b>Time</b>
<b>8</b>	<b>11:38 a.m. - 12:08 p.m.</b>
<b>7</b>	<b>12:10 p.m. - 12:40 p.m.</b>

The Principal, Assistant Principal, Guidance Counselor, and teachers supervise lunch. The following rules are to be observed:

1. Students are to be respectful and courteous to all.
2. Students are to remain seated during lunch.
3. Students must obtain permission from an adult in order to leave the cafeteria.
4. Students are not to take open containers of drinks or food from the cafeteria.
5. Glass bottles should not be brought onto school grounds without permission.
6. Students are responsible for cleaning their immediate area before being dismissed.

### **School Nurse Information**

**MVMS School Nurse Contact Number - 781-639-3120 ext. 30128**

Assessment and treatment are provided for minor injuries or illnesses during the school day. If a student becomes ill or is seriously injured their parent or guardian is notified immediately. If a parent cannot be reached in an emergency, the child will be transported to the appropriate medical facility. The nurse will dismiss any child who is too ill to be in school, requires further assessment or treatment for an illness or injury, or is considered to be contagious or susceptible to disease. Timely health bulletins will be sent home to inform parents/[guardians](#) of any public health issues.

### **Absence due to Illness**

If your child is absent due to illness, please notify the school daily. We need to be kept informed so that we can alert other parents of infectious conditions. If your child is contagious, please keep him/her at home until your doctor has cleared him/her for return to school. Additionally, the school nurse asks that you follow these guidelines for sending students to school:

- Students being treated for strep throat must be kept home a minimum of 24 hours after treatment begins.
- Students who vomit in the night or in the morning before school should not be sent to school that day.
- Students with a febrile illness should be free of fever without the use of fever reducing medication for 24 hours before returning to school.

- For up-to-date health information, please check the district website: <https://www.marbleheadschoools.org>. Select Departments from the pull down menu, Health Services, Health Fact Sheet.

For personal safety reasons, please call the school to report absences or anticipated tardiness due to illness early in the morning at 781-639-3120 ext.: 30002.

### **Food Allergies**

It is our goal to keep all students 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, any food consumed outside of the cafeteria must be peanut and tree nut free. No sharing or swapping of any food is permitted. A parent information letter describing school policy and expectations for all types of food consumption at MVMS will be sent home before school starts and posted online.

**Commented [mm6]:** It is necessary that some reference be made in this section to Section 504 of the Rehabilitation Act as children with life threatening or substantially limiting allergic conditions are eligible students for purposes of Section 504 of the Rehabilitation Act of 1973.

**Formatted:** Font: Not Bold

**Formatted:** Font: Bold, Underline

### **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 to 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 entire School Committee Policy, JJIF, on Athletic Concussions*

### **Immunizations**

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 for either 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.

#### **Department of Public Health Division of Epidemiology and Immunization**

To bring Massachusetts' school immunization requirements up to date with several recent recommendations made by the Center for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP), the Department of Public Health (DPH) has made the following ~~made~~ changes to the school immunization requirements.

Massachusetts School immunization requirements applicable to the 2022-2023 school year are as follows: ~~The following changes will be effective fall of 2011 (not the fall of 2010):~~

#### Vaccine Requirements:

- 2 doses measles, mumps and rubella (MMR) vaccine for entry to kindergarten, 7th grade, full-time college freshmen and health science students (currently 2 doses of measles and 1 dose of mumps and 1 dose of rubella vaccine are required for these groups)
- 2 doses varicella vaccine for entry to kindergarten, 7th grade, full-time college freshmen and health science students (currently 1 dose of varicella vaccine is required for entry to kindergarten and 7th grade and there is no varicella requirement for college)
- 1 dose Tdap for entry to 7th grade, full-time college freshmen and health science students (currently 1 dose of Td is required for these groups)

**Commented [mm7]:** Recommend that these specific requirements be reviewed by the nurse leader to ensure that the stated requirements are current.

#### Definitions:

The definition of 'Certificate of Immunization' has been revised to also allow nurse practitioners and physician assistants, in addition to physicians, to sign and date the form or letter. The definition was also clarified to require the month and year of administration as well as the type/name of the vaccine administered in both electronic and hard copy documentation.

The current Massachusetts school immunization requirements can be found on their 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\*

Please order and have these vaccines available for your patients.

\*These vaccines are also available for adults seen in public sector settings 3/1/2010

### **MVMS Health Office Prescription Drop Off**

All prescription ~~and herbal~~ medication must be brought to the Health Office or School Office by a parent or guardian in a 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.

Under no circumstances shall a child be sent to school with medication without prior notification of the school nurse. Children found in possession of unauthorized medications on school grounds or at school sponsored events may be subject to discipline [for violation of the District's controlled substances policies](#).

### **Physical Examinations**

Physical exams are required prior to entry into kindergarten, 4th grade, 7th grade and 10th grade and for all students new to our schools. Vision screening for distance visual acuity and ocular alignment/stereopsis within 12 months prior to kindergarten entry or within [thirty \(30\) days](#) of the start of the school year. ~~is a law effective in 2005.~~

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 [your child's](#) physician for diagnosis, treatment, or referral.

### **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 medical~~ [Section 504 Plan](#) is developed collaboratively with [the school, the family, and health care providers](#). 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 ~~Tutoring~~ Educational Services**

A public school student who, due to documented medical reasons, is confined to [his/her](#) home or a hospital for not less than fourteen (14) school days during the school year, is ~~entitled~~ [eligible](#) to receive home/hospital educational instruction as described under 603 CMR 28.03(3)(c). Parents/[guardians](#) must present a completed ["Physician's Affirmation of Need for Temporary Home or Hospital Education for Medically Necessary Reasons"](#) or equivalent document [signed by the student's physician](#) ~~Physician's Statement~~ to the building principal ~~stating a diagnosis~~ [identifying the medical condition necessitating the student's confinement to home or to a hospital setting, -length-](#) ~~length~~ of time student is expected to be

Formatted: Line spacing: At least 12 pt

Commented [mm8]: It is not necessary to identify this as a "medical" 504 Plan.

Commented [mm9]: The correct terminology is "Section 504 Plan."

Formatted: Indent: Left: 1.5", First line: 0.5"

Commented [mm10]: It is important to use the correct terminology in this section. H/H services are not necessarily tutoring services and could be provided through delivering remote classroom access.

Commented [mm11R10]: We have also updated the terminology used in this section to be consistent with that currently used by the DESE.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

out of school, ~~and the s-well as the~~ expected return date. The form (~~code-~~DESE form 28R/3) can be digitally downloaded at the following address: <http://www.doe.mass.edu/sped/28MR/>.

~~Upon receipt of a properly completed and signed Physician's Affirmation, the building principal shall authorize and arrange for necessary home/hospital educational services. The Physician's Statement must be completed and signed by the student's physician and returned to the building principal, who will then authorize and/or arrange tutoring. The principal shall coordinate with the Director of Student Services relative to the provision of home/hospital educational services to an eligible student with a disability.~~

**Commented [mm12]:** It is recommended that this provision from the applicable regulation also be included in this statement.

### 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. Please contact the building principal if you have any need for assistance, and they can connect your family with the district's homeless liaison.

*Please see MPS SC Homeless policy JFABD*

### 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.~~

**Commented [mm13]:** All handbooks should contain at least a summary statement relative to the use of physical restraint.

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Bold, Font color: Auto

**Formatted:** Normal

~~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 and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:~~

**Commented [mm14]:** The District is required to provide annual notices of rights under FERPA and under the Massachusetts student records regulations. This statement should be included in the Handbook for that purpose.

(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 or eligible student believes 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:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

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.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

**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.

Formatted: Font: 11 pt

Formatted: Centered

## 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 (on or off line) 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.**

### MVMS Dress Code

The Marblehead Veterans Middle School dress code is based on the premise that all students attending the Marblehead Veterans Middle School are young adults who wish to dress and groom themselves appropriately with due consideration to popular convention. The dress code applies to all school-sponsored activities.

*Per School Committee Policy EBCFA masks must be worn at all times while in the building, unless a written note from a physician is provided for a requested exemption.*

1. Dress or grooming must not disrupt the educational process or threaten the health or safety of any individual. For example, clothing or jewelry that displays obscene, sexually suggestive, illegal, intentionally harassing, bigoted remarks, or symbols, or that encourages drinking, violence, drug use, sex, or tobacco will not be worn at ANY time during the school day (including physical education).
2. ~~Short shorts and very short skirts will not be worn. Shorts and skirts must extend to the bottom of the students' fingertips. Please monitor your child's school dress. (Shorts and skirts may not be rolled up to shorten them.)~~
3. ~~Leggings must be worn with skirt or shorts at an acceptable length.~~
4. ~~Tube, halter, camisole tops and bare midriffs are unacceptable.~~
5. Underwear that is visible is not allowed. The torso must be fully covered.
6. No hats or any other type of head covering, ~~i.e.,~~ hoods, bandanas, headbands, etc., may be worn unless used to keep long hair up and/or back or for religious purposes or documented medical reasons. Hats must ~~come off~~ be removed upon entering the building and not be put on again until they have exited the building.
7. Footwear laces will be tied.
8. Clothing will be neat and appropriately buttoned or zipped at all times. Dress and grooming will be clean.
9. Pajamas are not allowed.
10. Chain wallets and other clothing with chains are not allowed as chains may constitute dangerous weapons.
11. Students will not wear clothing, hairstyles, or footwear that can be hazardous to them or others in their educational activities.
12. Students may not bring hairspray, nail polish remover, perfume, or cologne to school. These products could be dangerous, damage school property and may cause allergic reactions among students, staff, and faculty.
13. Coats/jackets cannot be worn from 8:00am to 2:30pm. Faculty members may, however, allow students to wear coats/jackets if they ~~feel~~ that the room temperature is too cold.

The Assistant Principal or Guidance Counselors will resolve all questions or conflicts regarding dress.

If a student comes to school inappropriately attired, the following may occur:

1. The student will be asked to call home for appropriate clothing to be brought in
2. The student may be given something from school to wear for the day
3. The student may be ~~removed from~~ suspended in or out of school. ~~school for the remainder of the day.~~

*Please see MPS SC dress code policy JICA*

**Commented [mm15]:** We are recommending some change to this statement of the Dress Code. It should be noted that Massachusetts provides significant legal protections for student dress and freedom of expression. M.G.L. c. 71, sections 82 and 83. The Massachusetts Supreme Judicial Court has determined that that school districts exercise the authority only to limit attire which actually results in the substantial disruption of the school environment.

Having stated this, we are not recommending removal of the provision prohibiting the wearing of clothing conveying certain messages (drugs, violence, alcohol, etc.) but would caution district administrators to tread carefully when considering disciplinary consequences for violations of this provision.

In addition, as the issue of gender-neutrality in student dress codes has been a significant issue over the past several years, we would strongly recommend the removal of provisions in this statement which disproportionality impact students identifying as female.

**Commented [mm16]:** We are recommending some change to this statement of the Dress Code. It should be noted that Massachusetts provides significant legal protections for student dress and freedom of expression. M.G.L. c. 71, sections 82 and 83. The Massachusetts Supreme Judicial Court has determined that that school districts exercise the authority only to limit attire which actually results in the substantial disruption of the school environment.

Having stated this, we are not recommending removal of the provision prohibiting the wearing of clothing conveying certain messages (drugs, violence, alcohol, etc.) but would caution district administrators to tread carefully when considering disciplinary consequences for violations of this provision.

In addition, as the issue of gender-neutrality in student dress codes has been a significant issue over the past several years, we would strongly recommend the removal of provisions in this statement which disproportionality impact or target students identifying as female.

**Commented [mm17]:** These provisions go beyond the Committee's Dress Code policy and would disproportionately impact female students.

**Formatted:** Indent: Left: 0", Hanging: 0.5"

**Formatted:** Font: Not Bold

### Cell Phone/Electronics Usage

Students are to turn off cell phones and handheld electronic devices before they enter MVMS in the morning and keep all personal electronics off throughout the day.

Students may not turn on cell phones until they have left the school building after school. Teachers may ask a student to call their parent in the teacher's presence to relay an important message. Students may also use the telephone in the main office with the authorization of a teacher or administrator.

Violations of the cell phone/electronics usage will result in the following:

- |                                      |  |
|--------------------------------------|--|
| <b>First Offense</b>                 | Item may be picked up after school in the main office  |
| <b>Second Offense</b>                | Item must be turned in at the main office every morning for two weeks  |
| <b>Third and Subsequent Offenses</b> | Item must be turned in at the main office for a greater length of time (quarter, semester, rest of the year) |

Student use of personal electronic devices to take pictures or to make audio or video recordings at school or on school grounds without authorization from a teacher or administrator is strictly prohibited and may result in disciplinary consequences.

### Student Participation on Field Trips

Students may not be allowed to participate in a field trip based upon the following reasons:

1. The student's statements or past history demonstrating a pattern of insubordination.
2. The student's unacceptable behavior during the time directly preceding the trip indicating unwillingness to prepare for the trip to make it a productive experience.
3. The student's inappropriate behavior on a previous trip.

Any student not attending a field trip will remain in school. Teachers will leave-provide relevant curriculum based lessons and activities for all students not attending the off-site activity and students during that school day will complete such lessons.

All school rules apply on field trips.

### 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 assistant principal or principal may use their 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.
- A student will be given oral notice of the offense with which they are charged and an opportunity to respond prior to the imposition of any disciplinary sanction that might result in the student's suspension from school for ten (10) consecutive school days or less. In the event that the Principal determines that the student will be suspended from school, the student's parent(s)/guardian(s) will be notified by telephone and in writing. All students will be provided with due process prior to the imposition of an in-school suspension, out-of-school suspension, or expulsion.

**Commented [mm18]:** This statement in its current form does not comply with the requirements of Massachusetts statutes and regulations.

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

##### Teacher Detention

Assigned to students prior to being referred to/or disciplined by the Principal.

##### 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 assigned for Type 2 and 3 offenses. While suspended in-school, During the day, the student must work productively on outstanding work, assignments provided, and any additional academic work assigned by the administration.

**Formatted:** Font: 11 pt

**Formatted:** Indent: Left: 0"

**Commented [mm19]:** Current definition of in-school suspension under 603 CMR 53.02

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

### 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. Per the definition of excused absences by MA state regulations, students are allowed to make up the point value of assignments missed during a suspension. In accordance with M.G.L. c. 76, § 21, students are allowed to make-up assignments, tests and quizzes missed due to a suspension.

### Social Probation

Students may be excluded from attending school functions that are extra-curricular in nature, due to poor behavior during school. Such exclusions are not subject to the due process requirements of the Massachusetts 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 the school year, indefinitely, or, as permitted under M.G.L. c. 71, § 37H or 37H½, permanently 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.

Expulsion is the permanent removal from school per MA state regulations.

### 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, 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" (~~e.i.e.~~ Gameboys, cards, toys, water balloons, spinners etc.)

**Commented [mm20]:** All of the following additions reflect the current definitions contained within 603 CMR 53.02

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Not Bold

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Bold

**Formatted:** Font: 11 pt, Bold

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt, Not Bold

**Formatted:** Font: 11 pt

**Formatted:** Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

**Formatted:** Font: 11 pt

**Formatted:** Indent: Left: 0"

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

**Formatted:** Font: 11 pt

- 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 or medical purposes)
- Wearing backpacks or side bags between classes (from 8:00 a.m. - 2:30 p.m.)
- Skipped detention

*NOTE: A second offense for a Type 1 prohibited action could result in a Type 2 consequence*

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

- Verbal warning
- Parental notification
- Conference
- Written apology
- Teacher detention
- Office detention, or in-house 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 result in a Type 2 consequence. A second offense for a Type 1 Prohibited Action may also result in a Type 2 consequence.*

**Formatted:** Indent: Left: 0.25", No bullets or numbering  
**Commented [mm21]:** It is important to include this language to provide the school administration with discretion and flexibility when responding to Type 1 violations that are unusually severe.

**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, cyber bullying 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 without authorization, 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 (*may also constitute a Type 3 Behavior if deemed a weapon*)
- 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
- ~~Skipped~~ ~~Failing to serve office-~~a 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/or fighting

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

- Parental notification
- Conference
- Written apology
- Office detention, or in-house-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
- Recommendation for expulsion, including a hearing with the student and parent(s)
- Filing of a 51A (Department of Social Services) or CRA (Juvenile District Court)
- Police notification

*NOTE: A second offense for a Type 2 prohibited action could result in a Type 3 consequence. Type 2 violations Prohibited Actions that are determined by the principal or the principal's designee to be severe and/or egregious may also 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, jeopardizing the safety of the school community (threatening actions or letters)
- Possession, use, or providing of tobacco, e-cigarette devices (tobacco filled or not), alcohol, drugs and/or controlled substances, or drug paraphernalia as defined by M.G.L. Chapter 94C and other statutes
- Possessing or displaying sexually explicit material
- Harassment/Bullying/Cyber Bullying/Retaliation (severe, egregious, or repeat offenses) second time or more
- Assault and/or battery 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.) knife or other implement or device 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
- Felony charge / Felony delinquency complaint

**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, including re-entry meeting with the student and parent(s) on the day that the student is scheduled to return to school

**Commented [mm22]:** Under MGL 71, 37H3/4 and 603 CMR 53.00, a student cannot be expelled for any of the above identified offenses.

**Commented [mm23]:** redundant

**Commented [mm24]:** For purposes of MGL c. 71, 37H, the principal exercises discretion as to what constitutes a dangerous weapon. The term "dangerous weapon" is not limited to a gun or knife.

- Social Probation
- Police notification
- Notification sent to any extracurricular “coach or sponsor” – Loss of leadership role/playing time/participation
- ~~Recommendation for expulsion, including a hearing with the student and parent(s)~~ 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)

Please see MPS SC policies relating to:

Student conduct – JIC

Student discipline – JKD

Student rights JI

Bus Behavior – EEAEC/JICC, EEAEC-R

### Policy CHCA-E

#### From the Marblehead Public Schools Policy Manual

~~Notwithstanding any general or special law to the contrary all student handbooks shall contain the following provisions:~~

- ~~1. Any student who is found on school premises or at school sponsored or school related events, including athletic games, in possession of a dangerous weapon or a controlled substance, may be subject to expulsion from school by the Principal.~~
- ~~2. Any student who assaults any employee of the School District may be subject to expulsion from school by the Principal.~~
- ~~3. Any student who is charged with a violation of either (1) or (2) above shall be notified in writing of their opportunity for a hearing, provided, however that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing the Principal may decide to suspend rather than expel a student.~~
- ~~4. Any student who has been expelled shall have the right to appeal to the Superintendent.~~

~~When a student is expelled under the provisions listed above and applies for admission to another school for acceptance, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the pupil's expulsion. LEGAL REFS: M.G.L. ch.71, §37H~~

### 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 - “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

**Formatted:** Font: Not Italic

**Commented [mm25]:** I would recommend replacing this entire section with the following alternate due process statement.

In its current form, this section is applying the requirements of 603 CMR 53.00 to all types of offenses including offenses covered under 37H (drugs, weapons, assaults of staff) and 37H1/2 (felony charges). That is legally incorrect and unduly binds District administrators as 37H and 37H1/2 offenses are not subject to the requirements of the discipline regulations (the District is only required to implement the due process procedures specifically provided for in the actual 37H and 37H1/2 statutes.)



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 (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/ her designee appointed for purposes of conducting a student 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

Formatted: Normal, No bullets or numbering

Formatted: Font: 11 pt, Underline, Font color: Text 1

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.

Formatted: Line spacing: single

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 therefor. 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, shall have an opportunity to make 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**

Formatted: Left

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, are, generally, also entitled to increased procedural protections prior to imposing discipline that will result in the student's removal for more

than ten (10) consecutive school days or where there is 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 up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from their 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 behavior (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 those students with IEPs. 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 conduct 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 conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 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 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.

## 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

**Commented [mm26]:** Recommending minor revisions to this statement.

**Commented [mm27R26]:** This replacement statement includes the recommended revisions.

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.

Formatted: Line spacing: single

### **Investigative Procedure**

When the school receives a complaint report or information of inappropriate conduct by a student, the pPrincipal or other designated staff member may conduct an investigation. During the course of the investigation, school personnel may talk to witnesses, may search students, students' lockers, internet sites, or possessions and take other appropriate investigative steps. The student(s) being investigated may be removed from class for all or part of the school day during the investigation. The removal of any student from class for such purposes in excess of 1/2 of the standard school day shall constitute an in-school suspension.

Commented [mm28]: This is a DESE provision. See DESE Student Discipline Question and Answer Guide.

### **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 or of evidence of violations of school rules, District policies, and/or applicable state or federal laws. 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**

If lockers are issued to students, 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.**

Formatted: Font: Bold

### Appeals of Disciplinary Action not Resulting in Suspension or Expulsion Procedure

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 [Due Process Procedures](#)” set forth above. If a student wishes to appeal disciplinary action that does not result in suspension or exclusion from school, 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.

**Commented [mm29]:** Proposing modification of this section to more clearly distinguish it from the appeal provisions of the Massachusetts discipline statutes and regulations.

Please note that this level of process for disciplinary consequences not resulting in suspension or expulsion is not required under Massachusetts law although the District can elect to provide this level of process if so inclined. In considering changes to this provision, the District may want to consider removing the provision for appeal to the Superintendent.

**Formatted:** Font: 12 pt

### 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 and Title VII [of the Civil Rights Act of 1964](#), Title IX [of the Education Amendments Act of 1972](#), the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and Massachusetts General Law [ch. 151B, ch. 151C, ch. 76, § 5, and sec. 71B](#).

The Marblehead Public Schools does not discriminate on the basis of race, color, national origin, religion, sex, age, disability, gender identity, sexual orientation, disabled veteran status [or pregnancy](#) in its 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 [and/or the ADA](#) may be directed to the appropriate coordinators at each school building. The building principal, Matthew Fox, is the local [Section 504 Coordinator](#) and can be reached at (781) 639-3130. ~~Robert J. Bellucci~~ [Dr. Paula Donnelly](#) is the District-wide [Section 504/ADA and Title IX Coordinator](#) and [Harassment Officer](#) and can be reached at (781) 639-3140. ~~Harassment Officer is Robert J. Bellucci (781-639-3140).~~

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: Marblehead Schools Business Manager, 781-639-3140 at 9 Widger Road, Marblehead, Massachusetts 01945. For compliance issues regarding educational activities, contact: ~~Robert J. Bellucci~~ [Dr. Paula Donnelly](#), Director of Student Services and Program Accountability, Marblehead Public Schools, 9 Widger Road, Marblehead, Massachusetts 01945. Individuals who believe they have been discriminated against [or subject to discriminatory harassment](#) in any of the District's educational or employment [programs or](#) activities can file a written grievance with the appropriate officer. [Complaints of discrimination and/or harassment will be addressed through the applicable District grievance procedure.](#)

The Marblehead Public Schools is an equal opportunity/affirmative action employer.

## **After School Activities**

### **After School Clubs**

Clubs typically meet one designated afternoon per week from 3:00 p.m. - 4:00 p.m.

Art Club	MVMS Musical	Math Team
Select Chorus	School Newspaper	
Engineering Club	Cornerstones	
Literary Magazine Club	Yearbook Club	

Homework Club (Meets Monday, Tuesday, and Thursday 2:30 p.m. – 3:00p.m.)

### **Intramural and Interscholastic Sports**

For additional information, please refer to the complete MVMS Sports Booklet.

#### **Fall Sports**

Field Hockey	Interscholastic
Cross Country	Interscholastic
Ultimate Frisbee	Intramural
Volleyball	Intramural

#### **Winter Sports**

Ice Hockey	Interscholastic
Basketball	Interscholastic

#### **Spring Sports**

Track and Field	Interscholastic
Ultimate Frisbee	Intramural

#### **Student User Fee**

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 onetime fee which covers all extracurricular activities throughout the school year.

**\$134** Intramural Sports / School Activities / Clubs

**\$214** Interscholastic Sports

**\$622** Maximum per family \*

\* Please let us know if you have children at different schools and if you have reached the maximum family fee.

Provisions for financial hardship will be made using the Federal Lunch Program criteria.

Inquiries may be made in the main office at the Marblehead Veterans Middle School, 781-639-3120.

*Please see MPS SC user fee policy JQ*

### **Academic Eligibility for Student Activities**

Per School Committee policy JJIC, to be eligible to participate in student activities, a middle school student “(i) must have passed three (3) of the four (4) major subjects of English, mathematics, social studies, science, and (ii) must not have failed more than one (1) subject (including any major subject).”

*Please see MPS SC policy JJIC*



## Appendix A – 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 by a member of a school staff 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.*

**Commented [mm30]:** Although properly noted in the Committee policy, this summary of the District's BPIP fails to identify staff as potential bullies as required under MGL c. 71, 37O.

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.:**

[Title VII, Section 703, Civil Rights Act of 1964 as amended](#)

[Federal Regulation 74676 issued by EEO Commission](#)

[Title IX of the Education Amendments of 1972](#)

603 CMR 26.00

MGL 71:370

MGL 265:43, 43A

MGL 268:13B

MGL 269:14A

**CROSS REFS.:**

AC, Nondiscrimination

ACAB, Sexual Harassment

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

**Commented [mm31]:** MGL c. 71, 37O requires that the specific provisions of the District's bullying procedures specifically describing the process for reporting and investigating bullying be included in the handbook.

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.

For more detailed information on the bullying prevention process, resources and form to file a bullying complaint, please view the MPS Bullying Prevention Plan: ([https://www.marbleheadschoools.org/sites/marbleheadmaps/files/uploads/mps\\_bullying\\_prevention\\_plan\\_july\\_2018.pdf](https://www.marbleheadschoools.org/sites/marbleheadmaps/files/uploads/mps_bullying_prevention_plan_july_2018.pdf)). Copies of our Bullying Prevention Plan are also available in the middle school office or by emailing Principal Matthew Fox ([fox.matthew@marbleheadschoools.org](mailto:fox.matthew@marbleheadschoools.org)) or calling (781) 639-3120 x3113.

#### DISCRIMINATORY HARASSMENT, STUDENT TO STUDENT

##### Policy JBA

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

Discriminatory 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.

Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student; or
- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- Verbal, physical or written harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matters;
- Demeaning jokes, stories, or activities directed at the student.

The District will promptly and reasonably investigate allegations of discriminatory harassment in accordance with applicable laws and District grievance procedures. The Principal of each building will be responsible for handling all complaints by students alleging harassment. Retaliation against any individual for reporting harassment, filing a complaint of harassment, or for participating in the investigation thereof, student, because a student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also strictly prohibited. A student or staff member 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, in the case of an employee, termination of employment. expulsion. The Superintendent will develop administrative guidelines and grievance procedures for the implementation of this policy.

Reports and complaints of sexual harassment as defined under Title IX of the Education Amendments Act of 1972 will be addressed in accordance with the District's Title IX Sexual Harassment Grievance Procedure. All complaints of sexual harassment shall be directed to the District's designated Title IX Coordinator, Dr. Paula Donnelly, Director of Student Services.

LEGAL REF.: M.G.L. c.76, § 5, M.G.L. c. 151B, M.G.L. c. 151C; 151B-3A; Title VII, Section 703, of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; 34 CFR Part 106, as amended; Board of Education 603-CMR 26:00

## **SEXUAL HARASSMENT**

### **Policy ACAB**

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

*The Marblehead Public Schools are committed to providing a working and learning environment based on dignity and respect, free of harassment or intimidation. All those associated with the schools are expected to foster a climate that is supportive, respectful and conducive to teaching and learning.*

*Sexual harassment is among the behaviors that are destructive to a positive working and learning climate, and as such is prohibited by state law (Chapters 151 B and 151 C of the Massachusetts General Laws), federal law (Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972), and Marblehead Public Schools policy. Any member of the school community who engages in sexual harassment as defined below will be in violation of this policy. This policy encompasses behavior of adults towards adults or students, and students towards students or adults.*

**Definition:** *It is a violation of this policy when a person makes any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: 1) submission to or rejections of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of benefits, privileges, employment or placement services or as a basis for the evaluation of academic achievement; or 2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education or career by creating an intimidating, hostile, humiliating or sexually offensive educational or employment environment.*

*Sexual harassment, as defined above, may include, but is not limited to, the following:*

- *verbal or written harassment or abuse*
- *pressure for sexual activity*
- *repeated remarks to a person, with sexual or demeaning implications*
- *unwelcome touching*
- *suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.*
- *display of lewd or sexually explicit materials, inappropriate jokes, or language of a sexual nature*

**Responsibilities:** *All persons associated with Marblehead Public Schools are responsible for:*

- 1) *Ensuring that his/her behavior does not sexually harass any other person associated with the schools.*
- 2) *Reporting any observed or experienced harassment or mistreatment immediately to the building administrator or Superintendent of Schools and cooperating fully in the investigation of alleged sexual harassment; and*
- 3) *Actively participating in the public schools' efforts to prevent sexual harassment in the schools.*

*Retaliation in any form, including threats, intimidation, reprisal or harassment, towards any person who makes a sexual harassment complaint, or who assists in or participates in an investigation, proceeding, or hearing is strictly prohibited. If it occurs, it may be considered grounds for dismissal of staff, or removal from the educational setting for a student, who perpetrates a retaliatory act or causes or encourages retaliatory acts.*

**False Reports:** *False reports of sexual harassment can cause permanent damage to the victim of such claims and must therefore be treated as a very serious matter. A false claim may be considered grounds for dismissal of staff, or discipline including removal from the educational setting for a student, who makes a false claim.*

**Confidentiality:** *Reports and complaints of sexual harassment will be kept as confidential as possible consistent with the rights of all parties.*

**Sexual Harassment Officers:** *Two Sexual Harassment Officers (one male and one female) will be designated in the District who will be responsible for processing complaints of sexual harassment in accordance with the procedures available from*

**Commented [mm32]:** We are recommending deletion of this statement in anticipation of the revocation of this separate sexual harassment policy (which is not required)

**Commented [mm33]:** Recommend removing this policy from the handbook as it is not consistent with the current Title IX requirements.

*the Superintendent's Office or the Principals' Offices.*

***Complaint Procedures:***

- ~~1) What one person may consider acceptable behavior may be viewed as sexual harassment by another person. Therefore, the victim should make clear to the harasser that the behavior is offensive and must stop. If the harasser does not stop the behavior, or if the victim is uncomfortable confronting the harasser, or if the behavior warrants further action in the opinion of the victim, the victim should lodge a complaint with the building administration, the Superintendent of Schools or the Sexual Harassment Officer who will notify the administration.~~
- ~~2) Upon receipt of a complaint, the building administrator or Superintendent will immediately ask a Sexual Harassment Officer to investigate the matter. The complaint should be as specific as possible, including names, dates, times, places, witnesses, and specific words or actions which were experienced as offensive. In cases involving students, the student's parents will be notified immediately of the complaint, the steps to be followed, and the ways in which they will be involved in the process.~~
- ~~3) All complaints of sexual harassment will be promptly investigated. Depending on the circumstances, the investigation may encompass any or all of the following:
  - ~~a) The alleged victim may write a letter to the alleged harasser describing the offensive behavior, the circumstances under which it took place, the way the behavior made the victim feel, and requesting that the harasser apologize and promise not to repeat the behavior. The Sexual Harassment Officer will then meet with the alleged harasser, hear the harasser's account of the situation, present the victim's letter, and discuss the matter.~~
  - ~~b) A meeting between the alleged victim and the alleged harasser may be held. Such a meeting will be held in the presence of the Sexual Harassment Officer.~~
  - ~~c) The Sexual Harassment Officer may interview all parties and witnesses to the alleged harassment.~~~~
- ~~4) In cases of alleged student harassers, the Sexual Harassment Officers will report the facts of the alleged harassment to the building administrator. If the building administrator determines that these facts constitute harassment, disciplinary consequences such as detention, suspension, or expulsion consistent with school rules may be implemented. In cases of alleged adult harassers, the Sexual Harassment Officers will report the facts of the alleged harassment to the building administration or the Superintendent of Schools. If the administrator or Superintendent determines that these facts constitute harassment, disciplinary action, including, but not limited to, warning, suspension, demotion, or termination may result. In all cases, the receiving administrator will make a written decision as to whether harassment occurred. If disciplinary steps are taken, copies of the reports of facts and the written decision will go to the harasser, the personnel file in cases of adult harassers, and to the parents in cases of student harassers. The victim, and his or her parents, if the victim is a student, will also be informed of the determination as to whether harassment occurred. In addition to, or in lieu of discipline, harassers will be required to participate in an education program designed to heighten understanding and awareness of the effects of sexual harassment on victims, society, and the climate of schools and workplaces. Other types of resolutions may also be implemented.~~
- ~~5) Repeated or extreme forms of harassment, violence, or civil rights infringements by a student will result in a recommendation for expulsion or termination from Marblehead Public Schools.~~
- ~~6) In addition to disciplinary steps taken by public school officials, there may be legal options that may be pursued either by the victim, the schools or public agencies. The Sexual Harassment Officers will make information on legal options and obligations available to all parties.~~
- ~~7) Under certain circumstances, sexual harassment may constitute child abuse under Massachusetts General Laws, Chapter 119, Section 51A. Marblehead Public School personnel shall comply with Massachusetts laws and School Committee policy in reporting suspected cases of child abuse.~~
- ~~8) The Sexual Harassment Officers will make complete records of all complaints, facts, steps taken, determinations, and resolutions, and those records will be kept in a central file in the Principals' offices and the Superintendent's Office for a period of 60 years.~~

***State and Federal Remedies:***

*In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governing agencies set forth below. Our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (OCR—180 days; MCAD—6 months).*

~~1) United States Department of Education Office for Civil Rights Region I  
J.W. McCormack Post Office and Court House  
Post Office Square  
Boston, MA 02109 (617) 223-9685~~

~~2) The Massachusetts Commission against Discrimination ("MCAD")  
One Ashburton Place Rm. 604  
Boston, MA 02108 (617) 727-3990~~

~~CROSS REF.: AC, Nondiscrimination  
JICFB, Bullying  
ACAC Sexual Harassment Policy of the Town of Marblehead~~

## **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 REF.: M.G.L. c. 269, §§ 17, 18, 19*

*CROSS REF.: JIC, Student Conduct*

### **Hazing**

*M.G.L. ch. 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.*

Formatted: Font: Italic

Formatted: Line spacing: single

Formatted: Font: Italic



| M.G.L. [c~~h~~.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~~h~~. 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~~h~~. 269](#)*

## Appendix B – Selected Laws/Policies Related to Student **Conduct and Discipline**

### **STUDENT RIGHTS AND RESPONSIBILITIES – School Committee Policy JI**

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.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his 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.

The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through handbooks distributed annually.

LEGAL REFS.: M.G.L. 71:37H; 71:82 through 71:86

#### **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~~may 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.~~

Section 10(j): "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.

Formatted: Indent: Left: 0.25"

*-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. ch.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**

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Bold, Not Italic

*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.*

Formatted: Font: Italic

*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. ch. 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) When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.~~

**Commented [mm34]:** This does not reflect the current language of MGL 71, 37H

(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.

**Commented [mm35]:** Sections e through g as added reflect the current statutory language.

**Formatted:** Font: Times New Roman, 11 pt, Italic

**Formatted:** Font: Italic

**Formatted:** Font: Times New Roman, 11 pt, Italic

(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**

**Formatted:** Font: 12 pt, Not Italic

**Formatted:** Normal

(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.

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

(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.

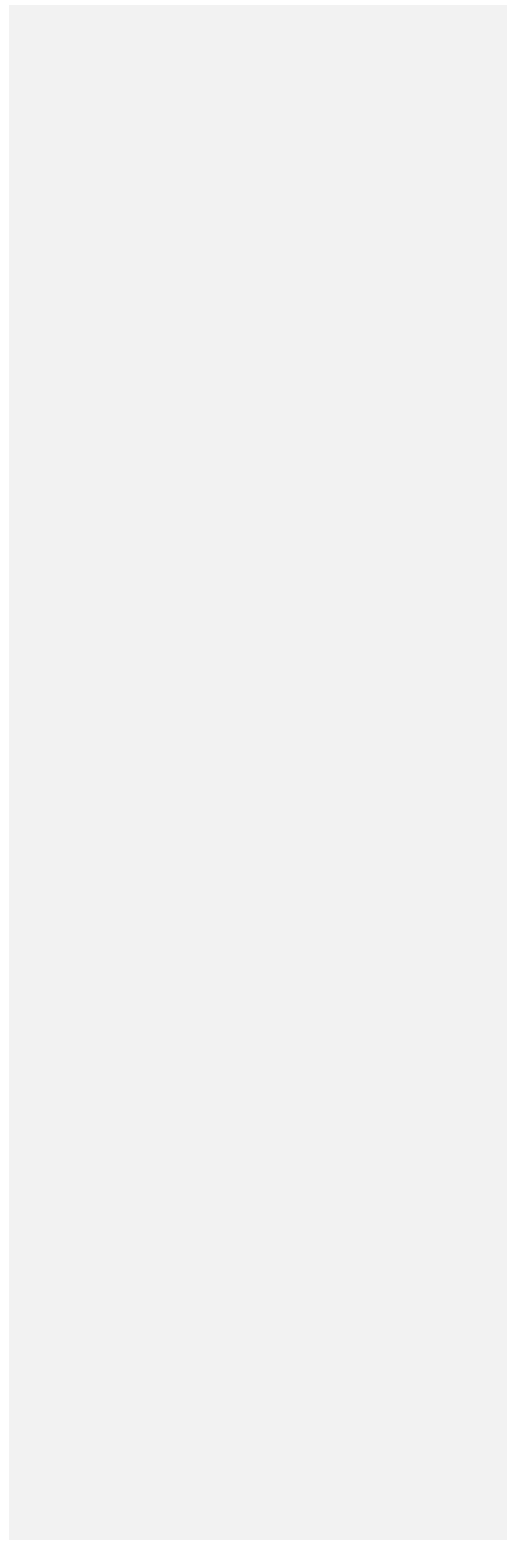
The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such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

**Formatted:** Font: +Headings (Cambria)

**Commented [mm36]:** As the DESE is very focused on ensuring that all attendance related notices and information are provided to student and parents, we would recommend including this statute in this section.

|



## Appendix C – 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")~~ **UP** 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*

**Appendix D – School Committee Policy JJIF**  
**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. AA 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 REFS: M.G.L. 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*

### Appendix E

#### 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.

**Formatted:** Font: 12 pt, Bold, Not Italic

**Formatted:** Font: 12 pt, Bold

**Commented [mm37]:** The District is, in addition to specific notice of any surveys conducted, required to provide an annual notice of rights under the PPRA. It is recommended that this general notice be included in the handbooks for that purpose.

**Formatted:** Font: 11 pt

**Formatted:** Centered

**Formatted:** Font: 11 pt

- 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

Formatted: Font: Not Italic

Formatted: Centered

# MARBLEHEAD HIGH SCHOOL



2 Humphrey Street  
Marblehead, Massachusetts 01945  
TEL (781) 639-3100  
FAX (781) 639-3105

## STUDENT HANDBOOK -2022-2023-2022

**ENGAGE EVERY PERSON, EVERY DAY.**  
COMMUNICATE CLEARLY AND WITH PURPOSE.  
ANALYZE, ORGANIZE, AND  
EVALUATE INFORMATION.  
HONOR PEOPLE, PLACE, AND TIME.  
**NAVIGATE YOUR OPPORTUNITIES;**  
**CHART YOUR FUTURE.**

*It is the policy of the Marblehead Public Schools not to discriminate on the basis of race, sex, color, religion, sexual orientation, national origin, age or handicap in its educational programs, services, or employment practices as required by Chapter 151 of the General Laws of 1947; Chapter 622 of the General Laws of 1971, Chapter 282 of the Acts of 1993; Title IX of the 1972 Educational Amendments; and Section 504 of the Rehabilitation Act of 1973.*

**A Resource for Students and Parents**

This handbook is meant to be a guide to the general obligations the members of the MHS community have to one another; it is not possible to outline every aspect of that relationship and as such, circumstances and events that transcend what's written here will be resolved by MHS administration.

**The Student Handbook**

***Policy CHCA, from Marblehead Public Schools Policy Manual***

*The law directs that in each school building containing the grades nine to twelve, inclusive, the Principal, in consultation with the school council, shall prepare and distribute to each student a handbook setting forth the rules pertaining to conduct of students. The school council (site based management team) shall review the handbook each spring to consider changes in the disciplinary policy to take effect in September.*

*It is essential that the contents of all handbooks conform to School Committee policies. It is also important that all handbooks bearing the name of the school system or one of its schools be of a quality that reflects credit on the school department. Therefore, the Committee expects handbooks requiring approval to be approved prior to publication by the Committee and/or the Superintendent.*

*Committee approval will be necessary for any handbooks that pertain to required standards of conduct for employees or students so that their contents may be accorded the status of Committee-approved policy or regulation. The Superintendent will use his/her judgment as to whether other specific handbooks need Committee approval; however, all handbooks published will be made available to the Committee for informational purposes.*

## TABLE OF CONTENTS

Academic Affairs.....	12-21	Acceptable Usage
Policy.....	82-84	
Athletics.....	97-100	Attendance
Policies.....	26-33	Senior
Privilege.....	34-35	
Cheating/Plagiarism.....	43-46	
Communication Procedures.....	5-6	Conflict
Resolution Protocols.....	6-9	Disciplinary
Procedures.....	46-71	Diversion
Program.....	96-97	Dress
Code.....	35-36	Drugs, Alcohol, and
Tobacco.....	94-96	Electronic
Devices.....	36-37	Field
Trips.....	37-39	Food
Services.....	39	
Fundraising.....	25-26	Graduation &
Promotion Requirements.....	15-16	
Harassment & Bullying.....	71-80	
Hazing.....	80-82	
Library.....	35	
Lockers.....	39-40	
METCO.....	40	National Honor
Society.....	22-24	School
Safety.....	10-12	School System
Management.....	9-10	Student
Activities.....	21-26	Student Email and
Internet Posting Guidelines.....	84	Student
Fees.....	41	Student
Health.....	89-93	Student
Parking.....	35	Student
Searches.....	85	Student Welfare/Evacuation
Plan.....	11-12	
Suspension/Expulsion.....	67-69	
Visitors/Volunteers.....	42-43	

**Commented [mm1]:** The spacing of this TOC needs to be corrected

[Appendix A – Summary of Laws Relative to Student Conduct and Discipline](#)



WELCOME TO MHS  
 Main Office: 781-639-3100  
<https://www.marbleheadschoools.org/Domain/8>  
 (refer to website for contact names and email address)

	<u>Extension</u>
<b>PRINCIPAL</b>	#2108
<i>Secretary to Principal</i>	#2101
<b>ASSISTANT PRINCIPAL</b>	#2102
<b>ASSISTANT PRINCIPAL</b>	#2109
<i>Secretary to Asst. Principals</i>	#2103
<b>ABSENTEE LINE</b>	Press 2
<b>ATHLETIC DIRECTOR</b>	#4131
<i>Assistant AD</i>	#4130
<b>STUDENT COUNSELOR OFFICE</b>	
<i>Secretary to Student Counselors</i>	#2113
<i>Adjustment Counselor</i>	#2115
<i>Adjustment Counselor</i>	#3122
<b>METCO OFFICE</b>	781-639-3100 x2162
<b>OFFICE STAFF</b>	
<i>Registrar/ Student Activities</i>	#2104
<i>Office/Attendance Clerk</i>	#2199
<b>SCHOOL NURSE</b>	#3118
<b>SPECIAL EDUCATION</b>	
<i>Special Education Chairperson</i>	#2119
<i>Secretary to SPED</i>	#2114
<b>SEXUAL HARRASSMENT OFFICERS</b>	
<i>Superintendent</i>	781-639-3140, x20
<i>Director of Student Services</i>	781-639-3140, x6
<b>DISTRICT SECTION 504 COORDINATOR</b>	781-639-3140, x6
<i>Director of Student Services</i>	

## COMMUNICATION

### **Communication with Teachers**

#### **Step 1**

Students are encouraged to speak directly to their teacher if they have a concern about their grade, placement, and/or performance in the class.

#### **Step 2**

If parents have further questions about the discussion between the teacher and student, they should contact the teacher via email.

#### **Step 3**

If the issue is more involved, a meeting should be arranged with the teacher; it is imperative that the student and parent meet together with the teacher. Guidance may be invited if the student's academic/personal history may be relevant to the discussion.

#### **Step 4**

In cases where the meeting may be contentious, parties should refer to and follow the conflict resolution guidelines outlined in this handbook.

### **Classroom Concerns**

First, contact the teacher using the teacher's e-mail found on-line under the MHS website or use his/her school mailbox, located in the MHS front office. If after speaking with the teacher you have additional concerns, contact the department lead teacher. If you still have concerns after speaking with the lead teacher then please follow the appropriate chain of communication until the issue is resolved or appeals have been exhausted: assistant principal, principal.

### **Scheduling Concerns**

Contact the student's school counselor. (see website for counselor)

### **Curriculum & Placement Concerns**

Contact the appropriate lead teacher. (see website for lead teachers)

### **Special Education Concerns**

First, contact the appropriate teacher(s), then the student's special education liaison (typically their curriculum support teacher). If you have additional concerns, contact the MHS Special Education Chairperson. If you still have questions, please contact the Director of Student Services [and Program Accountability](#) (781-639-3140, x11).

### **Behavioral Concerns**

First, contact the classroom teacher. If you have further questions please contact the Assistant Principal in charge of your student's grade.

**Social, Emotional, Personal, or Family issues**

Contact your child's school counselor who will coordinate with appropriate person.

**School Communication**

The primary pathway for the communication of important school events is through mass e-mail. MHS uses the contact information provided by parents for these e-mails; it is imperative that parents communicate any changes in their contact information to the front office to facilitate the effectiveness of our mass e-mail system. Other channels of communication include department websites; links can be found through <https://www.marbleheadschoools.org/Domain/8>

→This website and its links provide important daily information for the students and parents of MHS.

**School Cancellation/Delay Announcements**

Radio: WBZ Boston – AM 1030

Television channels 4, 5 and 7

Marblehead Public Schools website: <https://www.marbleheadschoools.org/Domain/4>

Marblehead Cable TV- Comcast Channel 8 and Verizon Channel 28

Main page of the MHS website

Reverse 911 call

Please **DO NOT** call the police or fire departments for school closing information.

**In the event of a cancellation, the school day rotation will move forward. (Ex.: If it is a Day 1 and the school day is cancelled, the day the students' return will be a Day 2.)**

CONFLICT RESOLUTION PROTOCOLS

**Purpose**

Conflict is an inevitable consequence when groups of people work together. To foster a supportive environment in which interactions among students, teachers, parents, and administration are positive and promote a sense of community, when conflicts arise it is imperative that we follow some simple protocols.

[\\*Conflicts involving allegations of discriminatory harassment shall be addressed through the applicable Marblehead Public Schools' Grievance Procedures. Conflicts involving complaint of bullying shall be addressed in accordance with the Marblehead Public Schools' Bullying Prevention and Intervention Plan.](#)

**Student – Teacher/Faculty Member**

**Step 1**

Discussion between student and teacher - at this level, parents should encourage students to take responsibility for the conversation.



### Step 2

If the issue is not resolved (or student needs guidance approaching the discussion) student should consult with the school adjustment counselor, his/her school counselor, or a trusted faculty/staff member

### Step 3

The student should contact his/her school counselor to schedule a team meeting.

Parents can become involved at this step. The school counselor acts as a neutral facilitator of discussion.

Timeline: school counselor will attempt to arrange a meeting within 5 school days

### Step 4

Conference between student/parent, teacher, and assistant principal.

Assistant principal acts as neutral facilitators of discussion.

Timeline: meeting will be arranged within 5 school days of request

### Step 5

Conference between student/parent, teacher, and principal

Timeline: meeting will be arranged within 5 school days of request

## Student to Student

### Step 1

If possible, discussion occurs between the two students; either student may request a neutral space in the building to hold the discussion.

### Step 2

Peer mediation - contact Peer Mediation Coordinator (assistant principal or adjustment counselor) to arrange for a trained peer mediator to facilitate discussion as a neutral party

Timeline: mediation should take place within 5 school days of receipt of request

### Step 3

If conflict is not resolved or student does not feel comfortable or safe following steps 1 or 2, student should contact his/her school counselor, the school social worker or assistant principal/principal depending on severity of the issue

### Step 4

Conference with students and vice principal

Timeline: meeting should be held within 5 school days of request

### Step 5

Contact principal

Timeline: meeting should be held within 5 school days of request

***There will be no retaliation against any member of the school community for bringing up an issue or filing a complaint. If negative repercussions take place as a result of following the conflict-resolution policy, the assistant principal should be contacted.***



## Tips and Guidelines for Conversations Aimed at Resolving Conflicts

### In preparing for the conversation, consider the following questions:

- What is the conflict?
- What assumptions are you making?
- How would another person perceive the same situation?
  - Do you have any biases that would influence your perception of the situation?
- What was your role in the development of the conflict?
- What would the other person or a neutral party think your contribution to the development of the conflict was?
- How are you impacted by the conflict?
- How is the other person impacted by the conflict?
- What realistic results do you hope will come from the discussion?

### To begin the conversation

- Start with neutral comments about the situation, trying to avoid placing blame on the other person
- Discuss how you perceive the differences in the two views of the situation
- Identify mutual interests in coming up with a solution
- Questions to consider during the conversation
- Are assumptions, judgment, or blame impeding your ability to listen?
- How is what the other person is saying making you feel?
- How is the other person reacting to what you are saying?
- If the person seems to be reacting negatively, can you change the way you are speaking?

### To do during the discussion

- Try to understand the other person's perception of the situation rather than proving that your own perception is the correct one
- Paraphrase what the other person is saying to make sure you are correctly understanding him/her
- Present your side of the situation as feelings or opinions rather than facts
- Speak about yourself using "I" statements rather than "you" statements
- Explain why you act/acted the way you did

### Questions to ask during the conversation

- How did that make you feel?
- What leads you to think/say that?
- What could I have done differently?

Brainstorming solutions. The goal of the discussion is to understand one another's opinions and feelings and if possible, to reach a satisfactory compromise

- Each person should suggest possible resolutions to the conflict
- Your proposal should incorporate what the other person has been saying in the discussion
- Consider all proposals, as parts of many ideas can be incorporated to create a final resolution
- Discuss how a similar situation can be avoided
- If one or both people need time to consider the suggested resolutions, the meeting can be reconvened in a few days
- If possible, create a written resolution together

Stepping away from the discussion

- If one or both people believe that a compromise cannot be reached during this conversation, a suggestion can be made to take some time to think about the situation.
- Both people can agree to meet at a later date, possibly with a neutral party (i.e., the school social worker, a guidance counselor, or a school psychologist) facilitating the discussion as a neutral party.

## SCHOOL SYSTEM MANAGEMENT

### **Marblehead School Committee**

The Marblehead School Committee (SC) 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. SC 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 Widger Road (781-6393141) and are posted on the town website. The public is welcome to attend and may comment during the public comment period. MHTV usually televises the Committee meeting which is aired live on Comcast Channel 8 and Verizon Channel 28. Dates for School Committee meetings, as well as PTO, Site Based Management Team and other events can be found in the school calendar, which is on the district webpage.

### **Central Administration**

*Superintendent of Schools*

*781-639-3140, x20*

The Superintendent of Schools is appointed by the School Committee and acts as its Executive Officer in the operation of the schools. The superintendent has the responsibility for the appointment of all staff upon the recommendation of building principals for staff assigned to their schools.



In addition, the superintendent oversees the total operation of all programs at each of the eight Marblehead public schools.

<i>Director of Student Services</i>	781-639-3140, x11
<i>Business Manager</i>	781-639-3140, x18
<i>Food Service Director</i>	781-639-3100 x4132
<i>Facilities Director</i>	781-639-3120 x3177
<i>Supervisor of Technology</i>	781-639 3120, x3178
<i>Lead Nurse</i>	781-639-3100 x3118

**School Advisory Council (SAC)**

Meetings and other events can be found in the school calendar. The calendar will also be available on the high school website,

<https://www.marbleheadschoools.org/Domain/8>. As mandated by the Massachusetts Education Reform Act of 1993, each school must have a Site Based Management Team (SBMT) with representatives in place. It is an advisory group to the principal. The principal has the building authority and responsibility of identifying the educational needs of the students, developing educational goals for the school, formulating a school improvement plan, and reviewing the annual school budget. Copies of the school improvement plan are available at your school office or at <https://www.marbleheadschoools.org/Domain/8>.

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt

**Parent's Council (PCO)**

Meetings for the Parents Council will be held at Marblehead High School (typically in the library) and are open to the public. Please check school calendar for the meeting schedule.

Formatted: Left

**Special Education Parent Advisory Council (SEPAC)**

Formatted: Font: Garamond, 10 pt, No underline

The Marblehead Special Education PAC (SEPAC) is a parent advisory council organization run by parents of children with special needs. SEPAC'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, please see: <https://www.mhdsepac.com/>.

Formatted: Left

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt

SCHOOL SAFETY

**Security Cameras**

**Policy ECAF, from Marblehead Public Schools Policy Manual**

Formatted: Font: Garamond, 10 pt

*The Marblehead Public Schools (MPS) strives to maintain a safe and secure environment for its students, staff, visitors, and facilities. Security means more than having locks and making certain that doors are locked at the proper times. Security also means:*

- *minimizing fire hazards*



- *reducing the possibility of faulty equipment*
- *keeping records and funds in a safe place*
- *protection against vandalism and burglary*
- *the prosecution of vandals*
- *developing crisis plans*

*School buildings, building contents, sites and site facilities constitute one of the greatest investments of the community. The School Committee believes it to be in the best interest of students and taxpayers for the School Committee to exert every reasonable means to protect the investment adequately.*

*In pursuit of this objective, the Marblehead School Committee (MSC) authorizes the use of security cameras in school district buildings and on its property to ensure the health, welfare and safety of all students, staff and visitors, to deter theft, vandalism and other negative behavior, to safeguard district buildings, grounds and equipment and to monitor unauthorized individuals in or on school property. Security cameras may be used in locations as deemed appropriate by the Superintendent of Schools in consultation with school officials and local law enforcement agencies. They may be used in any area, inside or outside of school buildings where there is no reasonable expectation of privacy.*

**Passes**

Students who are out of class must have a pass from their teacher.

Formatted: Font: Not Italic, Underline

Formatted: Font: Not Italic

**Student Welfare**

**Policy JL, LEGAL REF: Chapter 159, section 363, from the Marblehead Public Schools Policy Manual**

**Supervision of Students**

School personnel assigned supervision is expected to act as reasonable responsible adults in providing for the safety of the students in their charge. In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except when an arrangement has been made to take care of an emergency. During school hours or while engaging in school sponsored activities, students will be released only into the custody of parents/guardians or other persons authorized in writing by a parent or guardian.

Formatted: Font: Garamond, 11 pt, Bold, Not Italic

Formatted: Font: Garamond, 10 pt, Not Italic

Formatted: Font: Garamond, 10 pt, Not Italic

**Multi-Hazard Evacuation Plan**

The District shall cooperate with appropriate public safety departments to formulate a school specific multi-hazard plan which shall encompass, but not be limited to, evacuations for fires, hurricanes and other hazardous

Formatted: Font: Garamond, 11 pt, Bold, Not Italic

Formatted: Font: Garamond, 10 pt, Not Italic

Formatted: Line spacing: single

storms or disasters in which bodily injury might occur, shootings and other terrorist activities and bomb threats. Students and staff may be instructed in the plan developed and may participate in drills.

**Formatted:** Font: Garamond, 10 pt, Not Italic

**Formatted:** Line spacing: single

In the event of a physical or environmental crisis such as loss of heat or electricity, fire or explosion, air quality issues, natural disaster (hurricane, blizzard), or other grave event, the following steps will be taken:

In arriving at the decision to consider evacuation, where to place students who are evacuating from another school, etc., the following people will decide what the best method of handling the situation would be:

- > Superintendent of Schools
- > MHS Principal
- > Lead Nurse
- > MHS Registered Nurse
- > Guidance Counselors

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

If the situation cannot be contained by ordinary actions within the school, the Principal or his/her designee will activate emergency services @ 9-1-1.

In the event of a Town natural disaster, the Town's Emergency Management Protocol will be followed.

If the Principal is not in the building and cannot be contacted, the Assistant Principal(s) will assume control. If there is any question as to who is in charge, the Superintendent or his/her designee will be contacted directly.

The decision regarding evacuation of a room, a wing, or the building will be based on the safety of the students and staff. The choices are to move the students to another room, to another wing, or to move all of the students and staff to another school.

If there is consideration of evacuating the students to other school buildings, the school will contact the Facilities Director, to get bus assistance. Additional transportation is available through the Council on Aging and the Recreation and Parks Department.

## ACADEMIC AFFAIRS

### School Day

The building will open for students on school days at 7:30 a.m.

**Grades**

94-100	A	74-76	C
90-93	A-	70-73	C-
87-89	B+	67-69	D+
84-86	B	64-66	D
80-83	B-	60-63	D-
77-79	C+	0-59	F

Commented [mm2]: Fix alignment of table.

**Advanced Placement (AP) Courses**

All students enrolled in Advanced Placement® courses are **required** to take the Advanced Placement® examinations in the spring. AP courses are not required for graduation and as such are a choice not an obligation. By choosing to take an AP course, students are also committing themselves to taking the AP exam. A fee is charged for each test taken; students should plan accordingly. Students who can demonstrate financial need generally by qualifying for free and reduced lunch may request a scholarship to cover some or all of the AP exam fees.

**Classroom Teachers' Expectations**

At the beginning of each course the teacher will give the students a written syllabus of academic and behavioral expectations. The syllabus will describe the relative weights to be assigned to different types of work and tests in determining the grade as well as the policy for make-up work.

**Exams**

Mid-year and final exams are common exams; they are not typically returned to students. If students and/or parents would like to review an exam following the in-class review, please contact the teacher to make arrangements to do so.

**Final Exams** ~~(Suspended 2021-22)~~

The school calendar is published prior to the start of each school year so that parents can more effectively plan family activities. The last day of school includes five snow days, and it is this date that should be used for planning purposes to ensure that students are present during final exams. Many exams are very difficult to administer outside of exam week due to their nature; therefore, students should not expect to be able to take their exams early.

Any student who misses an exam for an excused reason must immediately, upon their return to school, make arrangements to take the exam with his/her teacher. Make-up exams, by nature, are difficult to cope with and if

delayed may cause the student to receive an "incomplete" at the end of the term.

- Missed exams should be made-up during exam week and must be taken during a regularly scheduled exam period. If this is not possible, students will receive an incomplete for the course and must take the exam during the summer or at the start of the next school year. The determination of when the exam can be taken, over the summer or at the start of the following year, is at the discretion of each academic department. In all cases, it is the student's responsibility to pursue the arrangements for a make-up exam.
- Summer make-up exams can be taken in the high school main office by appointment. These exams may not be graded until the teachers return in the fall.
- Students will receive a grade of zero for any exam not made-up by the end of the first week of school.

#### **Return of Student Work**

The following protocol will be considered *Best Practice* in regards to the return of tests and/or student work at Marblehead High School. It seeks to balance the very real need for students to have feedback on their work against the need to preserve the integrity of the testing instruments teachers and departments have spent a great deal of time to create.

All testing and assessment materials will be returned to students so that they may use the corrective feedback provided to improve their understanding of course material. Tests and assessments that meet any of the conditions listed below are exempt from this rule:

- Any summative test or assessment that covers four or more weeks of material as long as the students had formative assessments (i.e., tests, quizzes, projects, or other work designed to *monitor student learning* in order to provide ongoing feedback that can be used by instructors to improve their teaching and by students to improve their learning) during that time which were returned and which collectively covered the same material.

Students and/or their parents have the right to review any test or assessment at school that is not returned under the criteria above.

#### **Extended Time for Testing**

Unless otherwise stated in an academic support plan, [IEP or Section 504 Plan](#), students who, as an accommodation, have extended time for testing will be allowed to finish their work in academic support, after school with a faculty member, or

during a study hall with a faculty member. Students with extended time will not be required to miss another class or curricular activity to complete an assessment. Teachers who give students with extended time one-page of an assessment at a time may continue to do so unless it puts the students at a disadvantage relative to other test takers. Please remember that student-athletes are students first and have a responsibility to attend academic business after school if needed.

## GRADUATION & PROMOTION REQUIREMENTS

### English - 4 years

Grade 9: required year program  
Grade 10: required year program  
Grade 11: required year program  
Grade 12: required year program

Formatted: Font: Garamond, 10 pt

### Math - 4 years

Whatever sequence a student takes it must include the completion of Algebra II or its equivalent.

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt, Not Italic

### Science - 4 years

Biology	Required
Chemistry	Required
Physics or Engineering	Required
One additional year	Required

Formatted: Space Before: 1.1 pt

Formatted: Font: Garamond, 10 pt

### Social Studies - 4 years

*(Courses below are required)*

Grade 9: World Cultures  
Grade 10: Western Traditions  
Grade 11: U.S. History  
Grade 12: 1/2 year of Civics

Formatted: Font: Garamond, 10 pt

One additional semester elective is required. It may be taken any time in Grades 9-12

Formatted: Font: Garamond

### World Languages - 2 years

- Two years in the same language required for all students
- Optimal college preparation recommends more

Formatted: Font: Garamond

Formatted: Font: Garamond, 10 pt, Not Italic

### Visual, Performing, and Applied Arts – Two semesters

One year (five credits) required during Grades 9 – 12

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt

### Wellness Education – Four semesters

One semester required each year in Grades 9-12.

Formatted: Left, Indent: First line: 0.5"

Formatted: Font: Garamond, 10 pt

### Important Notes:

1. All students are required to take the equivalent of six (6) full-time credit bearing courses as a minimum each semester. A minimum of 120 credits are required to receive a Marblehead High School diploma.

Formatted: Font: Garamond, 10 pt



Formatted: Font: Garamond

2. *Credits are earned only when courses are fully completed. Partial credit will not be assigned when courses are dropped or when students are removed.*
3. *If a student is placed in a full-year course any time after the first quarter, the credits earned for that course will be determined by the principal.*
4. *In addition to the above requirements, students must earn qualifying scores on the English, science, and mathematics MCAS exams to receive a Marblehead High School diploma.*
5. *Participation in all senior activities including the graduation ceremony is contingent upon completing all obligations; the "Senior Obligation Sheet" is distributed at the end of the year senior class meeting.*

Credits are awarded only if final course grade is A, B, C, D, or P.

NOTE: MHS is happy to accept for credit pre-approved courses from other institutions, from independent study, from dual enrollment and/or from accredited on-line providers; however, such courses will not count towards any graduation requirement other than total credits earned.

#### **Credit Recovery/Summer School**

Credit recovery is designed to give students a method to regain credit lost due to a previous unsuccessful grade. Credit recovery courses must be approved by the guidance counselor and administration. MHS does not offer a summer school program but will accept courses from recognized schools. Students may not substitute a summer school course for a regular school course but they may make-up a failing grade in a course unless the failure is due to absences or tardies.

In order to receive credit for courses taken in summer school in which a passing grade has been earned, the following conditions apply:

1. The course must have been originally taken and completed with at least 50% of the marking quarters passed (two marking quarters for a full-year course, one marking quarter for a semester course), the student must have earned a final average of not less than fifty (50%), and the student must have not missed more than 25% of the class meetings during the school year.
2. A maximum of two (2) courses may be taken per academic year for recovery credit.

A parent/student should not sign up for a course until the course has been approved. <sup>4</sup>Outside or online courses and tutoring must be approved by ~~administration, and~~ administration and must include a final exam proctored by an MHS faculty member. Currently, the school accepts online courses from Educere, Edmentum, North Shore Community College, B.Y.U., and Salem State University. A student who wishes to complete an online course must receive



a credit recovery approval form from their guidance counselor. The cost of any course for credit recovery shall be borne by the student.

### **School Counseling**

The staff of the School Counseling Department is available to help with academic (and social) counseling. Please get to know your school counselor who will become a trusted advisor.

### **Applying to College**

This is a challenging process for every student. Please start early and avail yourself of the resources in the School Counseling Department. By far the best resources are the School Counselors. Use them; don't be shy. Please be sure to check out the Naviance software (also accessed via the internet) in the School Counseling Department. It can truly help you narrow down your choices. Please start early; it helps to lower the stress.

The School Counseling Department schedules meetings for juniors and their parents and for seniors and their parents regarding the college application process. These meetings are extremely informative and are highly recommended.

Students will be required to pay a \$5.00 fee per college application for postage and processing. Students must submit the fee, transcript request form, and completed application materials to the School Counseling Secretary. There will be no charge for transcripts required for scholarship applications.

### **Course Load**

According to the Massachusetts Department of Elementary and Secondary Education's Time and Learning requirements, enrolled high school students MUST be scheduled to receive a minimum of 990 hours of structured learning time in a minimum of 180 student school days. Time not counting toward the 990 hours of structured learning includes time spent in homeroom, passing between classes, at recess, at lunch, at breakfast, *as well as* time in non-directed study, receiving school services, and in optional school programs. For seniors at MHS, meeting the Time and Learning requirements may mean taking courses that exceed minimum graduation requirements as set forth in MPS Policy IKF.

### **Course Placement Review Process**

The purpose of the review process is not to limit student or parent choice, but to ensure that such choices are based on the best available information about a student's tenacity and perseverance relative to the curricular

Formatted: Font: 10 pt, Not Italic

challenges they will encounter in the coming year. If a student believes he/she would like to change course levels, the first step is to discuss his/her concerns with the classroom teacher. Students wishing to override a teacher's recommendation must complete a Placement Review Form, available in the school guidance office; once complete and signed by a parent or guardian, the form should be turned in to the school counseling office by the due dates outlined in the spring course selection materials. The School Counseling office will forward the forms to the principal for a decision. If a student overrides a teacher's placement recommendation on appeal, s/he will be expected to remain at the selected level for at least one academic quarter. A level change may be made earlier, but only in extreme circumstances with the approval of the lead teacher and an administrator. In all cases, a student's grades in the previous level of the course will be directly translated to the new level of the course. A change may not be granted if moving the student causes sections to be over or under enrolled.

#### Home/Hospital Instruction Educational Services

A public school student who, due to documented medical reasons, is confined to his/her home or a hospital for not less than fourteen (14) school days during the school year, is entitled to receive home/hospital educational instruction as described under 603 CMR 28.03(3)(c). Parents must present a completed Physician's Statement Affirmation (DESE Form 28R/3) or equivalent written statement signed by the student's physician to the building principal stating a diagnosis, the length of time student is expected to be out of school, as well as and the expected return date. This form can be digitally downloaded by following the link above or by going to the following address:

<http://www.doe.mass.edu/sped/28MR/28r3.pdf> *(Please note that this is a PDF document and will require a PDF reader such as Adobe Reader.)*

The Physician's Statement Affirmation or equivalent document must be fully completed and signed by the student's attending physician and returned to the building principal, who will then authorize and/or arrange necessary home/hospital educational services for the student. The principal shall coordinate with the Director of Student Services relative to the provision of home/hospital educational services to an eligible student with a disability. tutoring.

#### Monitoring Academic Progress

A key element in student success is excellent communication between school and home. Parents and students should use the Aspen portals to monitor grades and progress. If there are questions or concerns the student should connect directly with their teacher.

#### Homework

Excerpt from Policy IKB, from the Marblehead Public Schools Policy Manual  
*Homework is the study of a subject outside of classroom time. When properly assigned, homework helps to improve study habits and develops initiative. It provides essential practice and reviews that reinforce basic skills. Homework is a learning activity that should increase in complexity with the maturity of the student. With increased maturity, learning should*

**Commented [mm3]:** It is important to use the correct terminology in this section. H/H services are not necessarily tutoring services and could be provided through delivering remote classroom access.

**Formatted:** No underline

**Commented [mm4]:** Link non functional.

Here is the correct link:

<https://www.doe.mass.edu/prs/sa-nr/603cmr28.03-3c-form/>

**Formatted:** Font: Garamond, 10 pt

**Commented [mm5]:** It is recommended that this provision from the applicable regulation also be included in this statement.

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt



become an independent activity. This should be established through consistent assignments which encourage students to investigate for themselves and to work independently as well as with others.

Homework assignments should be consistent in terms of the amount given each day and the time required for each assignment so that a pattern of meaningful homework can be established by the teacher and/or the student. The information for any homework assignment should be clear and specific so that the student can complete the assignment. It is recommended that homework include practice assignments (drill type), preparation assignments (preparation for class), extension assignments (follow-up to class), creative assignments, and work on ongoing projects or long-term assignments.

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

- Grades 9-12: Core academic classes will be assigned meaningful significant homework every school night. The quality, not quantity, of the assignment is the object.

Homework should not require the use of reference materials not readily available in most homes, school libraries, or the public library, and should require the use of those materials only when the student has had instruction in the use of them. Any written homework assigned should be reviewed in ~~class, or class~~ or collected and corrected by the teacher. All homework will be returned in a timely manner.

At the beginning of each school year, the principal will issue homework regulations in the Student's Handbook which will be available on-line at each school site. Each teacher will issue in writing his/her homework guidelines to parents and students at the beginning of each course taught. A parent's signature of acknowledgement will be required.

There are many other learning activities in the life of a student besides homework. Such things as participating in school activities, pursuing cultural interests, participating in family living, and exploring personal interests should be considered by teachers when planning consistent assignments. Homework is not to be used as a form of punishment under any circumstances.

#### **Student Absenteeism and School Work**

Students who are absent ~~with excuse~~ are held accountable for homework and are responsible for making arrangements to make up their work with their teachers on the day they return to school whether the class meets that day or not. On the second day of absence if parents know their child will be absent three or more days, the parents may request teacher-prepared

Commented [mm6]: ? Attendance plan

homework for students. Please contact the teacher by email. Students are strongly encouraged to record all homework assignments in the assignment notebook provided by the school and to make an earnest effort to accomplish their homework. A student should never leave school without understanding his/her assignments.

A student who is absent from school without excuse [for reasons other than disciplinary exclusions](#), or a student who is absent from a class without excuse, will receive no credit for work in each class missed. Students will be responsible to take tests or quizzes and to turn in any projects immediately upon their return to school if the date for such assessments was known by the student prior to their absence.

Student absences, tardies and dismissals cannot be excused “after the fact.”

### **MCAS**

The Massachusetts Comprehensive Assessment System (MCAS) is the Commonwealth's statewide testing program for public school students, developed in response to the Education Reform Act of 1993. MCAS is based exclusively on the rigorous academic learning standards contained in the Massachusetts Curriculum Frameworks. Together, the MCAS and the Frameworks are designed to raise the academic achievement of all students in the commonwealth.

Successful completion of the state required MCAS exams are requirements for graduation.

If you would like more information about the MCAS, including sample tests or which tests your student is required to take, please visit the official website at <http://www.doe.mass.edu/mcas/>.

### **Massachusetts' Curriculum Frameworks**

The MCAS tests are based on a statewide curriculum referred to as the “Massachusetts Curriculum Frameworks”. To review the state frameworks for any subject area, please visit [www.doe.mass.edu/frameworks](http://www.doe.mass.edu/frameworks)

### **Report Card Grading Scale**

- A -Exceptional, work
- B - Commendable work
- C - Satisfactory work
- D - Unsatisfactory work but still passing the course
- F - Unsatisfactory work and failing the course

A student may also receive an "M" for medical, an "I" for incomplete work, or a "P" for passing, where there ~~exists~~ exist individual and extenuating circumstances. Incomplete work must be made up within 10 school days of the assignment's due date and is the responsibility of the student. Otherwise, the course grade will revert to an "F." Students are issued a quarterly report card through the Aspen portal.

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

Some students with disabilities require specialized instruction, supportive services and/or accommodations and/or supportive services to help them make effective progress in school 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 special classroom. Parents or teachers may refer students they are concerned about to the Director of Student Services (781-639-3140, x11). Within five (5) school days of such a referral, a consent form authorizing an evaluation of the student will be forwarded to the parent(s). Upon receipt of the parent(s)' 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 an individual accommodation plan 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.

Formatted: Font: Garamond, 10 pt

For more information regarding the services available to students with disabilities please contact the school counselor, Special Education Chairperson, or the Marblehead Public Schools Director of Student Services.

## STUDENT ACTIVITIES

#### **Ability to Participate in Extracurricular Activities**

Please refer to Policy JJIC, from the Marblehead Public Schools Policy Manual

*All students are encouraged to participate in school sponsored student activities and athletics. Eligibility requirements are published in the Student Handbooks as School Committee policy annually. For the High School, a student must pass all courses. Second quarter marks, not semester grades, determine third quarter eligibility. The other current High School eligibility rules and those of M.I.A.A. remain in force. Chemical Health*



*policy applies as well for extracurricular activities. Additionally, all components of good citizenship apply for leadership position eligibility including academics and school discipline.*

**(MHS Handbook information)** If there is one thing that will ensure success at MHS it is the single word “join”; make friends, have some fun, and become a part of something greater than yourself.

***NOTE:*** Assigned detentions must be served before a student attends a club, organization, activity and or sport. Students will not be allowed to tryout, sign up, attend, nor participate in clubs, activities and sports if they have not served their detentions. Students must pay the appropriate user fee prior to participation in the activity. Please see the MHS website/athletics for the current fee schedule. Student who owe past obligations may not be allowed to participate until those obligations are fulfilled.

#### **NATIONAL HONOR SOCIETY SELECTION PROCESS**

The object of the National Honor Society at Marblehead High School is to create an enthusiasm for scholarship, to stimulate a desire to give service, to promote able leadership, and to encourage the development of character in our students.

Scholastically eligible (3.75 GPA) juniors will be notified of their eligibility after the 1st Semester (usually in March). Seniors will be notified in mid-September. In addition to the minimum scholarship average, there will be an application process in where eligible students will have an opportunity to demonstrate the other core standards of the National Honor Society: leadership, service, and character. A student must have demonstrated the following:

##### **Leadership:**

All elected or appointed leadership positions held in school, community, or work activities in which the candidate is directly responsible for directing or motivating his/her peers will be considered. Examples of leadership include: holding or running for class office or officer position in a club, being an athletic team captain, student-director in drama, section leader in the band, demonstrating initiative in promoting school activities-founder/co-founder of a new activity, etc.

##### **Service:**

Service is generally considered to be those actions undertaken by the student that are done in or outside of school with or on behalf of others without any direct financial or material compensation. Any service



performed in school, the community, or with religious organizations will be considered. A candidate must have been involved in a significant form of service during his/her freshman year onward. This does not necessarily mean community service, but a student must show that he/she has given up time to help others in an unselfish manner.

**Requirements:** At least twenty (-20) hours of community service must be performed in the high school years by the end of the 1st semester of the student's # junior year. Examples of service include: religious/church/community/civic organizations-groups, tutoring, volunteering services to those in need, etc.

**Character:**

The candidate should have displayed outstanding character. A person of character demonstrates the following qualities: trustworthiness, respect, responsibility, fairness, caring and citizenship. A candidate may demonstrate this by taking criticism willing, accepting responsibility graciously, and complying with school regulations and staff instructions both in and outside of the classroom. An applicant's character is determined through 2 teacher recommendations that are a required part of the NHS application. The recommendation form will be sent out by the advisers around the times of the application process. In addition, any previous suspendable disciplinary offense, infraction of school rules and /or improper conduct may be cause for rejection of a candidate. All candidates must display academic integrity (avoid plagiarism, cheating, etc.).

Candidates must fill out an NHS Application that demonstrates/describes their leadership, service, and character. Students who submit the application by the established deadline should understand that review of this information by the Faculty Advisory Committee DOES NOT guarantee election.

**APPEAL PROCESS**

The description below describes the process for requesting an appeal in cases of non-selection to NHS. Membership is granted only to those students selected by the Faculty Council on the condition of their having met the standards for selection established at the local level and based on the provisions of the national constitution (Article IV, Section I, NHS Handbook, 17th Ed., NASSP).

Inevitably, some student candidates are not selected. In seeking to understand the reasons for non-selection, a student may request a meeting for clarification. Below is the proper procedure that must be followed when seeking clarification or before an appeal can be granted.

**Commented [mm7]:** We would recommend lumping church/religious activities into a larger overall group of "community/civic organizations" to avoid any suggestion that the District is requiring religious participation as a necessary component of public service.

1. **Consult first with the Chapter Adviser.** Your first inquiry should always be with the faculty member assigned to serve as the adviser of the chapter at your school. This individual facilitates the selection process (but does not vote) and may be able to clarify the nature of the selection process or the decisions that were made. The adviser can also inform you on the formal process for appeals on procedural grounds only.

2. **Consult with the Principal.** The principal is your second recourse should you feel your concerns were not answered or addressed. This person can supply you with the criteria for selection and answer other questions you may have. This should be your second avenue for inquiry.

3. **Filing a formal appeal.** A student may appeal the decision of the NHS Faculty Council based on one of the following reasons only: **technical or procedural errors**. Technical or procedural errors might include the inadvertent omission of a student's name from the list of those qualified for induction, the erroneous averaging of grades, or the chapter's failure to follow prescribed procedures. Appeals of non-selection will not be granted for a reevaluation of essays or for reasons related to the failure of a candidate to include information that was not submitted during the initial selection process.

- All appeals are heard by the building principal and Faculty Council.
- Upon receipt of the decision not to induct a candidate, a student may make a typed appeal to the building principal. The appeal must be made in written/typed form. No appeals will be heard by the principal or Faculty Council prior to official notification of non-selection.
- The request for an appeal must state the reason for the appeal.
- An appeal must be submitted with the advisors within two weeks of the notice not to induct a candidate.
- The advisors will schedule a hearing for the appeal.
- The building principal and Faculty Council will hear the appeal, investigate the concerns presented, and notify the appellee of their decision in written form within one week of the date of the appeal. However, there may be extenuating circumstances which require more time for the investigation of the appeal. If more time is needed, the advisor will notify the applicant and give an estimated date for their notice of decision.
- The decision of the building principal is final.

## **Fundraising**

### **Student Extracurricular Fundraising Guidelines and Expectations**

The Marblehead Public Schools offers school-sponsored student athletic, performing and fine/applied arts and extracurricular clubs, activities and events as a part of the student's overall educational experience. These offerings are considered district sponsored operational activities and as such, are funded as a part of the annual budget process. Budgeted funding sources include Town-appropriated school operating budget, student user fee revenue, athletic game and event 'gate receipts,' and performing arts ticket sales.

Student team and club-based fundraising initiatives, outside of established organizations such as the Boosters, may occur, as a supplement to the operational costs of District extracurricular activities, within the parameters outlined in this section.

### **Objectives/Considerations for extracurricular student athletic and club fundraising:**

- The fundraiser promotes team and school community and collaboration;
- The fundraiser participants are voluntary in nature and attendance in the event;
- The fundraiser provides students and/or district staff, coaching, advisory, or otherwise, a positive philanthropic experience;
- The event raises funds with specific funding intent or goal in mind, that is not a part of the school's annual operating budget;
- Coaches may coordinate team, club or advisory student fundraisers, with oversight from appropriate district staff, (athletic department staff or building principal) recognizing appropriate timing and coinciding student commitments;
- Prior to the student fundraiser, the event coordinator shall submit for approval the district Fundraising Authorization Form, as provided within handbook appendices.

### **What student fundraising proceeds may fund:**

- Spirit-wear, team-wear outside of base game or event uniform (i.e.: sweats, warm up gear, jackets, hats)
- In or out-of-state-trips or events, specialized camps, invitational tournaments or events, outside of official team game or event league or conference schedule (including transportation as appropriate)
- Social events including team meals, events, banquets
- Student Awards

Formatted: Left, Tab stops: Not at 0.25"

**What student fundraising proceeds WILL NOT fund:**

Students and families can generally expect the following resources to be funded at the district level as operational provisions of the team, club or activity:

- Athletic team game uniform
- Coaching/Advisor payment or contractual stipends
- Standard district provided equipment (varies by team)
- Team conference or league membership fees
- Fees for rental or use of facility for games or events
- Game or event officials or referees

**EXPECTATIONS & PROCEDURES**

Formatted: Font: Bold

**Attendance Policy**

Policy JH, **LEGAL REFS: M.G.L. 76:1; 76:16; 76:20, Individual School Handbook, from the Marblehead Public Schools Policy Manual**

Regular and punctual school attendance is essential for success in school. The Committee does recognize that parents of children attending our schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law. Therefore, students may be excused temporarily from school attendance for the following reasons:

1. Illness or quarantine.
2. Bereavement or serious illness in family.
3. Weather so inclement as to endanger the health of the child.
4. Observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the school administrator. A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his character. Parents will help their children by refusing to allow them to miss school needlessly. Accordingly, parents will provide a written explanation for the absence and tardiness of a child. This will be required in advance for types of absences where advance notice is possible. In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justifiable.

**ATTENDANCE PROCEDURES**

The attendance procedures for the 2021 2022 school year are as follows: Parents are required to call the school at 781-639-3100 X2 by 8:30 a.m. if a child is going to be absent or late for any reason. This is for all students in both hybrid and remote learning. Teachers will take attendance during every class, any student who is twenty-five (25) or more minutes late to class will be

considered absent. In lieu of sending in a note, parents should email with the date and reason for the absence. Parents/guardians will be contacted if the school has not received notification of the reason for the student's absence from a parent/guardian within three (3) days of the absence.

#### Absences From School

Marblehead High School defines absences as belonging in one of three (3) categories: documented, excused, and unexcused absences. When returning to school, the student must take responsibility to make up missed work when appropriate.

#### Maximum Allowed Absences

Credit for all courses is based on Class Attendance as well as Academic Achievement. Students are allowed no more than four (4) absences each course (excused and/or unexcused) per quarter. No more than eight (8) absences in each course (excused and/or unexcused) per semester (2 Quarters). No more than sixteen (16) absences in each course (excused and/or unexcused) for the year

#### Categories of Absence

*Documented* – make-up allowed, excused absence recorded. This includes, but is not limited to the following (does not count against student):

- + Illness covered by a doctor's note (MD\*) documented by a note from a doctor on official letterhead.
- Surgery/Hospitalization (MD\*) as documented by a note from the doctor/hospital on official letterhead.
- Death in the family/extenuating family emergency (DO\*) as documented by parent/guardian to the respective Assistant Principal.
- Observance of religious holiday (RH\*) – documented by note from parent/guardian, will be absent from school due to religious observance.
- Court appointment (CA\*) as documented by an official court note - mandated court appearance.
- Medical appointment (MD\*) as documented by a note from a doctor on official letterhead. Non-illness related visits to a doctor's/dentist's office for such things as physicals, braces, or check-ups.
- Some dismissals by the Nurse (discretion of the Nurse to determine whether documented), when illness or injury occurs during the school day.
- Authorized field trip (FT\*) - School-sponsored field trip.
- College visits (CV\*) - Four days annually may be granted for college visitor/permanent career placement visits (must be authorized by student's guidance counselor)
- Accepted College Day (CD\*)

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Commented [mm8]:** Required under MGL c. 76, s. 1A

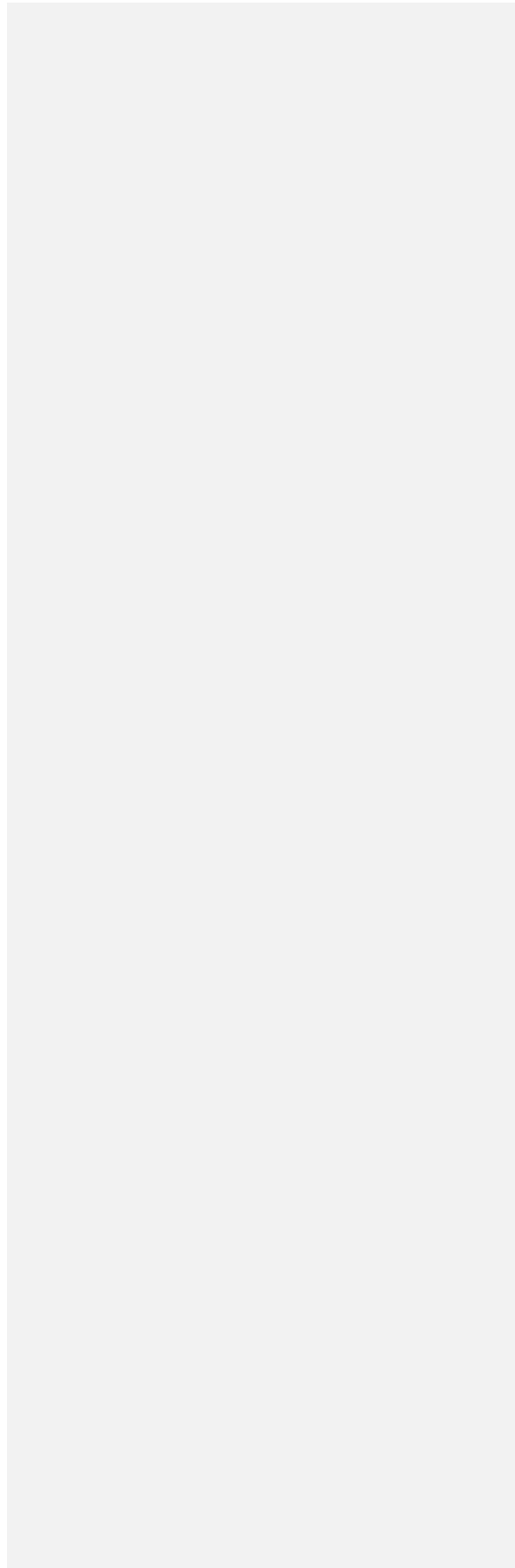
**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: (Default) Garamond, 10 pt, Font color: Black, Condensed by 0.1 pt

**Formatted:** List Paragraph, Bulleted + Level: 1 + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Font color: Black, Condensed by 0.1 pt



- Absences warranted by unusual circumstances (~~Peal Ex\*~~) must be approved by the appropriate Assistant Principal.

[\\*ASPEN Absence Codes used in the Parent Portal](#)

*Excused* – make-up allowed, excused absence recorded. This includes, but is not limited to the following (counts against student):

- Routine absence due to brief illness as approved by parent/guardian
- Dismissals from school by parent/guardian or person designated on emergency card because student doesn't feel well enough to remain in school
- Absence from classes for family vacations
- Outside-of-School suspension [or expulsion](#)

*Unexcused* - no make-up allowed.

- Truancy from class or school

When returning from an absence, the student is required to present to the Main Office, a note of explanation from the parent/guardian and the reason for the absence. This note must contain: date of absence, reason for absence, signature and phone number of parent/guardian. If absences or tardies are unresolved, students should contact their Assistant Principal.

**Extended Excused Absence** – This is for students who have a documented medical (physical, mental, or social/emotional) issue that impacts a student's attendance. These students do not go through an appeals process. Instead, the student provides medical documentation to his/her team (i.e., School Counselor, Nurse, and Administrator). After a follow up conversation with the student's family and support personnel, the documentation is on file for the student. Extended Excused Absence can be granted for one or more quarters.

In all instances where a student is on an IEP or a 504 plan and which are not covered by the preceding Extended Excused Absence provision, before consequences are imposed under this policy for absences, the school shall first determine whether the absences are caused by or have a direct and substantial relationship to the [student's](#) disability or are a direct result of the district's failure to implement the plan. If the determination is that either of these conditions account for the absences, the school shall grant an Extended Excused Absence until appropriate accommodation can be made in the plan. ~~Otherwise~~[Otherwise](#), the absences shall count and the provisions of this policy shall apply.

#### **Attendance Warning Notice**

- An Attendance Warning Notice will be generated when the student reaches their third (3rd) absence (excused and/or unexcused) in any class.
- This notice will be sent to parents/guardians and the student's Assistant Principal.
- The Assistant Principal will communicate with the student and their parent/guardian about the attendance concern.
- Where a student is absent with-out excuse in excess of five (5) cumulative school days in the school year, the parent(s)/guardians will be provided with written notice and a meeting will be conducted with the school administration to develop plan to address the student's attendance action plan for the student
- In the event that a student is absent without excuse in excess of ten (10) consecutive school days, the student and parents/guardians will be contacted relative to the convening of an Exit Interview meeting in accordance with Massachusetts law. Please see M.G.L. c. 76, § 18 in Appendix A.

**Formatted:** Space Before: 0 pt, Tab stops: Not at

**Commented [mm9]:** This is a required element of your attendance notifications. MGL 76, 1B

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Indent: Hanging: 0.25", Tab stops: 0.5", Left + Not at 0.25"

**Commented [mm10]:** This statement should also be included. MGL 76, 18

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt, Italic

**Formatted:** Font: Italic

**Formatted:** Font: Garamond, 10 pt, Italic

**Formatted:** Font: Italic

**Formatted:** Indent: Left: 0.5", Space Before: 0 pt, Line spacing: Exactly 10.65 pt, No bullets or numbering

**No Credit (N) - N grade due to poor attendance**

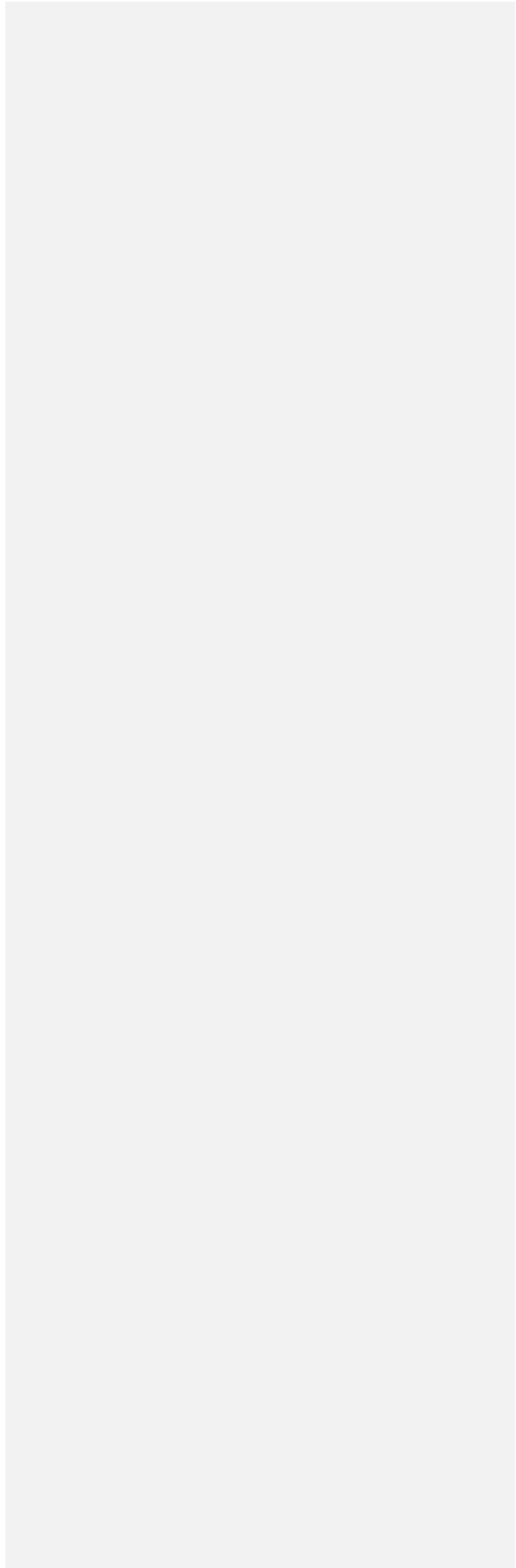
This part of the attendance policy will be suspended for 2021-22. This includes the Attendance Review Panel.

- If a student accumulates more than four (4) absences (excused and/or unexcused) per term in any course, they will receive a grade of "N" on their report card, indicating No Credit due to poor attendance.
- If a student receives an "N" for one term, they can still receive a passing grade for the semester or year if they maintain a passing grade average and are not absent more than four (4) (excused and/or unexcused) times in the other terms.
- Two "N" in a semester course, they will receive No Credit for the course.
- Four "N" in a full year course, they will receive No Credit for the course.
- It is important to remember that when a student receives an "N", it is a notice that both student and parent/guardians need to monitor school attendance more closely and set a goal to improve attendance.
- It does not represent that a student is failing the course from a lack of achievement.
- If a student receives one or more "N" grades, they will be ineligible for Honor Roll.
- If a student receives No Credit for a course, it is recommended that they set up a meeting with their Assistant Principal and guidance counselor to make arrangements to repeat the course or its equivalent.

**N Grade Implications**

- If a student is failing the course, the report card would reflect the failing grade, not an "N."
- Goal of this policy is to help students gain the maximum benefit from the high school curriculum and the dialogue that occurs between students, teachers and peers.





#### **Attendance Review Panel**

- If a student receives an “N” for the term, semester or year and believe that circumstances merit a waiver of the attendance policy, they may submit a written appeal to the Attendance Review Panel.
- This panel meets at the end of each marking term. The Attendance Review Panel appeal forms can be obtained from the Main Office.
- Provide a written explanation of the reason for the appeal prior to meeting with the Attendance Review Panel.
- *All appeals must be initiated no later than one week following the distribution of report cards.*
- The Attendance Review Panel can only excuse specific dates.
- Students should specify these dates on the appeal form and provide official documentation of each absence being appealed, such as doctor/hospital notes, court documents, etc.
- Students should be prepared to provide evidence if there are any extenuating circumstances.
- Students are expected to appear in person before the Attendance Review Panel so that issues requiring clarification can be addressed. Parents/guardians are encouraged to attend and will be notified of the Attendance Review Panel meeting.
- The student’s Assistant Principal will confirm the Attendance Review Panel’s meeting time and place with the student.
- Failure to attend the meeting when a student is present in school on the day it is scheduled will result in the loss of the right to appeal.
- Seniors may appeal the Attendance Review Panel’s decision should it constitute loss of credit in a course needed to graduate. This request must be submitted to the Principal within five days of the date of the letter from the Attendance Review Panel.
- Attendance Review Panel will consist of the following members:
  - Assistant Principal of the student submitting appeal
  - Three teachers - one chosen by the student and two standing members

#### **Planned Absences**

~~[The Marblehead Public Schools discourage such student absences.](#)~~

Marblehead High School students who take vacations or family trips that do not coincide with previously scheduled school vacation days will miss valuable class experiences that cannot be duplicated in any other way.

~~[The Marblehead Public Schools strongly discourage such student absences. Such planned absences are discouraged.](#)~~

We understand, however, that there may be times when such absences are unavoidable. Students and parents need to recognize that, ~~as excused absences, planned~~ absences can imperil the student's academic status for courses that are missed. Although make-up is allowed, the absence counts against the student. Students may lose credit for the quarter if the number of absences 4 (four) (excused and/or unexcused) per course. While teachers may let students make up missed assignments, tests, and quizzes, teachers are neither expected nor required to provide make-up work or special assignments prior to vacations. Teachers are not expected or required to provide special tutoring for those students whose parents take them on vacation during school time.

#### **Tardiness to School**

The school day begins at 7:55am. Students who arrive after 7:55am must obtain a pass from the main office before going to class.

- Students are permitted a maximum of three (3) tardies (excused and/or unexcused) per quarter.
- On the fourth (4) and every subsequent tardy (excused and/or unexcused), they will be assigned a teacher detention to be served from 3:00 p.m. to 3:30 p.m.
- An "excused tardy" is a tardy that is known by a parent/guardian and has a note from them explaining the tardy.
- An "unexcused tardy" is a tardy that has no note from a parent/guardian to explain the reason for the late arrival. Both excused and unexcused tardies are included in calculating the number of tardies per term.

#### **Tardies not counted towards the maximum tardy totals:**

- Religious observation
- Medical appointments
- Extenuating family emergency
- Court appointment
- Returning from a school sponsored field trip
- A bus that has come to school late

Students who are tardy to school after 11:10 a.m. without a valid excuse will be ineligible for extracurricular activities that day.

#### **Tardiness to Class**

- Students are expected to be on time for every class and if they are tardy they will serve a teacher detention that day. The teacher will inform the student about the teacher detention. The student who arrives to class halfway through the class, will be considered absent for attendance purposes. (For example, a student arriving

first block at 8:30 am would be marked absent in the teacher's attendance)

- If tardiness exceeds three (3), the teacher will make a referral for the student to serve an office detention (3:00-3:30pm).
- If a student continues to demonstrate tardiness to class, the teacher will refer the student to their Assistant Principal through a disciplinary report which will result in a parent meeting.
- When a student misses two (2) or more classes over five (5) cumulative school days during the school year due to tardies, the parent(s) will be provided with written notice and a meeting will be conducted with the school administration to develop a plan to address the student's attendances.

**Formatted:** Space Before: 0 pt, Tab stops: Not at

**Formatted:** Space Before: 0 pt, Line spacing: Exactly 10.7 pt, Tab stops: Not at 0.25"

**Commented [mm11]:** Required by MGL c. 76, 1B

#### **Dismissals**

- In lieu of sending in a note, parents should email (insert attendance email address) with the date and time for dismissal.
- The nurse must speak to a parent/guardian before a student can be dismissed for any injury or illness. If your child contacts you directly because of feeling ill or injured, refer him/her to the nurse. After completing an assessment, the nurse will contact a parent/guardian for dismissal if necessary.

#### **Individual Responsibilities**

**Formatted:** Underline

#### **Student Responsibilities**

- It is each student's responsibility to make responsible decisions about attending all classes on a regular basis.
- Monitor their own attendance and speak with their teachers if there are any questions about attendance records.
- When returning from an absence, the student presents a note of explanation from the parent/guardian and the reason for the absence to the Main Office.
- The student must obtain and make-up class work missed due to absences. It is the student's responsibility to see their teachers to obtain missed work.

#### **Parent/Guardian Information and Responsibilities**

- The parent/guardian should monitor their child's attendance.
- Discuss the importance of good attendance with their children.
- When returning from an absence, send a note with your child to present to the Main Office.
- Special circumstances will be reviewed by the assistant principal.

#### **Faculty, Staff, and Administration Responsibilities**

- Record each student's attendance in Aspen for each class on a daily basis.
- Submit daily attendance records each day.
- Reconcile all adjustments to a student's attendance the following day.



- Notify the student, parent/guardian, guidance counselor, and assistant principal when a student reaches three (3) absences.
- Notification for tardy to school.
- Assistant principals and school staff will work with students and parents/guardians whose absences or tardies are unexcused or excessive [and provide necessary written notices in accordance with Massachusetts law.](#)

**Important to Note**

When a student misses a class due to tardiness or dismissal in which a test/quiz is given, s/he will be expected to take the test/quiz the day of their return at the convenience of the teacher. It is the student's responsibility to connect with the teacher and to make these arrangements.

If the school does not receive timely notification of a late arrival or early dismissal, the student's absence from a class may be considered unexcused with associated disciplinary consequences.

Absences, early dismissals, and tardies due to school-sponsored activities shall be excused.

**NOTE:** Assigned detentions must be served before a student attends a club, organization, activity and/or sport. Students will not be allowed to tryout, sign-up, attend, nor participate in clubs, activities and sports if they have not served their detentions.

**Meeting with College Representatives at MHS**

Students wishing to meet with college representatives during the school day may do so if they have a prearranged pass from guidance.

Students are responsible for connecting with their teachers and making up any work missed. Since visits from college representatives are known in advance, students should connect with their teachers prior to the day they will miss class time.

**Senior Project: Participation in Senior Project is contingent upon a student meeting all Senior Project requirements.**

**Attendance for MCAS testing is mandatory.**

**Parents/Guardians Going Out of Town**

**MUST** notify the office and provide the name and contact information of the person who will be responsible for the student during the parents' /guardians' absence.

**Senior Privilege**

Senior Privilege allows a senior to leave school grounds during non-instructional time during the last block of school. Senior Privilege also allows a senior to enter school after the first block of the school day if the first block is non-instructional time.

Senior Privilege is an extension of freedom awarded to those seniors who demonstrate by their grades and good citizenship that they are mature, responsible young adults who deserve the opportunity to exercise greater judgment in the use of their time.

If students decide to stay in the building, they may report to a teacher's classroom or the library. Seniors may not walk around the building and must remain in the room to which they reported. Students are required to sign out/in through the Main Office.

- Attendance:** No truancy from school  
No class cuts  
No more than 3 unexcused tardies in any class
- Academic:** Minimum of C- average in classes,  
no Incompletes  
Minimum of 30 academic credits per year
- Behavior:** \_\_\_\_\_ No suspensions the previous quarter  
\_\_\_\_\_ No lingering in hallways  
\_\_\_\_\_ No returning to school from late – no excuses  
\_\_\_\_\_ No driving students without off campus who do not have Sr. Privilege  
\_\_\_\_\_ Never taking an underclassman off campus  
\_\_\_\_\_ Never be a disturbance to the community when off campus

Formatted: Indent: Left: 0.5", Hanging: 1"

Formatted: Left, Indent: First line: 0.5", Tab stops: 1.5", Left

Senior Privilege may be revoked if the student fails to adhere to the criteria. Parental permission is required. The administration reserves the right to suspend Senior Privilege for all students in certain instances (e.g., inclement weather, school emergency).

**Change of Address or Contact Information**

It is very important to promptly notify the school of any and all changes in [residential address](#), [mailing address](#), [email address\(es\)](#) and/ or telephone number(s) so that parents ~~and/or~~ guardians can be

reached in the event of an emergency. Fill out the emergency card on the Aspen Parent Portal.

### **Student Parking**

Parking on school property is a student privilege. Students found to be in violation of the school parking rules may have this privilege rescinded. Students who abuse parking privileges may earn further sanctions including detention and/or suspension.

- Students must register their vehicle with the main office by fully completing a parking agreement.
- Once issued, the parking permit (sticker) must be visibly displayed on the vehicle.
- Students driving vehicles to school must park them in the student parking spots designated with an S followed by a number.
- The speed limit on school grounds is 10 M.P.H. Cars must not pass school buses while they are unloading or loading students in the bus area.
- Reckless driving may result in the loss of the privilege to drive to school, and students may receive detention and/or suspension. Reckless driving may also be reported to the police.

### **Library**

The use of the Library will be restricted to only classes scheduled for that space.

### **Dress Code**

Please see Policy JICA, from the Marblehead Public Schools Policy Manual

**(MHS Handbook information)** The Marblehead High School dress code applies to all school-sponsored activities and is based on the premise that all students attending the Marblehead High School are young adults who wish to dress and groom themselves appropriately with due consideration to popular convention. ***The administration is authorized to take action in instances where individual dress does not meet the stated requirements.***

### **The Dress Code**

1. Dress or grooming must not disrupt the educational process or threaten the health or safety of any individual.
2. Clothing or jewelry that displays obscene, sexually suggestive, illegal paraphernalia, weapons, intentionally harassing, and/or bigoted remarks or symbols, Clothing that encourages drinking, drug use, sex,

**Formatted:** Font: Garamond, 10 pt, Bold

**Formatted:** Font: 10 pt



violence, [vaporizer use and](#)/or tobacco use will not be worn at any time during the school day (including during physical education).

3. Dress and grooming will be clean.
4. Students will not wear clothing, hairstyles, or footwear that can be hazardous to themselves or others in their educational activities.
5. Students may not bring hairspray, nail polish remover, perfume, or cologne to school. These products could be dangerous, damage school property and may cause allergic reactions among students, staff, and faculty.

#### **Required Standards of Dress**

1. Hooded garments may be worn, **but the hood may not be on the wearer's head nor cover the ears or face.** [Except if worn for religious or documented medical reasons and with the prior approval of the administration,](#) hats or head coverings must be removed upon the request of a staff member.
2. ~~Short shorts and very short skirts will not be worn.~~
3. Footwear laces will be tied.
4. Clothing will be neat and appropriately buttoned or zipped at all times.
5. ~~Tube tops, halters, camisole tops, spaghetti strap and bare midriffs are unacceptable.~~
- 6.5. Chain wallets and other clothing with chains are not allowed [\(may be considered to constitute a dangerous weapon\).](#)
- 7.6. Underwear that is visible is not allowed [and the torso must be fully covered at all times.](#)
- 8.7. Pajamas are not allowed.
- 9.8. Sunglasses are not allowed to be worn during the school day in the building [except for documented medical reason and with the prior approval of the school administration.](#)
10. ~~Vapewear is not allowed~~

**Commented [mm12]:** For future consideration: The District may want to consider a more gender neutral standard here.

**Commented [mm13]:** As drafted, this provision disproportionality impacts female students

**Commented [mm14]:** This provision appears to be targeting only female students.

#### **Possible Consequences for Inappropriate Dress:**

1. The student may call home to request appropriate clothing to be delivered.
2. The student may be given something from school to wear for the day.
3. The student may be removed from [regular classroom activities and/or](#) school for the remainder of the day [in accordance with applicable due process requirements.](#)

#### **Emergency Contact Information**

Each parent/[guardian](#) must complete the Emergency card through the Aspen Parent

Portal: <http://www.marbleheadschoools.org/technology/aspencu>.

[Any changes to the parent\(s\)/guardian\(s\) emergency contact information following the start of the school year must be immediately reported to the school administration.](#)

#### **Electronic Devices (iPods/Cell Phones, etc.)**

1. Student will receive yearly training in the ethical use of electronics within the high school.

- Start of the year class meetings.

- Integrated into the health and wellness programs.
2. Students may only use a personal electronic device if they and their parent/guardian have signed a user agreement indicating that they will abide by the ethical use of electronics. That agreement will include provisions on what happens if a violation occurs.
    - First Incident: electronic devices are confiscated and sent to the main office. Student can pick up the device in the main office after school.
    - Second and/or Third Incident: electronic devices are confiscated and then sent to the main office. Parent/guardian must pick up the device.
    - At any time beginning with a fourth incident, electronic devices for that student may be banned permanently.

Please Note: ~~Further-Additional~~ disciplinary action may be taken depending upon the nature of the violation.

3. Use of electronics within the high school is restricted to educational time only. Use is up to the discretion of the teacher.
  - During class periods but only with explicit permission from the classroom teacher and only for the purpose of achieving an educational objective. This applies to the library as well.
  - During study halls as long as the use of the device is not disruptive to the learning environment.
4. Cell phones will not be used to make phone calls during school hours (7:55-2:30); students may make calls from the phone in the main office.
5. Students are prohibited from making recordings or taking pictures without permission.

Please Note: ~~While every efforts~~ will ~~not~~ be made to preserve the physical integrity of a confiscated device, ~~neither~~ the school nor the faculty is responsible for any damage that may inadvertently occur.

#### **Door Alarms**

To heighten security, all external high school doors have been fitted with alarms that are active during the school day with the exception of the main entrance; these alarms will sound (quite loudly) if any other door is opened. It is therefore imperative that all traffic into and out of the school flows through the main door. Any student found to have opened an alarmed door during school hours without permission will be subject to immediate disciplinary action. [Any student found to have facilitated another individual's unauthorized access to the school building will also be subject to disciplinary action.](#)

#### **Field Trips**

Please refer to SC Policy IJOA, **CROSS REF: JH, Student Travel**, from the Marblehead Public Schools Policy Manual

TRANSPORTATION

All trips shall be carefully planned with due consideration for the safety of children and proper conduct on the bus and at places visited. Insofar as possible, trips shall be taken in school buses. The District shall develop a plan for the use of buses for field trips allowing for equitable use by the different schools in the system.

All students riding buses for field trips or athletic events shall use seatbelts when provided. It shall be the responsibility of the field trip monitor or athletic coach to instruct students to buckle up before the bus begins to move. Misuse of the seatbelts by students on field trips shall be cause for students to be excluded from future field trips as determined by the appropriate building principal. Misuse of seatbelts by athletes on athletic trips shall be cause for disciplinary action as determined by the athletic director.

COSTS AND FUNDRAISING

Field trips of significant educational value shall be encouraged and, where possible, conducted at a low cost to students. In instances of extended field trips, such as visits to cities out of the state, which involve unusual costs, plans will be developed cooperatively by school personnel and the Parent-Teacher Organization. Fundraising activities for field trips will be subject to approval by the appropriate Administrator.

Fundraising activities shall not create undue pressure on students or cause unfair competition with merchants. Consideration will be given to students who need special financial assistance. The School Committee shall use funds from student user fees to help defray the costs of field trips.

~~CROSS REF: III, Student Travel~~

Parents will be informed in writing of any field trip, no later than one (1) 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 prior parent consent. Staff members supervise students during out-of-school activities. Parents are often asked to help supervise during field trips.

~~CROSS REF: III, Student Travel~~

STUDENT PARTICIPATION

No student may be excluded from a field trip without documented just cause. Just cause may include:

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt, Not Italic

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt, Not Italic

Formatted: Font: Garamond, 10 pt

Formatted: Font: Garamond, 10 pt, Not Italic

Formatted: Font: Garamond, 10 pt

- > ~~The student's statements or past history demonstrating a tendency to do harm to themselves, others or the site being visited,~~
- > The student's statements or past history demonstrating a pattern of disobedience or school rules violations,
- > The student's unacceptable behavior during the time directly preceding the trip indicating unwillingness to prepare for the trip to make it a productive experience,`
- > The student's inappropriate behavior on a previous trip.

**Commented [mm15]:** As the application of this provision could result in discriminatory exclusion of students with disabilities, we would recommend removal of this specific statement.

The student's teachers, counselors and principal will determine if exclusion is warranted. The student's parents will be notified.

Any student not attending a field trip will remain in school. Teachers will leave provide relevant curriculum based lessons and activities for all students not attending the off-site activity and students during that school day will complete such lessons. All school rules apply on field trips.

**Food Services (MHS Handbook Information)**

- Vending machines: There are vending machines located in the cafeteria for water, juice, and snacks.
- If a student is caught vandalizing the vending machines he/she will have to reimburse the district for the damages incurred. Other consequences may be implemented depending on the situation.
- Breakfast: Students should eat a healthy breakfast before arriving at school; if students missed this opportunity the breakfast program at MHS runs from 7:30 ~~a.m.-AM~~ to 7:50 ~~a.m.-AM~~. All are welcome.
- Lunch: Lunch menus are posted on the website (<http://mhs.marbleheadschoools.org/departments/food-services>) and Channel 10.
- Students are required to throw away their trash.
- Eating in classrooms is prohibited.
- Leaving the café with food is not permitted.
- If a student is caught stealing food from the café he/she will have to reimburse the district for the stolen food and will have to eat lunch in the main office for a week. Please refer to Discipline Code - Type 2 Infraction.
- Students may not order food to be delivered to the school during school hours.

**Lockers**

Each student will be assigned a locker for storage of school materials and outer garments. Students are expected to use only their assigned locker. Students are urged to bring a lock to school to secure their belongings.

Students are urged not to share their lockers with other students.

Students are urged to 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. Please remind your child about the importance of using their lock.

Weapons, medicines, illegal drugs, alcoholic beverages, stolen property, and other contraband may not be stored in school lockers. Lockers are to remain locked at all times. Lockers are school property and the school reserves the right to search lockers at any time – which may require the cutting of students lock. **Students should have no expectation of privacy regarding the contents of their lockers.**

Formatted: Font: Bold

#### **Lost and Found**

Textbooks and other school materials are the responsibility of the ~~student,~~ ~~and student and~~ must be paid for if lost. The Lost and Found is located in the Main Office. Any clothing that goes unclaimed will be sent to a local charity both prior to the winter break and at the end of the school year. A reminder is posted on the school website one month prior to the donation date. In addition, reminders are posted on the school website and read periodically over the school public address

#### **Marblehead Public Schools' Policy Manual**

The policy manual is available online by going to <https://www.marbleheadschoools.org/Page/353>. Of special interest will be Section J, "Students."

If you have questions/comments about the policy manual, contact your building principal. The School Committee considers the Policy Manual to be a living document and will update/revise it as necessary.

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

The Marblehead Public Schools have been a voluntary participant in the METCO program for over 50 years. The METCO staff includes a coordinator, a counselor, tutors, bus monitors, and a clerical aide. This program is completely funded through a Massachusetts 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. Host families are a critical component of this program. If you are interested in hosting a METCO student, contact the program director at 781-639-3100 x 2162.

**School to Home Communication**

All schools in the district have a school/home communication system called School Messenger to notify families via telephone of time sensitive information. This communication system enables the district to contact parents in a timely manner in the event of an emergency situation. For instance, in the event of a power failure that requires the moving of students to a different site, a phone message would be sent out to parents' contact numbers before the end of the school day. It is therefore important to update the main office anytime there is a home/cell phone number change.

**Student Fees, Fines and Charges**

Please refer to Policy JQ, from the Marblehead Public Schools Policy Manual

**Student User Fees (UPDATED)**

<https://www.familyid.com/programs/marblehead-high-school-2018-fall-athletics-registration>

- Interscholastic sports and Fine Arts productions \$471/year
- Clubs that meet weekly \$289/year
- Clubs that meet 1-2 times per month \$144/year
- \*Flag Football/Senior Girls \$64
- \*This fee is for any girl not participating in athletics or Fine Arts.
- **Family maximum payment is \$622.**

\*(The maximum yearly fee entitles the student to participate in as many activities as he/she wishes).

Provisions for financial hardship will be made using Federal Lunch Program criteria. Inquiries may be made in the Athletic Office or Main Office at MHS. To allow your student(s) to participate in the school activities of their choice, please fill out a user fee form and send it with your check or money order to Marblehead High School, 2 Humphrey St., Marblehead, MA 01945.

Payment may be made online, in person in the Athletic Office or in the Main Office at MHS. For all activities, the fee is due before the student participates.

**Student Photographs**

Please refer to Policy JRD, from the Marblehead Public Schools Policy Manual

**(MHS Handbook information)** At the beginning of the school year, parents are asked to sign a *Photo Release* form if they would like to allow the school to celebrate their student's successes by sharing their work or photographs with the press.

Commented [mm16]: Why only female students?

## STUDENT RECORDS

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

The Family Educational Rights and Privacy Act (FERPA) affords parents and students 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 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 or eligible student believes 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:

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5920

### Summary of Massachusetts Student Records Regulations 603 R 23.00

#### (I) Definitions

**Student Record:** The student record consists of the transcript and the temporary record including all information recording and computer tapes, microfilm, microfiche, or materials regardless of physical form or characteristics concerning a student maintained by the school district and are organized on the basis of the student's name in the 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., e-mail, 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

**Commented [mm17]:** The District is required to provide annual notices of rights under FERPA and under the Massachusetts student records regulations. This statement should be included in the Handbook for that purpose.

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Left, Right: -0.94"

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Right: -0.94"

**Formatted:** Right: -0.94", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 603 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

**Formatted:** Right: -0.94"

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Indent: Hanging: 0.75", Right: -0.94", Numbered + Level: 1 + Numbering Style: I, II, III, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.75", Tab stops: 0", Left

**Formatted:** Right: -0.94"



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.

**(II) 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.

Formatted: Font: Garamond, 10 pt

**a. Rights of Non-Custodial Parents**

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

Formatted: Indent: First line: 0.5", Right: -0.94"

Formatted: Font: Garamond, 10 pt

Formatted: Indent: Left: 0.5", Right: -0.94"

Formatted: Right: -0.94"

**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 custody of the 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.

#### 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 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.

**Formatted:** Font: Garamond, 10 pt

**Commented [mm18]:** The District is, in addition to specific notice of any surveys conducted, required to provide an annual notice of rights under the PPRA. It is recommended that this general notice be included in the handbooks for that purpose.

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

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

**Formatted:** Font: Garamond, 10 pt

**Special Education Parent Advisory Council (SEPAC)**

The Special Education Parent Advisory Council of Marblehead (SEPAC) is a parent advisory council organization run by parents of children with special needs. The SEPAC's purpose is to develop better understanding and communication among parents, teachers, and administrators. Membership includes parents, teachers, and the special education administration. Meetings are held every other month. Please refer to the school calendar for days and dates. For more information, go to <http://marbleheadspedpac.org/>.

**Traffic Drop-Off and Pick-Up**

The front circle is reserved for emergency vehicles, special needs buses and the METCO bus. Please **DO NOT** park in the front circle.

**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.

**Commented [mm19]:** Need no idling

**Commented [mm20]:** The District is strongly encouraged to include this notice in all handbooks.

**Visitors**

Visitors are welcome at Marblehead High School. 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. Parking lot spaces for visitors are marked **“Visitor Parking”**; please do not park in a numbered (teacher assigned) space during the school day.

We welcome past students who want to visit with teachers ~~but those visits happen following outside~~ regular school hours (7:55-2:30) and with advanced notice to the teacher and administration.

**Volunteers**

**Please refer to Policy IJOC, from the Marblehead Public Schools Policy Manual**

There are two types of volunteers in the school buildings:

“**Volunteers with Status**” serve as follows:

- In place of School Department Staff during the normal school day;
- As supervisors of students during the regular school day independent of other school employees;
- As chaperones for students involved in overnight field trips;
- Support school employees on day trips.

“**Casual Volunteers**” serve under the direct observation and supervision of school employees and do not act independent of school personnel.

Examples of services provided by a Casual Volunteer are:

- Support school employees as a supervisor at lunch, recess, and in classroom activities;
- Support school employees in group activities;



Other activities in which regular school employees are present and the Casual Volunteer is not required to act independent of outside direct collaboration with a school employee.

## **FREEDOM AND RESPONSIBILITY**

As members of a community, individuals must balance their own rights with those of the group in order to help the community reach its goals.

- Students will not be punished for polite and respectful expression of their political, religious, moral, or social beliefs.
- Students will have the opportunity to express, politely and respectfully, views contrary to the teachers'.
- Students are not obligated to salute the flag or recite or read any selection that is contrary to their religious, moral, or ethical beliefs.

### **Books and Classroom Materials**

When a student receives books or other materials from teachers in class, the student will sign a book slip and take full responsibility for those books or materials. Teachers will require that all books be returned to the issuing teacher and may impose certain penalties for books not returned [or that are damaged](#). If a book is lost the student is responsible to pay the cost to replace the book or materials. Official transcript may be withheld and students may be excluded from all fee-based activities until all obligations are fulfilled.

### **Academic Integrity Expectations**

#### **Plagiarism**

Plagiarism is the act of taking and using another's published or unpublished work or ideas and passing them off as one's own. This definition includes written work, computer programs, drawings, artwork, and all other types of work that are not one's own. Each student is responsible to identify and to cite the sources of words, ideas, and facts presented in a paper or similar project and to follow the rules of citation. The mechanics for citing sources will vary from course to course and teacher to teacher. A student should be able to say, "the words and ideas presented in this paper are my own unless otherwise indicated."

If a teacher suspects a student of plagiarism, submitting dishonest work or any other form of cheating, the teacher has the right to withhold the student's grades until it can be demonstrated the student did not violate the Academic Integrity policy.

Formatted: Space Before: 0 pt

Formatted: Font: Bold



**Academic Integrity Violations** - Any and all giving or receiving of inappropriate assistance that significantly alters or replaces a student's own work is considered an Academic Integrity Violation. Any student contributing to cheating by another student will be deemed guilty of violating the Academic Integrity policy and the same consequences for such will apply.

This policy applies over the course of a student's whole high school career. It is not based on offenses per class or year. For example, if the first offense occurred in a student's freshman year and the next offense occurred two years later, the penalty for a second offense would apply.

**Category I**

A student found to have engaged in cheating or plagiarism, the student may receive reduced credit or a zero for the entire assignment and may not qualify for make-up of the assignment (subject to the teacher's discretion). Second violation of a Category I offense, will result in the incident being reported to the Assistant Principal and will move to a Category II violation. Examples of academic integrity violations may include but are not limited to the following:

**Category I -**

- Copying (or allowing a student to copy) one's assignment for class work or homework
- Using unauthorized notes or devices for class work or homework
- Changing answers and seeking credit on ~~an~~ classwork or homework assignment after the work has been graded and returned

**Category II -**

- Cell phones with the ability to text and or take photos may not be used during any assessment and may be held by the teacher during the class period to prevent cheating and plagiarism. Use of electronics devices for any reason during an assessment will be considered cheating.
- Obtaining, removing, accepting, or sharing a copy of and/or information about an examination or quiz without the knowledge and consent of the teacher
- Copying (or allowing a student to copy) one's assignment for examination or quiz
- Marblehead World Languages does not permit the use of Google translate or other digital translators to translate full sentences or paragraphs.
- Communicating with another student during an examination or quiz

- Unauthorized sharing or supplying a student with a paper, project, notes, or assignment that assists them in obtaining credit for that work
- Using unauthorized notes or devices during an examination or quiz
- Altering a teacher's grading system
- Changing answers and seeking credit on ~~an~~ quiz, test, paper or project after the work has been graded and returned
- Second violation of Category I offense

### **Category II**

The incident will be reported to the Assistant Principal who will determine any other disciplinary action. If the teacher and assistant principal have determined that a student committed an Academic Integrity violation Category II, then the following consequences will apply:

#### First Offense

- Zero given for test or assignment.
- Parent conference.
- 3 hour detention (Saturday).
- National Honor Society will be notified of offense.
- Students who are involved in extracurricular leadership activities (~~e.g.~~ team captain in sports, class officers) will have the responsible adult notified and could face consequences such as loss of leadership role or loss of game time.
- Extremely serious cases, such as stealing a test, may result in out-of-school suspension or more severe consequences.

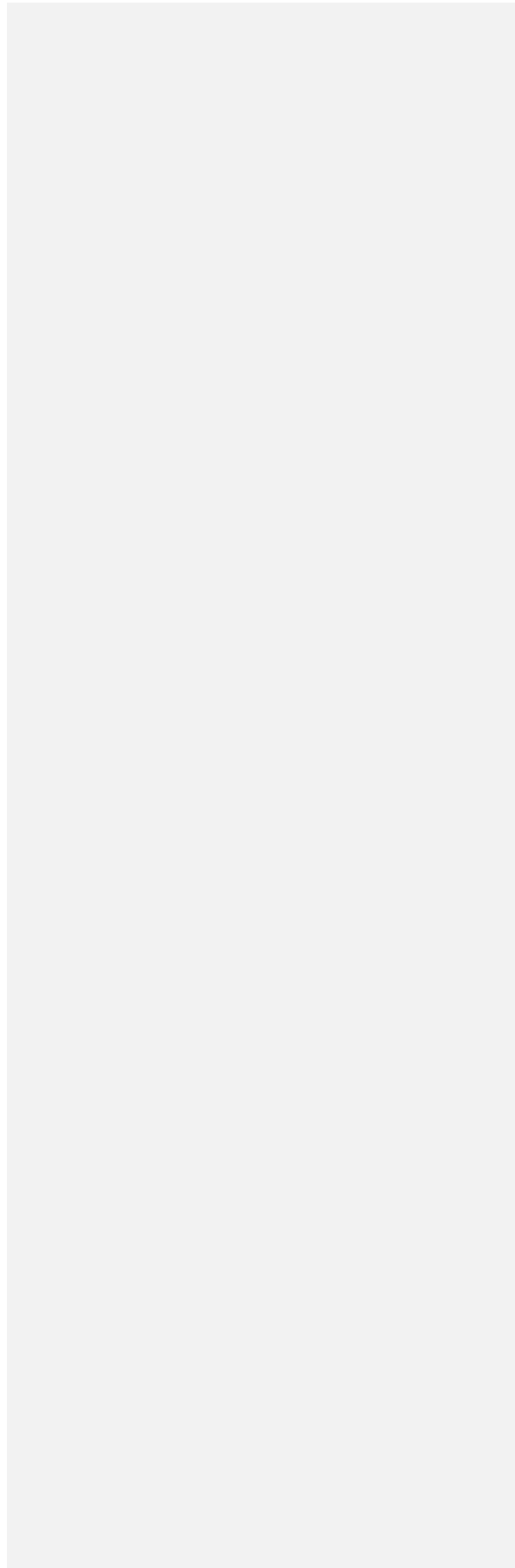
#### Second Offense

- Zero for assignment or reduce term grade by 10%, whichever is greater (e.g.: If student's end of term grade is 90 (A-), 10% of 90 = 9 so student would receive 81 or a B-).
- Teacher, administrator and guidance counselor meet with student and parent to discuss incident and consequences
- In-school suspension
- ~~1 day out~~ Short-term out- of school suspension
- Students who are involved in extracurricular leadership activities (~~e.g.~~ team captain in sports, class officers) will have the responsible adult notified and will have consequences such as loss of leadership role or loss of game time.
- Extremely serious cases, such as stealing a test, may result in disciplinary sanctions including, but not limited to, long-term out-of-school suspension, ~~or more severe consequences.~~

#### Third Offense

- Withdrawal from course and given an 'F' for a grade in the course.
- Meeting called with student, teacher, parents, guidance, principal, assistant principal and/or superintendent to discuss the incident and

**Commented [mm21]:** We recommend not identifying a specific number of days to be imposed in order to preserved the administration's ability to respond to severe or egregious violations. If the handbook says 1 day without qualifying language, the maximum sanction that can be imposed is 1 day regardless of the severity of the violation.



consequences (as above). Extremely serious cases could lead to more severe consequences.

- National Honor Society will be notified of offense.
- Students who are involved in extracurricular leadership activities (e.g., team captain in sports, class officers) will have the responsible adult notified and will have consequences such as loss of leadership role or loss of game time.
- [Out-of-school suspension](#)

### Student Rights and Responsibilities

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. The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through handbooks distributed annually.

*Please see MPS SC Policy II*

### General MHS Disciplinary Procedures

- All school personnel are expected to model and 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 principal/assistant principal may use his/her discretion in determining the appropriate disciplinary consequence.
- Students will be given notice for teacher detentions or office detentions.
- **Detentions** are to be served within [forty-eight \(48\)](#) hours of the day they are assigned, or at the next available detention time if it is longer than [forty-eight \(48\)](#) hours. Students who accumulate [six \(6\)](#) or more hours of detention may be subject to additional consequences.

### Definitions

**Teacher Detention:** Assigned by a teacher to students prior to being referred to/or disciplined by administration.

**Office Detention:** Generally assigned to students after a Teacher Detention has been issued for inappropriate classroom behavior. These are also assigned to students for inappropriate behavior outside the classroom. These may run from 3:00 pm – 4:00 pm.

**Administrative Detention:** [Administrative detention is held Monday through Thursday from 3:00 p.m. to 4:00 p.m. All students assigned to detention must bring sufficient schoolwork for the duration of the](#)

**Formatted:** Font: (Default) Garamond, 10 pt, Bold, Underline, Font color: Black, Condensed by 0.15 pt

**Formatted:** Normal, No bullets or numbering, Tab stops: 0", Left + Not at 0.15"

**Formatted:** Font: Garamond, 10 pt, Not Italic

**Formatted:** Space After: 12 pt

**Formatted:** Font: (Default) Garamond, 10 pt, Font color: Black, Condensed by 0.45 pt

**Formatted:** Font: Not Italic

**Formatted:** Font: (Default) Garamond, 10 pt, Font color: Black, Condensed by 0.5 pt

**Formatted:** Font: Italic

**Formatted:** Font: (Default) Garamond, 10 pt, Italic, Font color: Black, Condensed by 0.5 pt

**Formatted:** Normal, Left, No bullets or numbering, Tab stops: 0", Left + Not at 0.15"

**Commented [mm22]:** The definitions as they appeared in the following section were not consistent with the provisions of M.G.L. c. 71, 37H3/4 or 603 CMR 53.02. Corrected definitions have been provided.

detention period. Students who miss a scheduled detention without administrative approval are subject to additional disciplinary action.

Formatted: Font: 9 pt, Bold

**Saturday Detention:** runs from 8:00 a.m. – 11:00 a.m. on scheduled Saturdays. Saturday Detention is an alternative to out-of-school suspension. Saturday school is to be reserved for less serious misconduct including, but not limited to: truancy, skipping classes and/or detentions, excessive tardiness, and other misconduct as permitted by the principal or assistant principal. Assignments and the number of Saturday detention days are determined by the assistant principal and principal.

Formatted: Indent: Left: 0"

Students who attend Saturday Detention and subsequently engage in additional misconduct may be denied the option to attend Saturday Detention in the future. Students who fail to appear for a scheduled Saturday Detention will be subject to additional disciplinary action.

**Out-of-School Suspension:** No longer a member of the school community for the length of the suspension and bans the student from being on school grounds or at any school sponsored events.

**In-School Detention 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.

Formatted: Font: Garamond, 9 pt

In-school suspension requires the student to report to school and to complete academic work in a location to be determined by the school administration, as usual but attend classes in a single room.

Formatted: Line spacing: single

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

Formatted: Font: Garamond, 9 pt

- (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.

Permanent removal from school:

**Out-of-School Suspension:**

Formatted: Font: Garamond, 9 pt, Bold

**(a) Short-Term Out-of-School Suspension:** The removal of a student from the school premises and regular classroom activities for ten 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.

Formatted: Font: Garamond, 9 pt

**(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

Formatted: Font: Garamond, 9 pt, Bold

Formatted: Font: Garamond, 9 pt

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.

**Inappropriate Group Activity:** Students should be aware that if they are part of a group that is engaged in activities contrary to school rules, they may come under suspicion and be subject to investigation if that is deemed appropriate by the administration. It is wise, therefore, either to prevent the wrongdoing, or, failing that, to absent one's self from inappropriate group

activity.

**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, or stolen property, etc.

**Safety Plan/No Contact Order**

Students who have been the targets of harassment, intimidation and bullying may need special protection to ensure their emotional and physical safety is secure during investigations and/or after sanctions have been imposed on aggressor students. If necessary to help students feel safe at Marblehead High School, a safety plan can be written by the Principal or Assistant Principal. Violation of the plan is a suspendable offense.

**Note:** the following lists of actions and consequences are included for illustrative purposes; these lists are not exhaustive.

**Failure to serve Office Detention without Assistant**

**Principal's Permission**

1. First Offense - 1 day in-school detention
2. Second Offense - 2 days in-school detention
3. Third Offense - 1 day outside suspension
4. Subsequent Offenses – 3-5 days outside suspension

**ACTION AND CONSEQUENCES: (MHS Handbook information)**

**TYPE 1 PROHIBITED ACTIONS INCLUDE, BUT ARE NOT LIMITED TO:**

- Truancy from class
- Loitering on school grounds when dismissed or suspended
- Littering anywhere in school or on school grounds
- Tardiness to school
- Tardiness to class without a pass
- Gambling or betting
- Out of bounds (a student is anywhere without a valid pass)
- Behavior not conducive to an effective/safe learning environment
- Inappropriate language, profanities or obscenity, 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 show of affection
- Ordering food delivery during school hours
- Inappropriate school attire
- Riding skateboards in the school building
- Failure to report to the tardy desk/office upon arrival if tardy
- Vandalism (also level 2 & 3 depending on severity)
- Failure to report to Assistant Principal as requested
- Disrespect
- Skipped detention
- Disruptive/sent out of class
- Excessively tardy to school or class without an acceptable excuse

**CONSEQUENCES FOR TYPE 1 BEHAVIORS MAY INCLUDE BUT ARE NOT LIMITED TO:**

- Verbal warning
- Parental notification
- Conference
- Written apology
- Teacher detention
- Office detention
- Saturday detention
- Confiscation (possibly until conclusion of school year)
- Restricted lunch privileges/cafeteria clean-up
- Filing of 51As (Department of Children and Families) or CRAs (District Court) forms

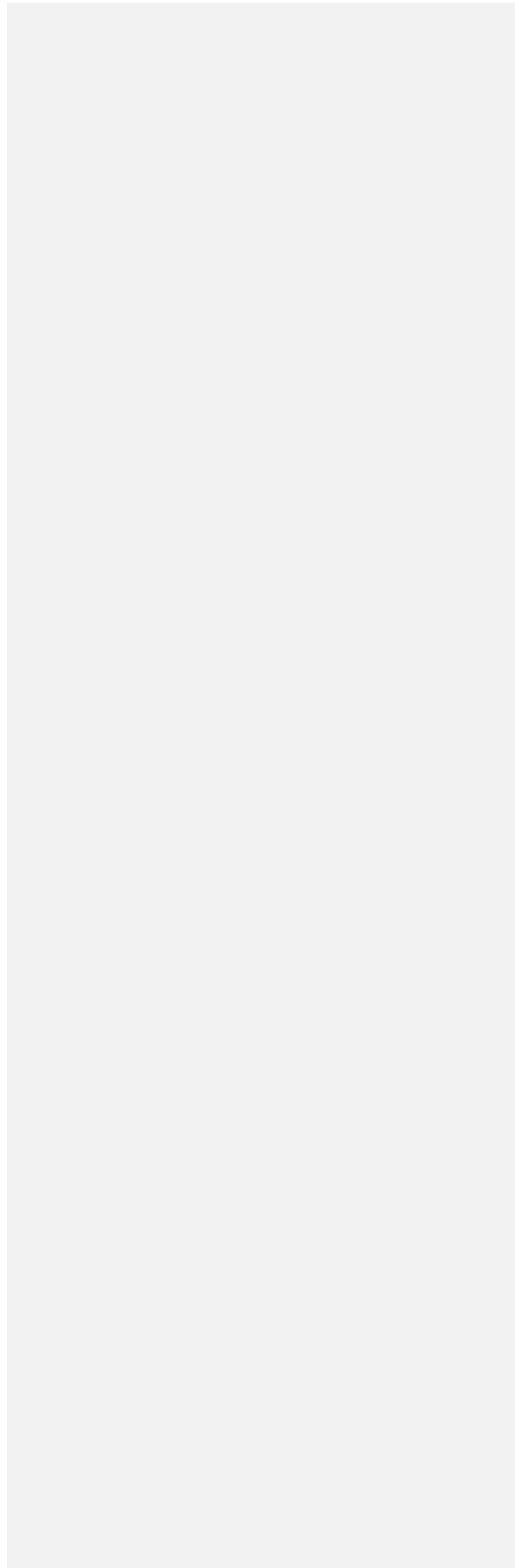
*NOTE: Type 1 Prohibited Actions determined to be severe or egregious by the school administration may result in Type 2 disciplinary consequences. A second offense for a Type 1 Prohibited A-action ~~could~~ may result in a Type 2 consequence*

**TYPE 2 PROHIBITED ACTIONS INCLUDE, BUT ARE NOT LIMITED TO:**

- Harassment/Dating Violence/Retaliation (also includes cyber) (also in level 3 depending on severity)
- Dishonesty, lying, cheating/plagiarism
- Forgery of signatures, or dishonesty in notes or passes
- Theft of any personal, private, or school property (also in level 3 depending on severity)
- Throwing of any objects including, but not limited to, snowballs, water, or food
- Possession of tobacco products (cigarettes, chewing tobacco etc.), lighters or matches, and electronic smoking paraphernalia
- Leaving school or grounds without permission
- Leaving any class group without authorization, or exhibiting inappropriate behavior, while under the supervision of a faculty member or authorized chaperone on a field trip or other event
- Pattern of minor disruptions

**Commented [mm23]:** We recommend inclusion of such "elastic" clauses to provide school administrators with both the discretion and ability to respond to violations of a severity that may not have been anticipated.





- Disrespectful gestures, profanity, or injurious behavior directed at another person, including misbehavior towards/insubordination of any staff member, including substitute teachers
- Threats, teasing, verbal abuse, bullying, [discriminatory harassment](#), or intimidating behavior of any kind. This includes verbal and visual symbols (also level 3 depending on severity)
- Any action, including vandalism and graffiti, which results in injury or damage to property, whether intended or not (full restitution is required)(also level 3 depending on severity)
- Cheating/Plagiarism-see [Academic Integrity](#) section ~~in~~ [of this](#) handbook
- Taking pictures or recording ([audio or video](#))~~videos~~ without permission from teacher or administrator
- 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
- Compromising School Safety - (Unauthorized area, unauthorized opening exterior door, failure to give name or giving false name to any school employee when asked)
- Gross disrespect
- Removal from [In-School SD Suspension](#)
- Removal from Saturday Detention
- Unauthorized use or entry of any school building or property (trespassing)
- Violation of the school internet policy
- 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 (also level 3 depending on severity)

**CONSEQUENCES FOR TYPE 2 BEHAVIORS MAY INCLUDE BUT ARE NOT LIMITED TO:**

- Parental notification
- Conference
- Written apology
- Office detention(s)
- Saturday [or after-school](#) detention
- In-School ~~detentions~~[suspension](#)
- Confiscation (possibly until conclusion of school year)
- Restricted lunch privileges/cafeteria clean-up
- Exclusion from school-sponsored activities and field trips
- 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 and/or Fire may be notified, charges may be filed
- ~~Recommendation for expulsion, including a hearing with the student and parent(s)~~
- Diversion program (vaping/e-cigarettes)
- Filing of 51As (Department of Children and Family) or CRAs (~~District Juvenile~~ Court) forms

**Commented [mm24]:** A student may not, under 603 CMR 53.00, be expelled for any of the identified Category 2 offenses.

NOTE: Type 2 Prohibited Actions determined to be severe or egregious by the school administration may result in Type 3 disciplinary consequences. A second offense for a Type 2 prohibited action ~~could~~ may also result in a Type 3 consequence

**Formatted:** Font: Garamond, 9.5 pt

**Formatted:** Font: Garamond, 9.5 pt, Not Italic

**TYPE 3 PROHIBITED ACTIONS INCLUDE, BUT ARE NOT LIMITED TO:**

- Fighting (physical contact) or instigating a fight. **FIGHTING WILL NOT BE TOLERATED AT MARBLEHEAD HIGH SCHOOL**
  - Pulling a fire alarm
  - Being under the influence of alcohol, drugs and/or controlled substances
  - Sale/intent to distribute, possession, and/or use of controlled substances, illegal drugs, drug paraphernalia, and/or alcohol in school, on school grounds, or at a school sponsored activity - including coming to school or school sponsored activity under the influence of same
  - Smoking in school or on school grounds (including vaping)
  - Hazing
  - Assault and/or threatening any member of the school staff
  - Assault of a student
  - Possessing or displaying sexually explicit material
  - Harassment/dating violence/retaliation (includes Cyber)
  - Violation of an MHS safety plan/no contact
  - Problem at *another* school or school's function (ex. vandalism of another school under the influence of alcohol or drugs at a sports event, prom, dance, etc.)
  - ~~Assault/sexual assault~~
  - Possession of dangerous weapons including, but not limited to, gun, knife, taser (this includes the use of any device that could be construed as a weapon, ~~e.g.~~ e.g. fake guns and knives etc.) or any device or implement capable of causing bodily harm
  - Possession or use of fireworks, smoke bombs, stink bombs, propellants, or any other explosive or flammable devices or materials
  - Jeopardizing or threatening the safety of the school community (threatening or initiating actions)
  - False fire alarms, bomb scares and/or starting a fire in school or on school property
  - Destruction of school property
  - Threat to another student
  - Bullying
- Stealing
- Tattooing or possession of tattooing materials

**Formatted:** Indent: Left: 0", Hanging: 0.19"

**Commented [mm25]:** Recommend referencing controlled substance specifically to align with the applicable statute. MGL 71, 37H

**Commented [mm26]:** Redundant. A sexual assault is an "assault"

**Commented [mm27]:** Principals in Massachusetts exercise discretion as to what constitutes a dangerous weapon. The term is not limited to a knife or gun.



- Use of profanity, obscenity directed at a staff member
- Mayhem - This infraction will be assessed under the following conditions:
  - Willfully injuring, maiming, or crippling another student
  - Inciting or contributing to incite riotous disorder, confusion or havoc
- Pranks - Student pranks are considered dangerous and a threat to the safety and rights of others. There is no such thing as a "harmless" prank. In addition to suspension, students involved in pranks may lose the privilege of attending all school-sponsored events, including senior activities for twelfth graders. Seniors involved in pranks may also lose the privilege of participating in the graduation ceremony.
- Threat to School - Communication or action which reasonably constitutes a threat of harm to the safety and welfare of the school community.
- [Felony Charges/Felony Delinquency](#)

**Commented [mm28]:** This specific provision is somewhat unnecessary as any such incident would constitute an assault.

**CONSEQUENCES FOR TYPE 3 BEHAVIORS MAY INCLUDE BUT ARE NOT LIMITED TO:**

- Parental notification
- Exclusion from school-sponsored activities and field trips
- ~~Saturday~~ Detention
- ~~In-school Detention~~ suspension
- 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
- ~~Expulsion (M.G.L. c. 71, § 37H)~~
- Police notification and/or Fire notification, (charges may be filed)
- ~~Recommendation for expulsion, including a hearing with the student and parent(s)~~
- ~~Expulsion (as permitted under M.G.L. c. 71, §§ 37H and 37H1/2)~~
- Filing of 51As (Department of ~~Social Services~~ Children and Families) and/or ~~filing of a Child Requiring Assistance (CRA) application with Juvenile Court Department~~ CRAs (District Court) forms
- Diversion program (vaping/e-cigarettes)

**Commented [mm29]:** I would very strongly recommend this addition given that assaults of staff, weapons and controlled substance possession are all category 3 offenses.

~~NOTE: MHS school expectations, rules, and consequences are upheld for in effect for Marblehead Public Schools' students or students when they attend functions at other schools.~~

**Formatted:** Font: Not Bold

**Formatted:** Font: Not Bold

**Formatted:** Font: Not Bold

**Formatted:** Font: Not Bold

**Formatted:** Space Before: 1.05 pt, Line spacing: Exactly 11.6 pt

**STUDENT RIGHTS**

**STUDENT DISCIPLINE CODE**

Marblehead High School administers student discipline in accordance with state law, M.G.L. c. 71, §§ 37H-37H<sup>3</sup>/4, and where applicable, the student discipline regulations, 603 C.M.R. 53.00. The following sections of this Handbook detail the consequences and procedures applicable to each of the three general categories of offenses under state law. These categories are: 1) offenses covered by G.L. c. 71, § 37H; 2) offenses covered by G.L. c. 71, § 37H<sup>1</sup>/2; and 3) offenses covered by G.L. c. 71, § 37H<sup>3</sup>/4. Section V describes

**Commented [mm30]:** We are recommending removal of the following statement regarding due process procedures, and replacement of that summary with the standard summary we have provided for the elementary and middle school handbooks.



+ ψ

**Formatted:** Right: 0.1", Space Before: 0.15 pt, After: 95.6 pt, Line spacing: Exactly 11.8 pt

~~the circumstances under which a student may be removed from school on an emergency basis, as well as the procedures applicable to emergency removal;~~

~~Section VI contains provisions applicable to discipline of students receiving special education services. Finally, Section VII contains a non-exhaustive list of offenses covered by G.L. c. 71, § 37H<sup>1/2</sup>;~~

~~A note regarding notification to law enforcement: The principal and superintendent may notify local law enforcement if they have a reasonable basis to believe criminal charges may be pursued against a student. In making the determination whether to notify law enforcement, the principal and superintendent may consult with the school resource officer.~~

## ~~I. Forms of Discipline~~

### ~~Suspension~~

#### ~~A. In School Suspension:~~

“In School Suspension” means the removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. The principal may use in school suspension as an alternative to short term suspension for disciplinary offenses.

**B. Out of School Suspension.**

Depending on the length of the out of school suspension, the suspension may be considered a “Short Term Suspension” or a “Long Term Suspension.” “Short Term Suspension” means the removal of a student from the school premises and regular classroom activities for ten consecutive school days or less. “Long Term Suspension” means the removal of a student from the school premises and regular classroom activities for more than ten consecutive school days, or for more than ten school days cumulatively for multiple disciplinary offenses in any school year. Students may not participate in school sports, extracurricular activities, or events during the term of an out of school suspension.

**Expulsion**

“Expulsion” means 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 for school rules violation in accordance with G.L. c. 71, §37H3/4, indefinitely, or permanently, as permitted under G.L.

Formatted: Space Before: 0.15 pt, After: 95.6 pt



e. 71, §§3711 or 3711<sup>1/2</sup> for a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the school staff; or d) a felony conviction or felony delinquency conviction, or adjudication or

12 1/2

Formatted: Right: 0.1", Space Before: 0.15 pt, After: 95.6 pt, Line spacing: Exactly 11.8 pt

admission of guilt with respect to a felony, if the 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 G.L. c. 71, §§37H or 37H<sup>1/2</sup>.

#### **Teacher Detention**

All students are expected to fulfill their obligations for teacher-issued detention. Students who do not fulfill these obligations are subject to additional disciplinary action.

#### **Administrative Detention**

Administrative detention is held Monday through Thursday from 3:00 p.m. to 4:00 p.m. All students assigned to detention must bring sufficient schoolwork for the duration of the detention period. Students who miss a scheduled detention without administrative approval are subject to additional disciplinary action.

#### **Saturday Detention**

Saturday Detention is an alternative to out-of-school suspension. Saturday school is to be reserved for less serious misconduct including, but not limited to: truancy, skipping classes and/or detentions, excessive tardiness, and other misconduct as permitted by the principal or assistant principal. Saturday detention is held from 8:00 AM – 12:00 PM. Assignments and the number of Saturday detention days is determined by the assistant principal and principal.

Students who attend Saturday Detention and subsequently engage in additional misconduct may be denied the option to attend Saturday Detention in the future. Students who fail to appear for a scheduled Saturday Detention will be subject to additional disciplinary action.

**II. Disciplinary Offense Category I: G.L. c. 71, § 37H**

G.L. c. 71, § 37H covers the following offenses, which may occur on school premises or at school-sponsored or school-related events, including athletic games:

- ~~1. Possession of a dangerous weapon, including but not limited to a gun or knife;~~
- ~~2. Possession of a controlled substance, including but not limited to marijuana, cocaine, and heroin;~~
- ~~3. Assault on a principal, assistant principal, teacher, teacher's aide, or other educational staff. A student who commits any of the above offenses is subject to discipline up to and including expulsion.~~

Formatted: Indent: Left: 0.3", No bullets or numbering

Formatted: Underline

## Details of Procedures under G.L. c. 71, § 37H

### 1. Notice of Suspension/Expulsion

Before the principal may impose a suspension or expulsion for a disciplinary offense under 37H, the principal shall provide written notice to the student and the parent(s) of a hearing at which the student has the right to be represented by an attorney (at private expense, to examine the evidence against the student, and to present evidence and witnesses in the student's defense. Said notice shall include notification of the violation of which the student is accused and the potential disciplinary consequences, explaining the charge(s) and setting forth the potential consequences, including the potential length of the student's suspension or expulsion. The notice shall be sent in English and in the primary language of the home if other than English, or through other means of communication where appropriate. ~~Where a principal determines that the continued presence of a student charged with a disciplinary offense under 37H would present an immediate threat of harm or disruption of the school environment, the Principal may, following a preliminary hearing with the student, suspend the student out of school on an interim, short term basis for ten (10) school days or less pending a formal hearing to consider the student's possible long term suspension or expulsion.~~ If the principal intends to expel or suspend a student for longer than 10 days, the written notice shall also explain the student's right to a hearing with the principal prior to the effective date of the suspension/expulsion.

### 2. ~~Principal's Formal Hearing – Long Term Suspension or Expulsion~~

~~Prior to the imposition of any suspension or expulsion in accordance with G.L. c. 71, §37H, Only~~ If the principal intends to expel or suspend a student for longer than 10 days, the student shall have the right to a hearing before the principal, prior to the effective date of the suspension/expulsion. At the hearing, the student shall have the right to representation by counsel (at private expense), the right to examine the evidence against the student, and the right to present evidence and witnesses in the student's defense. After considering all evidence, including any mitigating circumstances, the principal shall determine whether, based upon a preponderance of the evidence, the student committed the disciplinary offense and, if so, the appropriate disciplinary consequence.

The principal shall notify the student and the parent of the outcome of the hearing. The notice shall be in writing and shall identify the length and effective date of the suspension or expulsion, as well as the date of return to school. If the principal has imposed a long term suspension or expulsion (removal for more than 90 days), the notice shall also inform the student and parent of the right to appeal the principal's decision to the superintendent. The notice shall be sent in English and in the primary language of the home if other than English, or through other means of communication where appropriate.

### 3. Appeal of Expulsion (Removal for more than 90 days) to Superintendent

There is no right of appeal if the principal decides to impose a long term suspension on a student based on a disciplinary offense under § 37H. If the principal decides to expel or long term suspend a student for a disciplinary offense under § 37H or to suspend a student, the student may appeal the principal's decision to the superintendent. The superintendent may make factual determinations and determine the appropriate disciplinary consequence. The student must notify the superintendent of his or her

**Commented [mm31]:** This procedure is incorrect. A principal cannot suspend or expel any student under Massachusetts law (even on a short-term basis) without, at least, conducting a hearing with the Student. See Goss v. Lopez, (US SCT).

**Formatted:** Indent: Left: 0.05", Right: 0", Space Before: 0 pt, Line spacing: Exactly 11.8 pt, No bullets or numbering, Tab stops: Not at 0.15" + 0.2"

**Commented [mm32]:** From a due process perspective, and despite the statutory language, we do recommend that you also allow the student to appeal long-term suspensions imposed pursuant to 37H.

**Commented [mm33]:** As the 603 CMR 53 regs do not apply to 37H offenses, I would disagree that a 100 day suspension imposed pursuant to 37H is an "expulsion."

intent to appeal the long term suspension or expulsion within ten (10) calendar days from the effective date of the long term suspension or expulsion.

The student shall have the right to representation by counsel (at private expense) at the hearing. The superintendent shall notify the student and the parent of the outcome

of the appeal. The notice shall be in writing and shall identify the length and effective date of the suspension or expulsion, as well as the date of return to school. The notice shall be sent in English and in the primary language of the home if other than English, or through other means of communication where appropriate. The decision of the superintendent shall be the final decision of the school district.

#### 4. Academic Progress

Pursuant to M.G.L. c. 76, § 21, a student who is suspended or expelled under § 37H shall have the opportunity to make academic progress during the period of suspension or expulsion, including the opportunity make up assignments and earn missed credits. If the student's suspension is longer than 10 consecutive school days or the student is expelled, the principal shall provide the student and the student's parent a list of alternative education services.

### III. Disciplinary Offense Category 2: G.L. c. 71, § 37H:

#### ~~G.L. c. 71, § 37H~~; **applies to the following:**

1. ~~The issuance of a felony charge (subject to suspension only);~~
2. ~~The issuance of a felony delinquency complaint (subject to suspension only);~~
3. ~~A felony conviction (subject to suspension or expulsion);~~
4. ~~An adjudication or admission of guilt with respect to a felony (subject to suspension or expulsion);~~
5. ~~A felony delinquency conviction (subject to suspension or expulsion).~~

In order to suspend or expel for the above offenses, the principal must also determine whether that the student's continued presence would have a substantial detriment on the general welfare of the school:

#### Details of Procedures Under G.L. c. 71, § 37H1/2:

##### 1. Notice of Suspension/Expulsion

Before the principal may impose a suspension or expulsion for a disciplinary offense under § 37H<sup>1/2</sup>, the principal shall provide written notice to the student and the parent setting forth:

- a. ~~the charge(s);~~
- b. ~~the reason for the possible suspension or expulsion;~~  
~~notice of a hearing to be conducted by the principal at which the student has the right to be represented by an attorney (at private expense), to examine the evidence against the student and to present evidence in the student's defense~~
- c. ~~the student's right to appeal the suspension or expulsion to the superintendent; and~~
- d. ~~information regarding the process for appealing.~~

The notice shall be sent in English and in the primary language of the home if other than English, or through other means of communication where appropriate.

**Commented [mm34]:** Although 37H1/2 appears to allow for an immediate suspension by the principal without a hearing, such a reading of the statute directly conflicts with the US Supreme Court's decision in *Goss v. Lopez*, which requires at least an informal hearing with the student prior to the imposition of any out-of-school suspension.

Where a principal determines that the continued presence of the student charged with a disciplinary offense in accordance with 37111/2 would present an immediate threat of harm or disruption of the school environment, the Principal may, following a preliminary hearing with the student, suspend the student out of school on an interim, short term basis for ten (10) school days or less pending a formal hearing to consider the student's possible long term suspension or expulsion.

## **2. Appeal of Suspension/Expulsion**

The student may appeal a suspension or expulsion imposed under § 37H<sup>1</sup>/<sub>2</sub> to the superintendent. This right of appeal also applies to students who previously appealed a suspension under § 37H<sup>1</sup>/<sub>2</sub>(4) and subsequently wish to appeal an expulsion under § 37H<sup>1</sup>/<sub>2</sub>(2). The student must notify the superintendent of his or her intent to appeal the suspension/expulsion within five (5) calendar days from the effective date of the suspension/expulsion and the superintendent shall hold the appeal within three (3) calendar days. The student shall have the right to representation by counsel and to present oral and written testimony at the hearing. The suspension/expulsion shall remain in effect pending the outcome of the appeal to the superintendent.

The superintendent may shorten or overturn the suspension/expulsion decision, or recommend an alternate educational program for the student. The superintendent shall notify the student and the parent of the outcome within five (5) calendar days of the appeal hearing.

The outcome notice shall be in writing and shall identify the length and effective date of the suspension or expulsion, as well as the date of return to school. The notice shall be sent in English and in the primary language of the home if other than English, or through other means of communication where appropriate. The decision of the superintendent shall be the final decision of the school district.

## **3. Academic Progress**

Pursuant to M.G.L. c. 76, § 21, a student who is suspended or expelled under § 37H<sup>1</sup>/<sub>2</sub> shall have the opportunity to make academic progress during the period of suspension or expulsion, including the opportunity make up assignments and earn missed credits. If the student's suspension is longer than 10 consecutive school days or the student is expelled, the principal shall provide the student and the student's parent a list of alternative education services:

## **IV. Disciplinary Offense Category 3: G.L. c. 71, § 37H3/4**

This category covers any disciplinary infraction by a student involving violations of the student discipline code except for possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony conviction or felony delinquency conviction, or adjudication or admission of guilt with respect to a felony, as provided in G.L. c. 71, §§ 37H or 37H. Disciplinary proceedings to consider suspensions in accordance with 37H3/4, shall be conducted in accordance with the requirements of Massachusetts regulations at 603 CMR 53.00.

For a list of infractions prohibited by the student discipline code, see Section VII, below.





Details of Procedures Under G.L. c. 71, § 37H3/4.

For purposes of disciplinary proceedings conducted pursuant to G.L. c. 71, § 37H3/4, "principal" shall mean the building principal or the principal's designee for purposes of conducting the disciplinary proceedings.

1. Notice of Suspension

The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate.

The notice shall set forth in plain language:

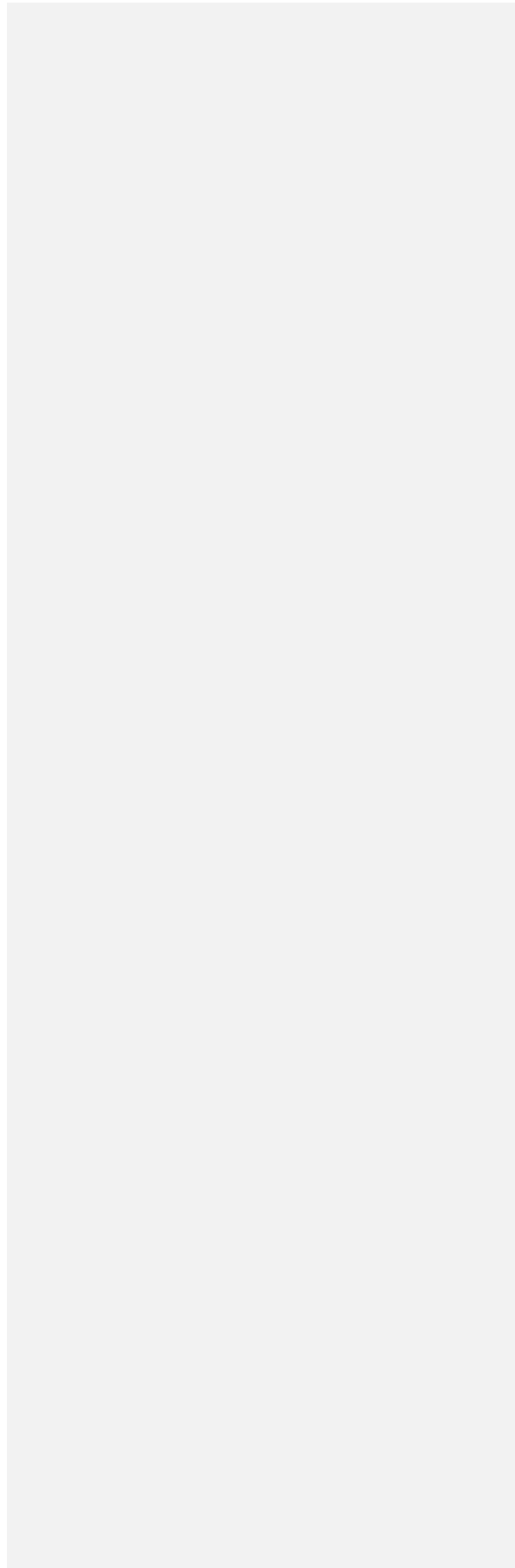
- ~~• the disciplinary offense;~~
- ~~• the basis for the charge;~~
- ~~• the potential consequences, including the potential length of the student's suspension;~~
- ~~• the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;~~
- ~~• the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;~~
  - ~~• the date, time, and location of the hearing;~~
  - ~~• the right of the student and the student's parent to interpreter services at the hearing if needed to participate; and~~
  - ~~• if the student may be placed on long term suspension following the hearing with the principal:~~
    - ~~• the opportunity for the student, in advance of the hearing with the principal, to review his or her student record and the documents~~
    - ~~• upon which the principal may rely in making a determination to suspend the student or not~~
    - ~~• the right to be represented at the hearing by counsel or a lay person of the student's choice, at the student's/parent's expense;~~
    - ~~• the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident;~~
    - ~~• the right to cross examine witnesses presented by the school district;~~
    - ~~• the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording; and~~
    - ~~• the right to appeal the principal's decision to the superintendent.~~

The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

**Commented [mm35]:** As 37H3/4 allows (unlike 37H or H1/2) to use a designee for the disciplinary proceedings, you want to specifically note here that "principal" shall mean the principal or the principal's designee.

**Formatted:** No bullets or numbering

**Formatted:** Indent: Left: 0.5", Tab stops: 0.75", Left + Not at 0.25" + 0.55"



Written notice to the parent may be made by hand delivery, first class mail, certified mail, and email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

**~~2. Principal Hearing—Short Term Suspension (10 School Days or Fewer in School Year)~~**

~~The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. Under applicable regulations at 603 CMR 53.08, there is no provision for the participation of attorneys in any hearing to consider a student's short term suspension pursuant to G.L. c. 71, §37H3/4.~~

~~At the hearing, the principal shall, at a minimum, discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The principal 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.~~

~~Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.~~

~~The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice. In the event an in-school suspension is imposed, the principal will invite the student's parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior.~~

**~~3. Principal Hearing—Long Term Suspension (10 School Days or More in School Year, Up to 90 School Days)~~**

~~The purpose of the hearing is the same as the purpose of a short term suspension hearing.~~



~~At a minimum, in addition to the rights afforded a student in a short term suspension hearing under section 2, above, the student shall have the following rights:~~

- ~~1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;~~
- ~~2. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;~~
- ~~3. the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;~~
- ~~4. the right to cross-examine witnesses presented by the school district; and~~
- ~~5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent 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.~~

~~Based on the preponderance of evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in 603 CMR 53.05, what remedy or consequence will be imposed, in place of or in addition to a long term suspension.~~

~~The principal shall send the written determination to the student and parent 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. If the principal decides to suspend the student, the written determination shall:~~

- ~~1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;~~
- ~~2. Set out the key facts and conclusions reached by the principal;~~
- ~~3. Identify the length and effective date of the suspension, as well as a date of return to school;~~

~~4—Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in 603 CMR 53.13(4)(a); and~~

~~5—If the principal has imposed a Long-Term Suspension, inform the student of the right to appeal the principal's decision to the superintendent or designee.~~

~~Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:~~

- ~~1—the process for appealing the decision (see Section 4 below); and~~
- ~~2—that the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.~~

#### ~~4. Appeal of Long-Term Suspension~~

~~A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent or the Superintendent's designee for said purpose.~~

~~The student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.~~

~~The superintendent or superintendent's designee shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.~~

~~The superintendent or superintendent's designee shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she 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 of the date, time, and location of the hearing.~~

~~The superintendent or superintendent's designee shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The superintendent or designee shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.~~

~~The student shall have all the rights afforded the student at the principal's hearing for long term suspension, including the right, in advance of the hearing, to review the student's record and the documents upon which the principal relied in making a determination to suspend the student; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; and the right to cross-examine witnesses presented by the school district.~~

~~The superintendent or designee will issue a written decision within five (5) calendar days of the hearing, setting forth the disciplinary offense, the date of the hearing, the participants at the hearing, the key facts and conclusions reached by the superintendent, the length and effective date of the suspension, the date of return to school, and notice of the student's opportunity to receive education services to make academic progress during the period of removal from school.~~

~~If the superintendent or the superintendent's designee determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal but shall not impose a suspension greater than that imposed by the principal's decision.~~

~~The decision of the superintendent shall be the final decision of the school district with regard to the suspension.~~

#### **5. Academic Progress**

~~Pursuant to M.G.L. c. 76, § 21, a student who is suspended under § 37H<sup>3</sup>/<sub>4</sub> shall have the opportunity to make academic progress during the period of suspension, including the opportunity make up assignments and earn missed credits. If the student's suspension is longer than 10 consecutive school days, the principal shall provide the student and the student's parent a list of alternative education services.~~

#### **V. Emergency Removals Under G.L. c. 71, § 37H<sup>3</sup>/<sub>4</sub>**



A student may be removed from school immediately and temporarily if the student has been charged with a disciplinary offense pursuant to 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. The principal must make adequate provisions for the student's safety and transportation prior to an emergency removal. The temporary removal shall not exceed two school days following the day of the emergency removal. In the event of an emergency removal, the principal shall:

1. Immediately make reasonable efforts to orally notify the student and the student's parent of the emergency removal and the reason(s) why such removal is necessary. The oral notification shall also provide the same information, listed above, that is contained in a written notice of out of school suspension pursuant to G.L. c. 71, § 37H<sup>3</sup>/<sub>4</sub>;
2. Send written notice to the student and parent. Such written notice shall meet all the requirements, listed above, for written notice of out of school suspension pursuant to G.L. c. 71, § 37H<sup>3</sup>/<sub>4</sub>;
3. Before the expiration of two (2) school days, provide the student an opportunity for a hearing with the principal and the parent an opportunity to attend. The principal, student, and parent may agree to extend the time for such hearing. The nature of the hearing will depend on the potential length of the suspension (i.e., short term or long term);
4. Render a decision orally on the same day as the hearing, followed by a written decision no later than the school day following the hearing. The principal's decision will meet the requirements applicable to short term or long term suspensions depending which are imposed.

#### 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 1/2 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

**Commented [mm36]:** Do you all not use in-school suspension? If you do, you do need to include a summary of the procedures for the imposition of an in-school suspension as well. I can provide that if needed.

**Commented [mm37]:** I would recommend replacing this entire section with the following alternate due process statement.

In its current form, this section is applying the requirements of 603 CMR 53.00 to all types of offenses including offenses covered under 37H (drugs, weapons, assaults of staff) and 37H1/2 (felony charges). That is legally incorrect and unduly binds District administrators as 37H and 37H1/2 offenses are not subject to the requirements of the discipline regulations (the District is only required to implement the due process procedures specifically provided for in the actual 37H and 37H1/2 statutes.)

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

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.

Formatted: Tab stops: 0.75", List tab + Not at 2"

Formatted: Tab stops: 0.75", List tab + Not at 1.88" + 2"

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

**Formatted:** Tab stops: 0.75", List tab + Not at 1.25" + 1.5"

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 therefor. 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

**Formatted:** Font: Garamond, 10 pt

**VI. Discipline of Students Receiving Special Education Services 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 and Section 504 of the Rehabilitation Act of 1973 require that additional due process 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. The following additional requirements apply to the discipline of students with disabilities:

1. The IEP for every student eligible for special education or related services shall indicate whether the student can be expected to meet the

**Commented [mm38]:** An updated version of this statement is provided below.

~~regular discipline code of the school or whether the code should be modified to address the student's individual needs.~~

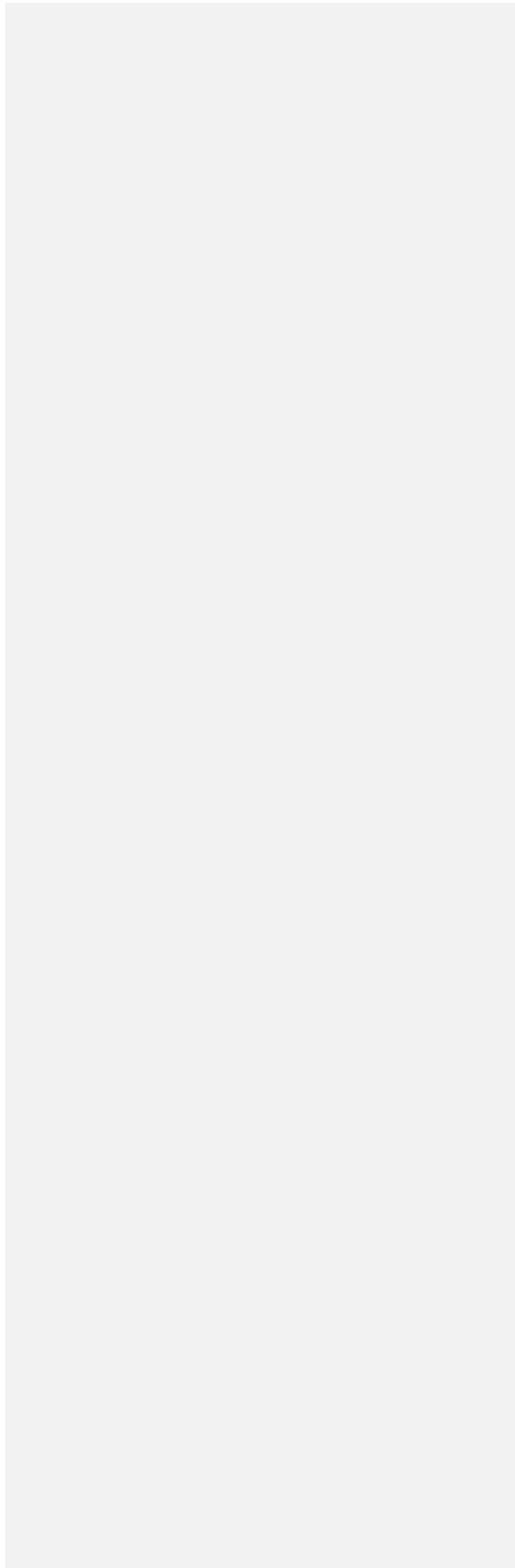
**Commented [mm39]:** This is not required and we want to avoid having this discussion in every Team meeting.

- ~~2. Students with disabilities may be excluded from their programs for up to 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 or cumulative school days in a given school year, building administrators, the parent/guardian(s) and relevant members of the student's IEP or 504 Team will meet to determine whether the student's behavior is substantially related to the student's disability or is due to a failure to implement the requirements of the student's IEP or 504 plan (manifestation determination). 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.~~
- ~~3. If building administrators, the parent/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 those students with IEPs or 504 plans. 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.~~
- ~~4. If building administrators, the parent/guardian(s) and relevant members of the student's IEP or 504 Team determine that the conduct 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 conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent/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.~~



|

63



5. 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 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.

**VII. Prohibited Misconduct [M.G.L. c. 71, § 37H3/4](#)**

The following is a non-exhaustive list of misconduct prohibited by the Marblehead Public Schools. Students who commit any of the below listed infractions will be subject to potential discipline, up to and including Long-Term Suspension, under G.L. c. 71, § 37H<sup>3</sup>/4. The level of discipline imposed on a student for any given disciplinary code infraction will depend on the specific circumstances, including the severity of the offense and the harm caused by the misconduct.

1. *Cheating*
2. *Plagiarism*
3. *Forging notes or signing school documents for oneself or others when a signature is required by a teacher, staff member, or parent/guardian*
4. *Failure to return a warning card, report card, or other document for which a parent/guardian signature is required*
5. *Repeated failure to return a signed report card*
6. *Bullying*
7. *Cyber-bullying*
8. *Harassment*
9. *Discrimination*
10. *Hate Speech*
11. *Abusive or vulgar remarks directed at another student*
12. *Interference with a bullying, harassment, or other investigation*
13. *Disruption of classes, cafeteria, corridors, buses, parking lots, or school functions*
14. *Disrupting Saturday School*
15. *Arriving at school or at a school-sponsored event or function under the influence of drugs or alcohol*
16. *Smoking or chewing tobacco on school property*
17. *Possessing vaping materials, e-devices and/or vaping on school property*
18. *Possessing smoking materials, including cigarettes, lighters, matches, or tobacco products on school property*
19. *Possession of drug paraphernalia on school property*

**Commented [mm40]:** While we have left this section in, it is unnecessary and somewhat redundant as the prohibited conduct is sufficiently identified in the description of the level 1, 2 and 3 offenses

20. Refusal to follow instructions or directions of a teacher or other member of the school staff
21. Swearing or using unacceptable language, even if not directed at another person
22. The use of rude remarks directed at a teacher, staff member or administrator
23. Refusal to report to the principal's or assistant principal's office to be disciplined
24. Leaving school grounds, class, or authorized areas without permission
25. Repeated insubordination or defiance of authority
26. Truancy
27. Misuse of school computer equipment and/or internet
28. Unauthorized use of a cell phone, smart watch, ear buds, camera, or other electronic device during school hours
29. Improper care of books
30. Marking or defacing ~~school books~~schoolbooks or other school property
31. Destruction of or damage to school property, staff property, or another student's property
32. Marking or defacing school property, staff property, or another student's property
33. Stealing or misappropriation of school property, staff property, or another student's property (regardless of intent to return)
34. Throwing any type of object in the school cafeteria
35. Throwing snowballs on or onto school property
36. Horseplay (fooling around in the classroom, cafeteria, hallways, etc.)
37. Assault on another student
38. Verbal assault against school personnel
39. Threatening another student
40. Hazing
41. Fighting in or on school property, or near the school so as to disrupt or threaten the normal conduct of school operations
42. Gambling, betting, or the booking of bets
43. Use of a laser pointer
44. Failure to show school I.D.
45. Routine student parking violation
46. Public displays of affection
47. Littering
48. Dress Code Violations
49. Use of chewing gum, candy, seeds or other snack foods outside of authorized areas
50. Conduct prohibited by the criminal laws of Massachusetts

**Commented [mm41]:** If this section is retained, this sentence should be removed as the conduct covered under MGL 71, 37H and H1/2 is prohibited under Massachusetts law. Due to the restrictions imposed on the sanctions that can be applied for 37H3/4 offenses, the district does not want to include language that may result in 37H or H1/2 offenses to be subject to the requirements of 603 CMR 53.00.

## 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

**Commented [mm42]:** Recommending minor revisions to this statement.

**Commented [mm43R42]:** This replacement statement includes the recommended revisions.

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

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.

#### **SEARCH AND SEIZURE**

In regard to the questions of search and seizures, the Supreme Court of the United States of America has ruled:

1. A warrant is not required before a teacher or school administrator conducts a search of a student suspected of violating a school rule or criminal statute.
2. Probable cause is not required before a student may be searched; rather before conducting a search, the staff member or administrator must have "reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school".
3. The search must be reasonable in its scope as well as its inception.

#### **GENERAL SEARCHES**

To maintain safety, order, and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student and their personal belongings, student locker, desk, or student automobile including the trunk under the circumstances outlined below. Authorities may seize any illegal, unauthorized, or contraband materials discovered in the search. A student's failure to permit searches and seizures will be considered grounds for disciplinary action.

#### **LOCKER SEARCHES**

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their locker. Periodic general inspections of lockers may be conducted by a school administrator or school official for any reason at any time without notice, without student consent, and without a search warrant. Important Note: It is important that students not give out their locker combinations.

Formatted: Font: Garamond, 10 pt

**PERSONAL SEARCHES**

A student's person and/or personal belongings (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. If a pat down search of a student's person is made it will be conducted in private by a school official of the same sex and with an adult witness present.

If extreme emergency conditions require a more intrusive search of a student's person, such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the principal, unless the health or safety of

the student will be endangered by the delay which might be caused by following these procedures.

### CONFISCATED ITEMS

Confiscated drugs, weapons or other dangerous materials (including electronic smoking paraphernalia) will be turned over to the MPD.

### OTHER RESTRICTIONS

The Principal or Assistant Principal may restrict a student as a disciplinary matter. Restrictions include:

- Loss of the privilege to attend social events
  - Loss of the privilege to attend athletic events
  - Loss of the privilege to participate in school activities
  - Loss of parking privileges
  - Not allowed to attend field trips
- [Such restrictions shall not be subject to the due process requirements set forth in 603 CMR 53.00.](#)

~~NOTE: MHS school expectations and consequences are upheld for our students when they attend functions at other schools.~~

~~Suspension/Expulsion  
Policy JIC, CROSS REF: JICF, Gang Activity/Secret Societies, JICPA,  
Prohibition of Hazing, JKD, Disciplinary Procedures, from the Marblehead  
Public Schools Policy Manual~~

~~Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct. Any of the following actions may subject a student to expulsion by the principal under the terms of M.G.L. 71:37H:~~

~~Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:~~

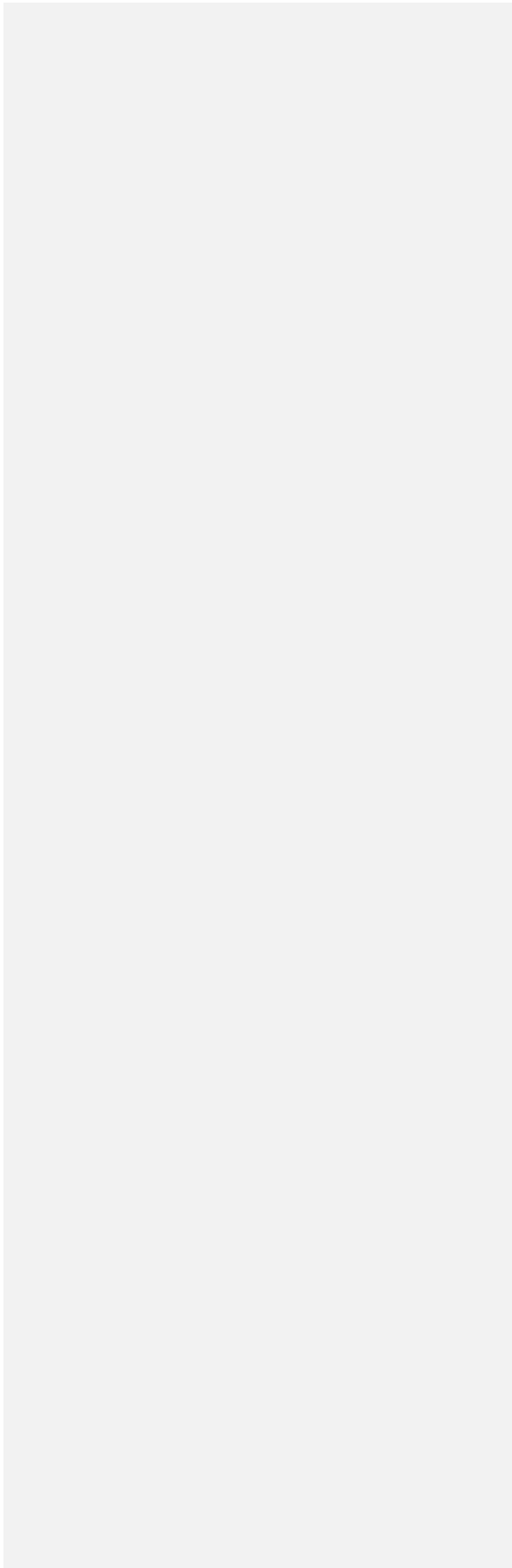
- ~~Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.~~
- ~~Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at~~

**Formatted:** No bullets or numbering

**Commented [mm44]:** You want this statement here.

**Commented [mm45]:** Redundant. Already stated above.

**Commented [mm46]:** We recommend that MGL 71, 37H, as well as summaries of the other applicable student conduct/discipline statutes be provided as an appendix to the handbook, as with the elementary and middle school handbooks.





*school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.*

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

*(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 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.*

***[Paragraph (e) of the fourth paragraph as amended by 2012, 222, Sec. 1 effective July 1, 2014.]***

*(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.*

***[Paragraphs (f) and (g) of the fourth paragraph added by 2012, 222, Sec. 1 effective July 1, 2014.]***

*(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.*

*Any of the following actions will subject a student to suspension, expulsion, or other disciplinary measures as set forth in the student's specific school's handbook. Only in expulsion cases is appeal to the School Committee a possible recourse. This list is meant to provide illustrative examples; it is not meant to be exhaustive.*

- Intentionally causing or attempting to cause damage to school property; or stealing or attempting to steal school property.*
- Intentionally causing or attempting to cause damage to private property; stealing or attempting to steal private property.*
- Intentionally causing or attempting to cause physical injury to another person except in self-defense.*
- Using or copying the academic work of another and presenting it as his own without proper attribution.*
- Repeatedly and intentionally defying the valid authority of supervisors, teachers, or administrators.*

#### **In Cases of Suspension or Expulsion**

*When it is determined by administration that suspension is the most appropriate for of discipline for a student after full due process is given, MHS will follow all provisions of M.G. L. c 71, sections 37H, 37H1/2, and 37H3/4.*

#### **Investigative Procedures**

When the school receives a complaint or information of inappropriate conduct 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, students' lockers, their vehicles if parked on school property, internet sites or possessions and take other appropriate investigative steps. The student(s) being investigated may be removed from class for all or part of the school day during the investigation. The removal of any student from class for such purposes in excess of 1/2 of the standard school day shall constitute an in-school suspension. If during the course of an investigation laws or ordinances appear to have been broken, all findings, information and evidence acquired during the investigation may be handed over to law enforcement agencies.

#### **Harassment - Sexual**

**Policy ACAB, CROSS REF.: AC, Nondiscrimination, JICFB, Bullying, ACAG Sexual Harassment Policy of the Town of Marblehead, from the Marblehead Public Schools Policy Manual**

**Commented [mm47]:** I recommend striking this entire section.

1. There is no provision under 37H, H1/2 or H3/4 to appeal to the Committee. Moreover, the offenses listed (except to the extent that "physical injury" is caused to a staff person) are not expellable offenses under Massachusetts law.

**Commented [mm48]:** This statement is unnecessary.

**Formatted:** Font: (Default) Garamond, 10 pt, Font color: Black

**Formatted:** List Paragraph, Indent: Left: 0", First line: 0", Tab stops: 0.2", Left

**Formatted:** Font: Garamond, 10 pt

**Commented [mm49]:** This is a DESE provision. See DESE Student Discipline Question and Answer Guide.

**Formatted:** Font: Garamond, 10 pt

**Commented [mm50]:** This is not a current or appropriate sexual harassment policy as it does not align with the requirements of the new Title IX regulations at 34 CFR Part 106

~~The Marblehead Public Schools are committed to providing a working and learning environment based on dignity and respect, free of harassment or intimidation. All those associated with the schools are expected to foster a climate that is supportive, respectful and conducive to teaching and learning. Sexual harassment is among the behaviors that are destructive to a positive working and learning climate, and as such is prohibited by state law (Chapters 151 B and 151 C of the Massachusetts General Law), federal law (Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972), and Marblehead Public Schools policy. Any member of the school community who engages in sexual harassment as defined below will be in violation of this policy. This policy encompasses behavior of adults towards adults or students, and students towards students or adults.~~

#### DEFINITION

*It is a violation of this policy when a person makes any sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: 1) submission to or rejections of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of benefits, privileges, employment or placement services or as a basis for the evaluation of academic achievements; or 2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education or career by creating an intimidating, hostile, humiliating or sexually offensive educational or employment environment. Sexual harassment, as defined above, may include, but is not limited to, the following:*

- verbal or written harassment or abuse*
- pressure for sexual activity*
- repeated remarks to a person, with sexual or demeaning implications*
- unwelcome touching*
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, job, etc.*
- display of lewd or sexually explicit materials, inappropriate jokes, or language of a sexual nature*

#### RESPONSIBILITIES

*All persons associated with Marblehead Public Schools are responsible for:*

- Ensuring that his/her behavior does not sexually harass any other person associated with the schools.*
- Reporting any observed or experienced harassment or mistreatment immediately to the building administrator or superintendent of schools and cooperating fully in the investigation of alleged sexual harassment; and*
- Actively participating in the public schools' efforts to prevent sexual harassment in the schools.*

*Retaliation in any form, including threats, intimidation, reprisal or harassment towards any person who makes a sexual harassment complaint, or who assists in or participates in an investigation, proceeding, or hearing is strictly prohibited. If it occurs, it may be considered grounds for dismissal of staff, or removal from the educational setting for a student, who perpetrates a retaliatory act or causes or encourages retaliatory acts.*

#### FALSE REPORTS

*False reports of sexual harassment can cause permanent damage to the victim of such claims and must therefore be treated as a very serious matter. A false claim may be considered grounds for dismissal of staff, or discipline*

~~including removal from the educational setting for a student, who makes a false claim.~~

#### ~~CONFIDENTIALITY~~

~~Reports and complaints of sexual harassment will be kept as confidential as possible consistent with the rights of all parties.~~

#### ~~SEXUAL HARASSMENT OFFICERS~~

~~Two Sexual Harassment Officers (one male and one female) will be designated in the District who will be responsible for processing complaints of sexual harassment in accordance with the procedures available from the superintendent's office or the principals' offices. The Harassment Officers are:~~

- ~~• Supt., (781-639-3140, x20)~~
- ~~• Interim Dir. of Student Services, (781-639-3140, x11)~~

#### ~~COMPLAINT PROCEDURE~~

- ~~1) What one person may consider acceptable behavior may be viewed as sexual harassment by another person. Therefore, the victim should make clear to the harasser that the behavior is offensive and must stop. If the harasser does not stop the behavior, or if the victim is uncomfortable confronting the harasser, or if the behavior warrants further action in the opinion of the victim, the victim should lodge a complaint with the building administration, the Superintendent of Schools or the Sexual Harassment Officer who will notify the administration.~~
- ~~2) Upon receipt of a complaint, the building administrator or Superintendent will immediately ask a Sexual Harassment Officer to investigate the matter. The complaint should be as specific as possible, including names, dates, times, places, witnesses, and specific words or actions which were experienced as offensive. In cases involving students, the student's parents will be notified immediately of the complaint, the steps to be followed, and the ways in which they will be involved in the process.~~
- ~~3) All complaints of sexual harassment will be promptly investigated. Depending on the circumstances, the investigation may encompass any or all of the following:
  - ~~a) The alleged victim may write a letter to the alleged harasser describing the offensive behavior, the circumstances under which it took place, the way the behavior made the victim feel, and requesting that the harasser apologize and promise not to repeat the behavior. The sexual harassment officer will then meet with the alleged harasser, hear the harasser's account of the situation, present the victim's letter, and discuss the matter.~~~~

- ~~b) A meeting between the alleged victim and the alleged harasser may be held. Such a meeting will be held in the presence of the sexual harassment officer.~~
- ~~e) The sexual harassment officer may interview all parties and witnesses to the alleged harassment.~~
- ~~4) In cases of alleged student harassers, the sexual harassment officers will report the facts of the alleged harassment to the building administrator. If the building administrator determines that these facts constitute harassment, disciplinary consequences such as detention, suspension, or expulsion consistent with school rules may be implemented. In cases of alleged adult harassers, the sexual harassment officers will report the facts of the alleged harassment to the building administration or the superintendent of schools. If the administrator or superintendent determines that these facts constitute harassment, disciplinary action, including, but not limited to, warning, suspension, demotion, or termination may result. In all cases, the receiving administrator will make a written decision as to whether harassment occurred. If disciplinary steps are taken, copies of the reports of facts and the written decision will go to the harasser, the personnel file in cases of adult harassers, and to the parents in cases of student harassers. The victim, and his or her parents, if the victim is a student, will also be informed of the determination as to whether harassment occurred. In addition to, or in lieu of discipline, harassers will be required to participate in an education program designed to heighten understanding and awareness of the effects of sexual harassment on victims, society, and the climate of schools and workplaces. Other types of resolutions may also be implemented.~~
- ~~5) Repeated or extreme forms of harassment, violence, or civil rights infringements by a student will result in a recommendation for expulsion or termination from Marblehead Public Schools.~~
- ~~6) In addition to disciplinary steps taken by public school officials, there may be legal options that may be pursued either by the victim, the schools or public agencies. The sexual harassment officers will make information on legal options and obligations available to all parties.~~
- ~~7) Under certain circumstances, sexual harassment may constitute child abuse under Massachusetts General Laws, Chapter 119, Section 51A. Marblehead Public School personnel shall comply with Massachusetts laws and School Committee policy in reporting suspected cases of child abuse.~~
- ~~8) The sexual harassment officers will make complete records of all complaints, facts, steps taken, determinations, and resolutions, and those records will be kept in a central file in the principals' offices and the superintendent's office for a period of 60 years.~~

#### **STATE AND FEDERAL AGENCIES**

*In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governing agencies set forth below. Our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC—180 days; MCAD—6 months).*

- ◆ *United States Department of Education Office for Civil Rights - Region 1 J.W. McCormack Post Office and Court House, Post Office Square, Boston, MA 02109 (617) 223-9685*
- ◆ *The Massachusetts Commission against Discrimination ("MCAD") One Ashburton Place - Rm. 601, Boston, MA 02110, (617) 727-3990*

#### **Harassment Student to Student**

**Policy JBA, LEGAL REF.: M.G.L. 151B:3A; Title VII, Section 703, Civil Rights Act of 1964 as amended; Board of Education 603 CMR 26:00, from the Marblehead Public Schools Policy Manual**

*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, 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.*

*Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:*

- ◆ *Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities;*
- ◆ *Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;*
- ◆ *Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.*

*Harassment as described above may include, but is not limited to:*

- ◆ *Verbal, physical or written harassment or abuse;*
- ◆ *Repeated remarks of a demeaning nature;*
- ◆ *Implied or explicit threats concerning one's grades, achievements, or other school matters.*
- ◆ *Demeaning jokes, stories, or activities directed at the student.*

~~The District will promptly and reasonably investigate allegations of harassment. The principal and or assistant principal of each building will be responsible for handling 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. The superintendent will develop administrative guidelines and procedures for the implementation of this policy.~~

#### DISCRIMINATORY HARASSMENT

~~Discriminatory Harassment 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.~~

~~The District will promptly and reasonably investigate allegations of discriminatory harassment in accordance with applicable laws and District grievance procedures. Retaliation against any individual for reporting harassment, filing a complaint of harassment, or for participating in the investigation thereof, is also strictly prohibited. A student or staff member 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, in the case of an employee, termination of employment. The Superintendent will develop administrative guidelines and grievance procedures for the implementation of this policy.~~

~~Reports and complaints of sexual harassment as defined under Title IX of the Education Amendments Act of 1972 will be addressed in accordance with the District's Title IX Sexual Harassment Grievance Procedure. All complaints of sexual harassment shall be directed to the District's designated Title IX Coordinator, Dr. Paula Donnelly, Director of Student Services.~~

~~LEGAL REF: M.G.L. c.76, § 5, M.G.L. c. 151B, M.G.L. c. 151C; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments Act of 1972; 34 CFR Part 106.~~

#### Physical Restraint of Students

~~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.~~

**Formatted:** Font: Garamond, 10 pt

**Commented [mm51]:** All handbooks should contain at least a summary statement relative to the use of physical restraint.

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Left

**Formatted:** Font: Garamond, 10 pt



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.

#### **Harassment—Bullying**

##### **File: JICFB**

*The Marblehead Public Schools are committed to creating a working and learning environment free of bullying, along with an environment that fosters student's social and emotional health and well-being. 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.*

#### **DEFINITION(S)**

*"Bullying" is the repeated use by one or more students or by a member of the school staff including, but not limited to, and educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional 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

~~Title VII, Section 703, Civil Rights Act of 1964 as amended~~

~~Federal Regulation 74676 issued by EEO Commission~~

~~Title IX of the Education Amendments of 1972~~

~~603 CMR 26.00; - MGL c. 71, §370; - MGL c. 265, §§43, 43A; - MGL c. 268, § 13B~~~~268:13B -MGL~~

269:14A

#### CROSS REFS

~~AC, Nondiscrimination - ACAB, Sexual Harassment - 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

**Commented [mm52]:** MGL c. 71, 370 requires that the specific provisions of the District's bullying procedures specifically describing the process for reporting and investigating bullying be included in the handbook.

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Font: Garamond, 10 pt

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.

*For more detailed information on the bullying prevention process, resources and form to file a bullying complaint, please click [MPS Bullying Prevention Plan, www.marbleheadschoools.org/district/familycommunity/pages/bullying-prevention](http://www.marbleheadschoools.org/district/familycommunity/pages/bullying-prevention). Copies of our Bullying Prevention Plan are also available in the HS main office or by contacting Principal Daniel Bauer at (781) 6393100 x2108 or [bauer.daniel@marbleheadschoools.org](mailto:bauer.daniel@marbleheadschoools.org)*



## 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 REF.: M.G.L. c. 269, §§17, 18, 19  
CROSS REF: JIC, Student Conduct

#### 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

**Formatted:** Font: Garamond, 10 pt, Not Italic

**Formatted:** Font: Garamond, 10 pt, Not Italic

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Line spacing: single

**Formatted:** Font: Garamond, 10 pt, Not Italic

**Formatted:** Indent: Left: 0.25", Line spacing: single

**Formatted:** Font: Garamond, 10 pt

**Formatted:** Indent: Left: 0.25"

**Formatted:** Font: Garamond, 10 pt, Not Italic

**Formatted:** Left, Indent: Left: 0.25", Line spacing: single, Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers

**Formatted:** Indent: Left: 0.25"

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

Hazing

~~Policy JICFA, CROSS REF: JIC, Student Conduct, 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/assistant principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and~~

**Commented [mm53]:** Replacement language provided above. It is recommended that the handbook contain, and put students on notice of, all of the relevant sections of MGL c. 269 (17, 18 and 19)

**Formatted:** Right: 0", Space Before: 14.1 pt, Line spacing: single

**Formatted:** Left, Space Before: 14.1 pt, Line spacing: single

**Formatted:** Space Before: 14.1 pt, After: 0 pt, Line spacing: single

**Formatted:** Space Before: 14.1 pt, Line spacing: single

*employees of the District are obligated by law to report incidents of hazing to the police department.*

**Formatted:** Left, Space Before: 14.1 pt, Line spacing: single

*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 for up to ten (10) school days. Any student determined by the principal/assistant 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.*

**Formatted:** Space Before: 14.1 pt, Line spacing: single

**MASSACHUSETTS' GENERAL LAW (MGL)**

**CH. 269. S.17. Crime of Hazing and Penalty**

**LEGAL REF.: Chapter 71, Section 37G and Chapter 269**

*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.***

**Formatted:** Left, Space Before: 14.1 pt, Line spacing: single

*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 five hundred dollars shall punish whoever fails to report such crime.*

**Formatted:** Left, Space Before: 14.1 pt, After: 0 pt, Line spacing: single

**Formatted:** Space Before: 14.1 pt, Line spacing: single

~~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.~~

Formatted: Left, Space Before: 14.1 pt, Line spacing: single

## COMPUTER AND INTERNET USE MPS

### 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 Use 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

Formatted: Left, Tab stops: Not at 0.25"

Formatted: Left, Tab stops: Not at 0.25"

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~~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.

#### 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.]

**Note: students who have reached age of majority (18) do not need parental permission.**

**School Sponsored Activities**

Students who are participating in any school-sponsored activity are expected to abide by all school rules. Any student absent from school the day of an after-school activity will NOT be permitted to attend the activity. To be considered in attendance for the day (and be eligible for extracurricular activities) a student must either arrive before 11:00 AM and remain for the rest of the day or arrive on time and not be dismissed until after 11:00 AM

**Student Searches**

When a school administrator has reasonable suspicion that a school rule or law has been broken, the school administrator may search the student, his/her belongings, locker or vehicle if parked on school property. Failure to comply with a search will carry an implication of guilt. In cases where student or school safety can only be assured by a search, law enforcement may be called to perform the search, especially in such cases when a student fails to comply with a search conducted by school administration.

**Commented [mm54]:** Redundant. Already referenced above in 2 separate places.

**Student Rights and Responsibilities**

Please refer to SC Policy JI LEGAL REFS: M.G.L. 71:37H; 71:82 through 71:86, from the Marblehead Public Schools Policy Manual

**Commented [mm55]:** Moved to page 46 at the top of the discipline section.

*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. The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through handbooks distributed annually.*

**Non-Discrimination Notice (including SC Policy AC) REPORTING, INVESTIGATION AND RESOLUTION**

Acts of discrimination and/or vandalism are abhorrent against any individual, group, religion or culture. The School Committee hereby pledges to use its resources to educate our youth in hopes that education and understanding can prevent acts of anti-Semitism, racism and discrimination of any kind.

**Commented [mm56]:** We recommend removal of this section both because it is redundant (all previously stated in handbook) and also is inconsistent with the current Title IX Grievance Procedures mandated by the regulations effective August 2020 (34 CFR Part 106).



Values reflecting the positive aspects of differences between people must be encouraged by all members of this community; moral outrage against acts of this nature must not be allowed to fade into apathy. We must all evidence a lifelong commitment to society to prevent acts of injustice, each of which is directed at all of us.

The Marblehead Public Schools is an equal opportunity employer and provider of Public Services. It is the policy of the Marblehead School Department not to discriminate on the basis of race, color, age, handicap, sex, sexual identity or orientation, religion or national origin in its educational programs, activities or employment policies. Title IX of the Federal Education Amendments of 1972 says "No person... shall, on the basis of sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." Chapter 622 of the Acts of 1971—Mass. General Laws states... Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No person shall be excluded from or discriminated against in admission to a public school of any town, or obtaining the advantages, privileges and courses of study of such school on account of race, color, sex, sexual orientation or identity, religion or national origin." Section 504 of the 1973 Federal Education of Handicapped Law asserts that programs and facilities be accessible to the handicapped.

The Committee approved grievance procedures is for students and employees as follows:

Employee Grievance Procedure for Section 504 and Title IX

Title IX of the Education Amendments of 1972 says "no person ...shall on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

Section 504 of Public Law 94-142 concerning Civil Rights for the Handicapped In Education provides that: "No otherwise qualified individual... shall solely by reason of his/her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

If an employee in the Marblehead School system feels a violation of the law exists, he/she should take the following action:

1. \_\_\_\_\_ Contact the principal of the school in writing to inform him/her of the existence of a possible violation with details of the case.

Request that the discriminatory situation be resolved as soon as possible:

2. ~~If the matter is not resolved in the above manner within seven calendar days, the employee should present his/her complaint, in writing, to the Superintendent of Schools or the 504 Coordinator.~~
3. ~~The Superintendent and the Coordinator, within fourteen calendar days after receipt of the written complaint, will meet with the employee filing the complaint in an effort to resolve the matter.~~
4. ~~If the complaint is still unresolved within seven calendar days after said meeting with the Superintendent and Coordinator, the employee should present the complaint in writing to the School Committee and so notify the Superintendent and the 504 Coordinator.~~
5. ~~The School Committee, within fourteen calendar days after receipt of the written complaint, shall meet with the employee filing the complaint in an effort to resolve the matter. All meetings under this procedure with the School Committee shall be held in executive session, if appropriate under the open meeting law, and shall include only parties in interest and their designated or selected representatives.~~
6. ~~If the complaint cannot be resolved by and between the School Committee and the person filing the complaint within twenty-one calendar days after the meeting, in step #5, then the matter may be submitted to:~~

~~Office of Civil Rights  
Department of Health, Education and Welfare  
Washington, D.C. 20204~~

Student Grievance Procedure for Section 504, Title IX and/or Chapter 622

~~According to the Massachusetts law Chapter 622 of the Acts of 1971 and Title IX of the Education Amendments of 1972, no child shall be excluded from or discriminated against in admission to the public school of town where he or she actually resides (including vocational and technical schools) or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, sexual identity or orientation, religion or national origin.~~

~~“Advantages and privileges of public schools” include all sports programs and extra-curricular activities. The State Board of Education is empowered to enforce school laws in order to obtain the most effective implementation of Chapter 622 and/or Title IX, it is suggested that you report cases of the above discrimination initially at the local level. Also, according to Section 504 of Public law 94-142, concerning Civil Rights for the Handicapped in~~

**Commented [mm57]:** This is an out-of-date statement and should be replaced with the general non sexual harassment grievance policy that we provided to the District last year.

**Commented [mm58R57]:** As we have included references to those procedures in the non-discrimination notices, it is unnecessary to include either grievance procedure in the handbook.

Education, the Marblehead Public schools affirms as follows: "No otherwise qualified individual shall solely by reason of his/her handicap be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Any student, parent, teacher or interested citizen who thinks that Massachusetts law Chapter 622 and/or Title IX and/or Section 504 is being violated should take the following action:

1. Contact the principal of the school for a clarification of the situation. If you feel a possible violation exists, outline the situation in writing to the principal and request that the alleged discriminatory act be resolved as soon as possible.
2. If the situation is not resolved within seven days after receipt of the letter, the principal will forward copies of the letter to the Superintendent (Coordinator of Chapter 622 and Title IX) or the 504 Coordinator apprising the Coordinator of the situation.
3. The Superintendent and the Coordinator, within fourteen calendar days after receipt of the written complaint will meet with the student filing the complaint in an effort to resolve the matter.
4. If the complaint is still unresolved within seven calendar days after said meeting with the Superintendent and Coordinator, the student should present the complaint in writing to the School Committee and so notify the Superintendent or the 504 Coordinator.
5. The School Committee within fourteen calendar days after receipt of the written complaint shall meet with the student filing the complaint in an effort to resolve the matter. All meetings under this procedure with the School Committee shall be held in executive session, if appropriate under the open meeting law, and shall include only parties in interest and their designated or selected representatives.
6. If the complaint cannot be resolved by and between the School Committee and the student filing the complaint within twenty-one calendar days after the meeting, in step 4-5, then the matter may be submitted to:

Chapter 622 Mass Law Acts of 1974:  
The Bureau of Equal Educational Opportunity  
31 St. James Ave.  
Boston, MA 02116  
Title IX Education Amendments 1972 or Section 504, PL.  
94-142:  
The Office of Civil Rights

Department of Health Education and Welfare  
Washington, D.C. 20204

CROSS REF.: AC sub codes (all relate to Nondiscrimination/Equal Opportunity)

GBA, Equal Employment Opportunity

JB, Equal Educational Opportunities

JICB, Bullying

JIB, Interscholastic Athletics

## STUDENT HEALTH

### **School Nurse (781-639-3100 x3118)**

Each school is assigned a full-time school nurse. If you have any questions regarding the policies and procedures outlined below, please contact your school nurse at your school's health office. Health forms are available at the school or online at [marbleheadschoools.org/nurses](http://marbleheadschoools.org/nurses). Besides the policies listed in this section, the MPS Policy Manual also contains Policy ADF, Wellness.

### **Physical Examinations**

#### HEALTH SCREENINGS

The Massachusetts Department of Public Health requires health screening for vision and hearing in grades K through 6, 8 and 10; for weight and height in grades 1, 4, 7 and 10 and posture in grades 5 through 9. The screenings are conducted by our school nurses. You will receive notification from the specific school when screenings will take place. Parents may opt out of these screenings for their child by notifying the school nurse. If we discover that your child has a concern with any screening you will be notified to follow up with your health care provider for further evaluation. All parents of screened children will receive information on BMI as it relates to height and weight.

#### 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.

#### STUDENT INOCULATIONS

**Policy JLCB, LEGAL REF.: M.G.L. 76:15, M.G.L. 76:15C, 111:6, 105 CMR 220.000, Title I Part C No Child Left Behind CROSS REF.: JF, School**

***Admissions, JLCC, JFABD, from the Marblehead Public Schools Policy Manual***

*Students entering school for the first time, whether at preschool, kindergarten or through transfer from another school system, will be required to present a physician's certificate attesting to immunization against diphtheria, pertussis, poliomyelitis, tetanus, measles, and such other communicable diseases as may be specified from time to time by the Department of Public Health.*

*The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interests of the child, or by the student's parent or guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent. These exemptions must be kept in the students' files at school.*

*Homeless children who are not immunized or partially immunized in accordance with the McKinney-Vento Homeless Assistance Act may be admitted to school without documentation of immunizations. The Homeless Liaison must immediately assist in obtaining them.*

*In situations when one or more cases of vaccine preventable disease are present at school, all those susceptible, including those with medical or religious exemptions, are subject to exclusion as described in the Reportable Diseases Isolation and Quarantine Requirements.*

***Student Medication Administration***

***Policy JLCD, LEGAL REF.: M.G.L. 71:54B, Dept. of Public Health Regulations: 105 CMR 210.00, from the Marblehead Public Schools Policy Manual***

*Medication may not be administered to students while at school unless such medicine is given to them by the school nurse acting under specific written request of the parent or guardian and under the written directive of the student's personal physician. No one but the school nurse, and those others listed in the medical administration plan acting within the above restriction, may give any medication to any student.*

*The School district shall, through the district nurse leader, register with the Department of Public Health and train unlicensed personnel in the use of Epi-Pens and field trip delegation of administration of medication.*

*Following consultation with the school nurse, students who fall into the following exceptions may self-administer medications:*

- 1. \_\_\_\_\_ Students with asthma or other respiratory distress may possess and administer prescription inhalers.*

2. *Students with cystic fibrosis may possess and administer prescription enzyme supplements.*
3. *Students with diabetes may possess and administer glucose monitoring equipment and insulin delivery systems.*

*Procedures and policies detailing medication administration are available in each school health office and at Marblehead School Administration.*

*Specifics of the policy and procedures include:*

- a. *Designation of a school nurse as supervisor of the prescription medication administration program in a school and school nurse responsibilities therein;*
- b. *Documentation of the administration of prescription medications, provider medication order, parent consent and record keeping;*
- c. *Response to a medication emergency;*
- d. *Handling, storage and disposal of prescription medications;*
- e. *Reporting and documentation of medication errors;*
- f. *Training of unlicensed school personnel*
- g. *Dissemination of information to parents or guardians;*
- h. *Procedures for resolving questions between the school and a parent or guardian regarding administration of medications.*

**(MHS Handbook information)** All prescription and herbal medication must be brought to the health office or school office by a parent or guardian in a 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.

Under no circumstances shall a child be sent to school with medication without prior notification of the school nurse. Children found in possession of unauthorized medications on school grounds or at school sponsored events may be subject to discipline.

**Pregnant Student Rights**

- No student shall be excluded from any school program or school-sponsored activity because of pregnancy or because of marital or parental status, except where required by health considerations or where the educational process would be disrupted.

- In addition, after giving birth, a student is permitted to return to the same academic and extracurricular programs as before the pregnancy. The district does not require a pregnant student to obtain certification of a physician that the student is physically and emotionally able to continue in school, other than the same health and immunization records that are required of all students. The only limitations or accommodations implemented for a pregnant student will be those deemed necessary by the student's physician, as documented in writing by that physician.

### **HEALTH EDUCATION**

**Policy IHAM, LEGAL REF.: M.G.L. 71:1, CROSS REF.: EB, Safety Program, IKF, Graduation Requirements, ADF, Wellness, from the Marblehead Public Schools Policy Manual**

*Good health depends upon continuous life-long attention to scientific advances and the acquisition of new knowledge. The School Committee believes that opportunities for effective health education are possible during the school day. The schools are equipped to provide qualified personnel to conduct health education programs.*

### **Independent Wellness**

*Any student who has an irresolvable conflict in terms of their schedule may request a one-time independent wellness class. This must be recommended by the guidance counselor and approved by the principal and will only be considered for conflicts with other courses that are explicitly required for graduation.*

### **Parental Notification and Sexual Education**

**Policy IHAM-1, LEGAL REF.: M.G.L. 71:1, from the Marblehead Public Schools Policy Manual**

*In accordance with General Laws Chapter 71, Section 32A, the Marblehead School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.*

*At the beginning of each school year, all parents/guardians of students in our schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual or human sexuality issues. The superintendent of schools will determine the administrator(s) responsible for sending the notice(s). Parents/guardians of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If planned curricula change during the school year, to the extent practicable, parents/guardians will be notified of this fact in a timely*

manner before implementation.

Each such notice to parents/guardians will include a brief description of the curriculum covered by this policy, and will inform parents/guardians that they may:

1. Exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexual issues, without penalty to the student, by sending a letter to the school Principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.
2. Inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the Principal to review the materials at the school and may also review them at other locations that may be determined by the superintendent of schools.

A parent/guardian who is dissatisfied with a decision of the principal concerning notice, access to instructional materials, or exemption for the student under this policy may send a written request to the superintendent for review of the issue. The superintendent or designee will review the issue and give the parent/guardian a timely written decision, preferably within two weeks of the request. A parent/guardian who is dissatisfied with the superintendent's decision may send a written request to the School Committee for review of the issue. The School Committee will review the issue and give the parent/guardian a timely written decision, preferably within four weeks of the request. A parent/guardian who is still dissatisfied after this process may send a written request to the commissioner of education for review of the issue in the dispute.

The superintendent of schools will distribute a copy of this policy to each principal by September 1 of each year and, will ensure this policy is included in each school's student handbook.

**Health Education (Exemption Procedure)**

**Policy IHAM – R LEGAL REF.: M.G.L. 71:1, from the Marblehead Public Schools Policy Manual**

The Marblehead Public Schools will furnish a standardized exemption document to all parents/guardians at the time that notice (IHAM-1-E) of the proposed sex education curriculum is sent home. This exemption document (IHAM-1-E2) will contain the dates and topics of the proposed curriculum.



**Drugs, Alcohol and Tobacco**

**Please refer to SC Policy IHAMA, LEGAL REFS: M.G.L. 71:1 CROSS REF.: JICH, Alcohol Use by Students, from the Marblehead Public Schools Policy Manual**

***In accordance with state and federal law, the District shall provide age-appropriate, developmentally based drug and alcohol education and prevention programs in grades K-12.***

**Alcohol, Controlled Substances and Paraphernalia**

**Please refer to SC Policy JICH, LEGAL REF.: M.G.L. 272:40A CROSS REF.: GBEC, Drug Free Workplace Policy; IHAMA, Teaching About Drugs, Alcohol, and Tobacco, from the Marblehead Public Schools Policy Manual**

*In view of the fact that the use of alcohol can endanger the health and safety of the user, and recognizing the deleterious effect the use of alcoholic beverages can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any alcoholic beverage **on school property or at any school function.** Additionally, any student, regardless of age, who has been drinking alcoholic beverages prior to attendance at, or participation in, a school-sponsored activity, will be barred from that activity and subject to disciplinary action.*

**(MHS Handbook information)** If a school administrator has reasonable suspicion that a student is under the influence, the student may be asked to take a breathalyzer test. Refusal to comply will carry an implication of guilt. Students may also be given a breathalyzer test as a condition of admission to proms, dances, or other events. If a student is suspected of being under the influence of a controlled substance, the student may undergo a safety check.

**FIRST VIOLATION OF USE OR BEING UNDER THE INFLUENCE (Up to a FIVE DAY out-of-school suspension)**

Any student found to have possessed, used, or been under the influence of an alcoholic beverage; used, or been under the influence of a controlled substance, or been in possession of drug paraphernalia while on school property, or off school property during school hours, or at a school-sponsored activity will be subject to out-of-school suspension. ~~suspended from school for up to five days.~~

His/her parents or guardian will be called to remove the student immediately from school property or event. If the student's parents or guardian cannot be reached or, if reached, are unwilling or unable to pick up the student, the police department will be called, apprised of the facts, and requested to take the student into protective custody as permitted by Massachusetts General Law. In addition, the student's parents or guardian will be asked to meet

**Commented [mm59]:** I would strongly recommend removal of this 5 day limitation. The District always needs to anticipate the possibility of extreme violations for which a suspension in excess of 5 days would be appropriate.

**Formatted:** Right: 0.45", Space Before: 11.9 pt, After: 0 pt, Line spacing: Exactly 11.75 pt

**Formatted:** Right: 0.45", Space Before: 11.9 pt, Line spacing: Exactly 11.75 pt

with the Principal and designated school support staff to consider the best possible means of helping the student.

#### SUBSEQUENT VIOLATIONS

Any student found to have possessed, used, or been under the influence of an alcoholic beverage, used, or been under the influence of a controlled substance, or been in possession of drug paraphernalia while on school property, or off school property during school hours, or at a school sponsored activity, a second time, ~~will be~~ may be suspended from school on a long-term basis and, where deemed in possession of a controlled substance, subject to expulsion in accordance with M.G.L. c. 71, § 37H, ~~suspended and subject to expulsion.~~ The school will work with the family to determine an appropriate therapy program. Violations are cumulative across a student's entire matriculation at MHS.

#### DISTRIBUTION

Any student found to have distributed drugs or alcohol, or to be in possession of a quantity indicative of intent to distribute will be treated in the same manner as a student who has violated for the second time the use and possession of drugs or paraphernalia, or as dictated by the Type 3 Prohibited Actions listed under the Discipline section.

#### LAW ENFORCEMENT NOTIFICATION

The principal, immediately after finding a student to have been in possession of alcohol or a controlled substance or of drug paraphernalia will furnish the police department with a complete report, including the drug paraphernalia, controlled substances, alcoholic beverages and/or other physical evidence obtained for analysis, and such criminal action as the police may determine. To the extent permitted by law, the police department will inform the school department of the police department's disposition of the case. A police officer may arrest a student on school property.

#### Tobacco Use

**Policy JICG LEGAL REF.: M.G.L 71:37H, from the Marblehead Public Schools Policy Manual**

*Smoking, chewing, or other use of tobacco products by staff, students, and members of the public shall be banned from all District buildings and grounds (including athletic fields). All forms of tobacco use shall be prohibited on all District property. In addition, tobacco use by students is banned at all school-sponsored events, even though this use does not necessarily take place on school grounds.*

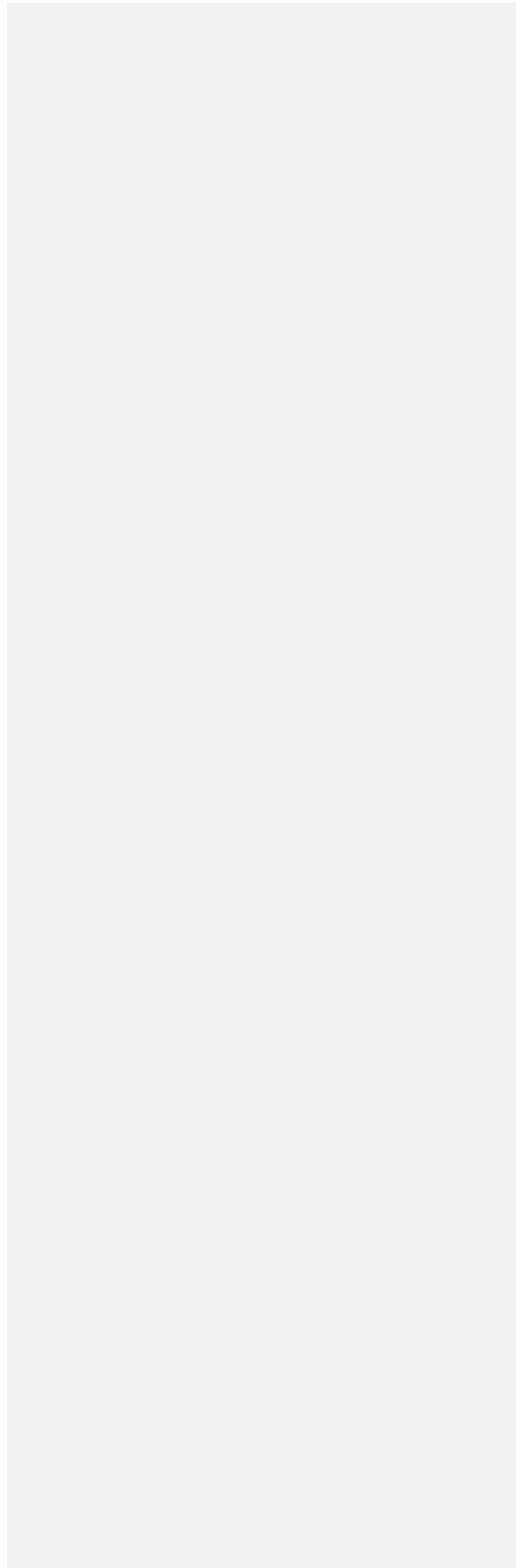
#### TOBACCO USE (MHS HANDBOOK) e-CIGARETTES

Electronic cigarettes or e-cigarettes are included under the category of

**Formatted:** Right: 0.45", Space Before: 11.9 pt, Line spacing: Exactly 11.75 pt

**Formatted:** Right: 0.45", Space Before: 11.9 pt, Line spacing: single

**Commented [mm60]:** Alcohol is not a controlled substance under MGL 94C. Possession of alcohol (and drug paraphernalia not containing residue) is a "non-statutory offense" subject to the limitations set forth in MGL c. 71, 37H3/4 and 603 CMR 53.00. Accordingly, a student cannot be expelled for possession of alcohol.



tobacco products and are banned on school property regardless of the substance they are being used to administer.

#### **Marblehead High School Diversion Program for Vaping/E-Cigarette Use**

Overview: If a student receives disciplinary consequences for vaping or E-cigarette use on school grounds, a 3 week program will be offered as a partial alternative to suspension. This option will be discussed at the conclusion of the discipline hearing. If this option is agreed upon, the student will serve 1 day out of school suspension followed by the diversion program. If at any time, the student does not follow through as directed with the diversion program, the remainder of the out of school suspension will take effect. Violations that invoke the MIAA Chemical Health Policy do not have a reduction in penalty for extra-curricular activities.

Purpose: To give students an opportunity to gain education around vaping and e-cigarette use. As this is an issue that affects the health and mental health of young people, it is important to offer than an opportunity to learn about the dangers of vaping so that students will have better skills to change unhealthy behaviors. *The goal is to prevent recidivism of further disciplinary issues due to vaping.*

Structure: The program is 3 weeks. A referral is made to the School Social Worker by an administrator. The Social Worker oversees the program and reports back to administration when the student has completed. The Social Worker communicates with the parent/guardian details about the program. The student is given paperwork including a checklist of what is expected and resources for videos and articles (see below)

#### **PROGRAM OUTLINE**

Week 1:

- Substance Abuse and Mental Health Education: Meet with School Social Worker
- Health Education: Meet with School Nurse
- Review article "The Vape Debate, What you Need to Know"  
<https://www.webmd.com/smoking-cessation/features/vape-debate-electronic-cigarettes#1>

Week 2:

- Legal Education: Meet with School Resource Officer
- Video <https://www.cnn.com/2015/09/04/us/vaping-abuse/>
- video <https://www.independent.co.uk/life-style/health-and-families/health-news/vaping-bad-as-smoking-cigarettes-damage-key-blood-vessel-e-cigarettes-nhs-heart-experts-a7216096.html>

Week 3:

- Article: "Marketing Tactics" <https://truthinitiative.org/news/4-marketing-tactics-e-cigarette-companies-use-target-youth>
- Meet with School Social Worker to review and discuss the articles, videos, and meetings with other professionals

## INTERSCHOLASTIC ATHLETICS

### **Athletic Department Mission**

Marblehead High School Athletic Department believes that, in concert with their academic pursuits, athletic challenges help students develop life skills that will serve them well as adults. Interscholastic athletics provide an outstanding “testing ground” against strong local competition. For the complete MHS Student Athlete Handbook Please refer to the athletic department link at the MHS website.

### **Team and Player Issues (MHS Handbook information)**

No student athlete shall be allowed to practice or compete until he/she is cleared for participation. Clearance includes completion of the following:

1. Signed permission slip (available at MHS Athletic Office)
2. Physical Examination. All students must pass a physical examination within 13 months of the start of each season. Students who meet the criterion at the beginning of the season will remain eligible for that season.
3. Academic Eligibility Check. See Academic Policies.
4. Payment of User Fee. “The School Committee recognizes the need for student fees to fund certain school activities. It also recognizes that some students may not be able to pay these fees. No student will be denied access into any program because of inability to pay these supplementary charges.”
5. Have no outstanding detentions.

**Fees may be waived or reduced for students who qualify for free and/or reduced lunch.**

### **Eligibility**

1. Academic eligibility (Academics will be monitored during the season and poor grades may result in removal from a team.)

Eligibility	
Quarter	Based Upon
1	End of the Year Final Grades
2	First Quarter Grades
3	Second Quarter Grades
4	Third Quarter Grades

- In order to qualify for participation, a student must have no F's on his/her report card. Eligibility for First Quarter is determined by final grades for the year preceding the activities. All other eligibility is determined by quarterly grades in the last marking period preceding the activities (e.g., Second Quarter grades and not semester grades determine Third Quarter eligibility). Eligibility will be removed or re-sorted in a manner consistent with MIAA policy; that is, on the date on which report cards are issued. In all other matters concerning this policy, unless otherwise stated, the District will follow MIAA policy. In extreme situations due to a student's health (documented by medical personnel) or family circumstances (e.g., death of an immediate family member) the Principal may review the student-athlete's eligibility status for one marking period.
- A student must take the required number of courses.
- Academic eligibility of all students shall be considered as official and determined only on the date when the report cards for that marking period have been issued to the parents of all students within a particular class.
- A student receiving an "I" (incomplete) for a grade may have her/his eligibility status reviewed at the time any incomplete is changed to a passing grade. No credit toward eligibility can be received from a repeated subject for which one has already received credit. Summer work credits will not count toward eligibility unless the course has already been pursued.
- If a student-athlete receives an "N" grade for a quarter, the student-athlete will be ineligible for the quarter. A student receiving an "N" for a grade may have her/his credit status reviewed at an Attendance Panel Review Board.

- To be considered in attendance for the day (and be eligible for extracurricular activities) a student must either arrive before 11:00AM and remain for the rest of the day or arrive on time and not be dismissed until after 11:00AM.
- **No student will be eligible to participate in the day's extracurricular activities if the student is tardy without medical documentation or verified extenuating circumstances. This is reviewed by the Athletic Director and Administration and should be communicated in advance.** A student shall be eligible for interscholastic competition for no more than 12 consecutive seasons beyond the 8<sup>th</sup> grade. Example: 4 fall seasons, 4 winter seasons, 4 spring seasons.
- A participant shall be an undergraduate.
- A participant shall not be over 18 years of age, unless he/she has his/her 19<sup>th</sup> birthday AFTER Sept. 1 of the present school year.
- Special permission must be granted for a player with one diseased or missing organ or limb (e.g., eyes, kidney, arms, legs, etc.) A permission form must both be signed by the parent/guardian and the student-athlete prior to any practice or play.

#### **Social Issues**

Each team is responsible for creating and abiding by its social contract. The team's social contract has, as a minimum, the behavior, social, and academic expectations of MHS, as well as the MIAA requirements.

#### **Code of Conduct**

Expectations for student athlete behavior are based on the philosophy that participating in interscholastic athletics is a privilege for some rather than a right for all. Abuse of any privilege may result in its removal.

Student athletes are representatives of themselves, their teammates and coaches, their families and hometown. It is important to realize that in order to continue representing their team and/or the town, athletes must exhibit a high standard for personal conduct. Student athletes are always expected to exhibit: sportsmanship, honesty, integrity, and respect for themselves and others.

Listed below are a few simple rules student athletes are asked to live by:

- Keep your priorities in mind. The body goes where the mind takes it.

- Set a high standard for yourself and others will follow. No foul, abusive language and/or disrespect towards any coaches, teammates, officials, school faculty/staff or opponents.
- Be a positive representative of the entire Athletic Department in all daily interactions. If you have a problem, work it out in the manner of an educated citizen.
- Appreciate your opportunities to compete against the best in Massachusetts. Avoid compromising those opportunities with thoughtless behavior off the court/field.

### Discipline

The following forms of discipline may be used by the Athletic Department for warranted reasons, which include but are not limited to the categories listed on these pages:

- **TEAM:** Coaches and their assistants are granted the capacity to help set team rules that provide common experiences for each team member within the parameters and scope of the Massachusetts Interscholastic Athletic Association (MIAA), Marblehead High School (MHS) and the mission of the Marblehead Athletic Department. Team members, with the guidance and monitoring of the coaching staff, will construct a social contract to be followed for the sport season. This allows each team to define how they wish to act and be evaluated. Marblehead Athletics believes that a person is evaluated by what he/she says and does. Matters that affect only the team and its day-to-day operation are handled within the team structure. However, severe disciplinary actions, such as dismissal from team or prolonged suspension, must be reported to the Athletic Director for the purposes of record keeping, consistency and appropriateness.
- **STUDENT:** The Athletic Department recognizes that high school-aged students may on occasion make inappropriate decisions in their personal life within our community. Within the bounds of progressive discipline and educational, experiential learning, it is not the Athletic Department's wish to punish student athletes twice for the same offense. However, the Department reserves the right to decide if an offense infringes on our mission and integrity and hand out an appropriate sanction ranging from suspension to removal from the team.
- **GROUP:** The Athletic Department and the high school reserve the right to withhold privileges from the entire team



should egregious acts be committed anywhere by any numbers of team members in the name of the team.

[Athletic Concussion Policy](#)

~~*Please refer to Policy JII, from Marblehead Public Schools Policy Manual*~~

[Athletic Concussion Policy](#)

## MPS SC policy JJIF

### 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 (I), 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 REFS: M.G.L. 111:222; 105 CMR 201.000*

**Appendix A Selected Laws/Policies Related to Student  
Conduct and Discipline**

Formatted: Font: 14 pt, Bold

**STUDENT RIGHTS AND RESPONSIBILITIES – School  
Committee Policy JI**

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.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his 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.

The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through handbooks distributed annually.

LEGAL REFS.: M.G.L. 71:37H; 71:82 through 71:86

**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 may be immediately suspended from school, and an expulsion hearing will be held.

Section 10(j): “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.

**Commented [mm61]:** This does not reflect the current language of MGL 71, 37H

**Commented [mm62]:** Sections e through g as added reflect the current statutory language.



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.

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

(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.

**Commented [mm63]:** As the DESE is very focused on ensuring that all attendance related notices and information are provided to student and parents, we would recommend including this statute in this section.

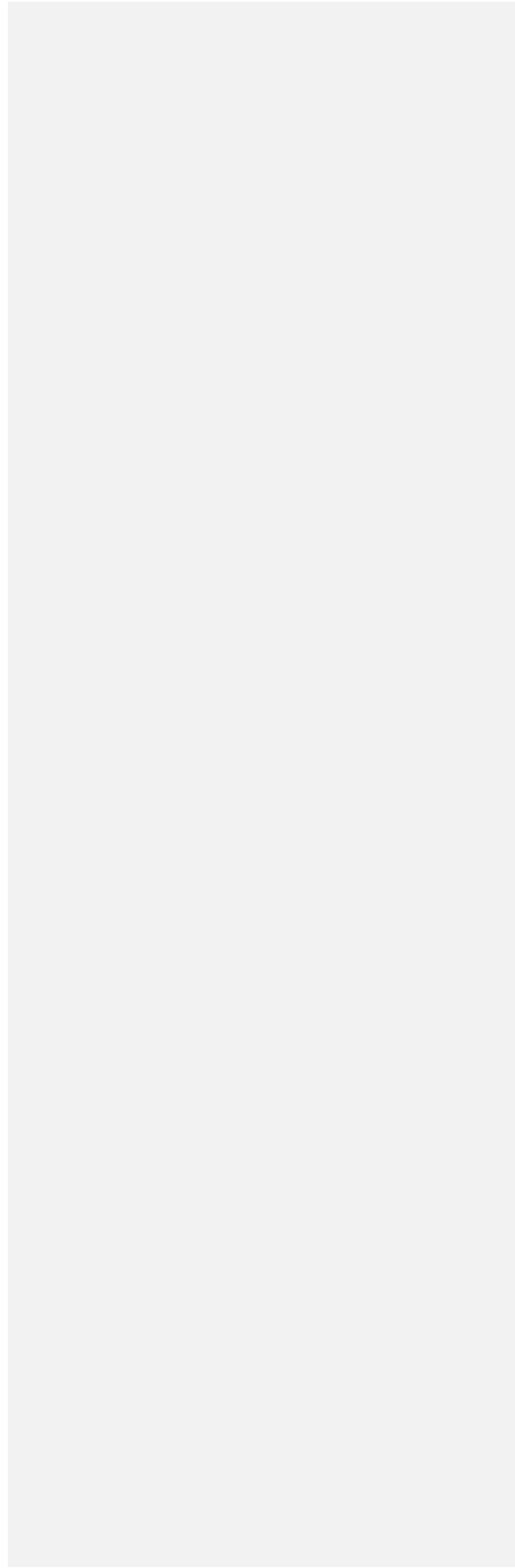
*The superintendent of every city, town or regional school district shall annually report to the department of education the number of students sixteen years of age or older who have permanently left school, the reasons for such leaving and any alternative educational or other placement which each such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

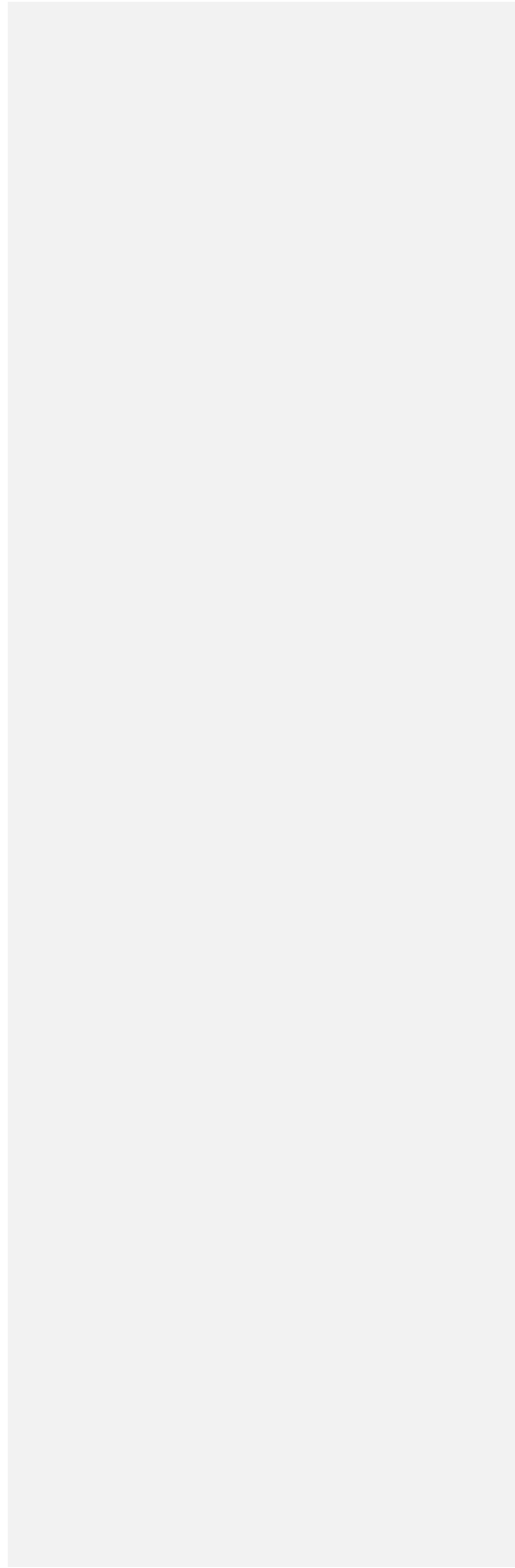
**Appendix B**

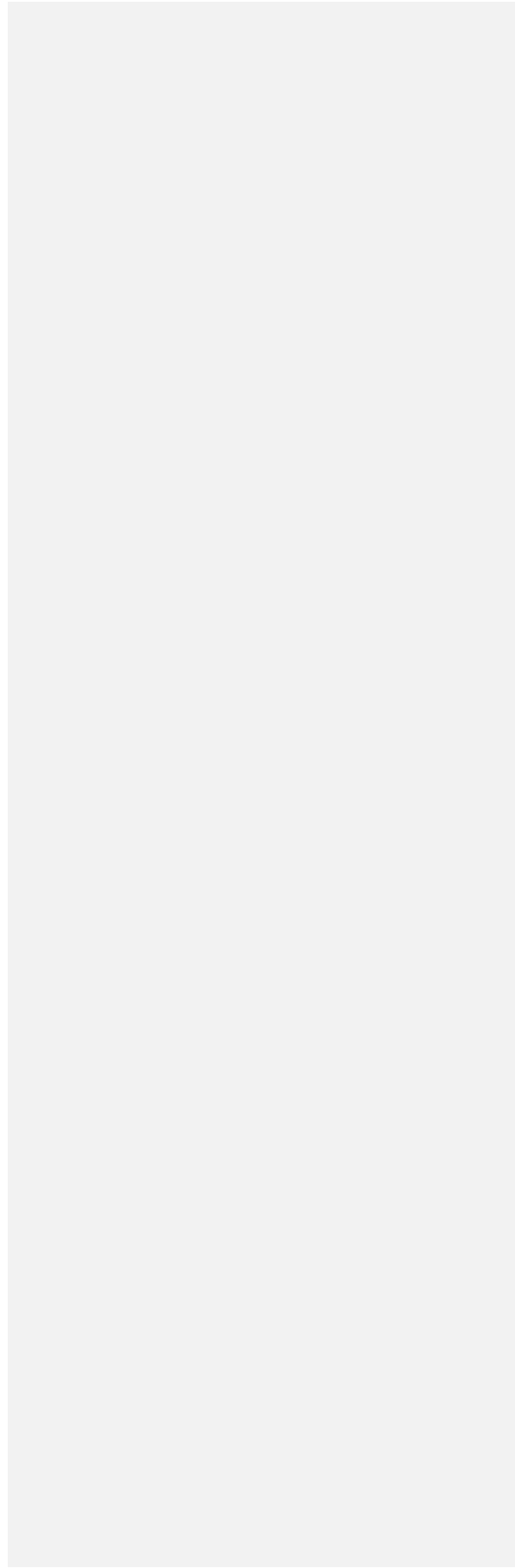
**Formatted:** Font: 14 pt, Bold

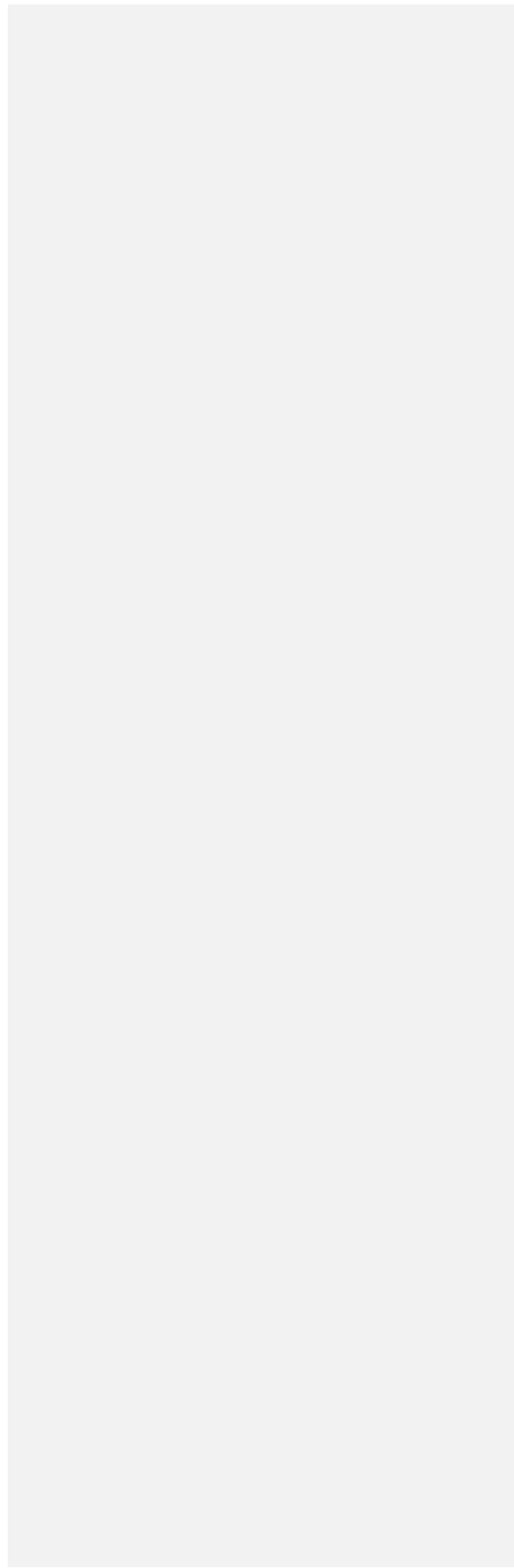
**Formatted:** Centered, Indent: Left: -0.5", Right: -2.31"



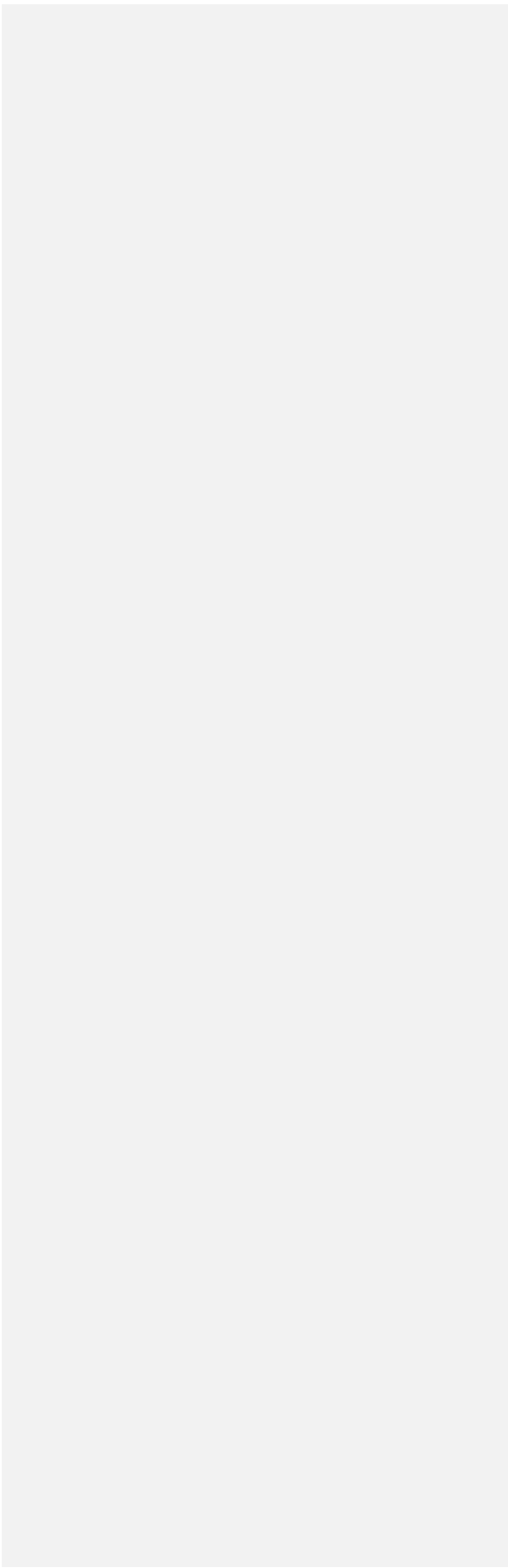








\_\_\_\_\_



**Παρεντι Χονσεντ Φορμ**

**A. Αρχιπεαβλε Τεχνηολογιμ Υοσε Πολιχιμ Αγρεσμεντ**

Ιησπε ρεαδ της διστριχτ—σ Αρχιπεαβλε Υοσε Πολιχιμ ανδ αγρεσε το εβιδε βιμ ηησε προπισιονσ. Ιυνδερστανδ ηηατ σιολαπιον οφ ηησε προπισιονσ μαγ ρεσουλτ ιν δισχιπλιναριμ αγχιον ιν γλυδινγ βυτ νοτ λιμιτεδ το συσπενσιον ορ ρεσποχιατιον οφ πρισιπλεσεσ, συσπενσιον ορ εξπλιτσιον φορμ σχιηοελ, ανδ χριμιναλ προσεχιπιον.

Παρεντι ιντιαλσ \_\_\_\_\_ Στυδεντ ιντιαλσ \_\_\_\_\_

**B. Ιντερνετ Πυβλισηινγ Περμισσιον ανδ Ρελεασε**

Ιησπε ρεαδ της διστριχτ—σ Αρχιπεαβλε Υοσε Πολιχιμ. Ιν χονσινδερατιον φορ ηηε πρισιπλε οφ υσιγγ ηηε διστριχτ—σ σιμσμεντ νετωρκσ ανδ ιν χονσινδερατιον φορ ηηε σιμσμεντ αγχεσε το ηηε πυβλιχ νετωρκσ, Ι ηε ρεφιν ρελεασε ηηε διστριχτ—σ οπερατορεσ, ανδ ινστικυτιονσ ωιηη ωηιχη ηηεμ αγρεσ αφηλιατεδ φορμ ανημ ανδ αλλ—χλαμσ ανδ δεμιασεσ οφ ανημ νατυρε αρισιγγ φορμ μημ χηηιδσ—σ υσεσ οφ, ορ ιναβλιηηι το υσεσ, ηηε σιμσμεντ νετωρκσ, ιν γλυδινγ, ωιηηουε λιμιταπιον, ηηε ηηεμ οφ δεμιασεσ ιδεντιφιεδ ιν ηηε διστριχτ—σ πολιχιμ ανδ αδμινιστρατισε περ οχεδυρεσ.

Ιν αδδιτιον, Μαριβλεηεαδ Πυβλιχ Σχιηοελσ ενχουρεσεσ ηηε αππροπριατε υσεσ οφ α στυδεντσ ναμε ανδ ιμαγε ιν χονσινχτιον ωιηη σχιη οελ— αππροπεδ ανδ— σπονσορεδ αγχιηηηεσεσ, βυτ βελεηεσεσ ηηατ ηηεσ σιηουδ βε ατ ηηε οπιον οφ ηηε στυδεντ ανδ ηηεσ ηηερ παρεντσ/γυ αρδιανσ. Ρελεασε πλάγε ψουρ ΙΝΗΠΑΑΣ ιν ηηε σπαχε προσιδεδ το ηηε λωφ οφ ηηε στατεμεντ οφ ψουρ χηοιγεσ.

Οπιον 1: (Φυλλ Περμισσιον) Συβφεχτ το ηηε φορεγιονγ ρελεασε, Ι ηηε περμισσιον φορ μημ χηηιδσσ ναμε, ωορκ, πηηοτο ανδ ιμαγε, ιν γλυδινγ βυτ νοτ λιμιτεδ το σιδεσ, το αππεαρ ον ηηε Μαριβλεηεαδ Πυβλιχ Σχιηοελσ ωεβσιτε ανδ ον ανημ οηηερ Μαριβλεηεαδ Πυβλιχ Σχιηοελσ— αππροπεδ ανδ— σπονσορεδ Ιντερνετ υσεσ, ιν γλυδινγ βυτ νοτ λιμιτεδ το βλογοσ ανδ ωικισ.

Οπιον 2: (Νο Πηηοτο/Ιμαγε) Συβφεχτ το ηηε φορεγιονγ ρελεασε, Ι ηηε περμισσιον φορ μημ χηηιδσσ ναμε ανδ ωορκ το α ππεαρ ον ηηε Μαριβλεηεαδ Πυβλιχ Σχιηοελσ ωεβσιτε ανδ ον ανημ οηηερ Μαριβλεηεαδ Πυβλιχ Σχιηοελσ— αππροπεδ ανδ— σπονσορεδ Ιντερνετ υσεσ, ιν γλυδινγ βυτ νοτ λιμιτεδ το βλογοσ ανδ ωικισ.

Οπιον 3 (Νο περμισσιον) Ι δε νοτ αγρεσε το αλλω μημ χηηιδσσ ναμε, ωορκ, πηηοτο ανδ ιμαγε, το βε ποστεδ ον ηηε Ιντερνετ.

**X. Στυδεντ ανδ Παρεντ Ηανδβοοκ Χονφιρματιον**

Ωε ηηεσπε ρεχιηεσεδ ηηε Στυδεντ/Παρεντ Ηανδβοοκ ανδ ηηεσπε ρεαδ ανδ υνδερστανδ ηηε Αττενδανχε Προχεδυρεσ ανδ Χοδεσ οφ Χονδυχη.

Παρεντι ιντιαλσ \_\_\_\_\_ Στυδεντ ιντιαλσ \_\_\_\_\_

Παρεντι Σηνατυρε: \_\_\_\_\_ Λατε: \_\_\_\_\_

Στυδεντ Σηνατυρε: \_\_\_\_\_ Λατε: \_\_\_\_\_

Στυδεντ Ναμε: (Πλεασε Πριντ) \_\_\_\_\_



## Village, Glover and Brown Schools Handbook

**To:** John Buckey Superintendent of Schools

**From:** Hope Doran Principal Glover School; Mary Maxfield Principal Brown School; Mandy Murphy Principal Village School

**Date:** August 26, 2022

The list below shows the changes to the Village, Glover and Brown Family Handbook for the 2022-2023 school year.

1. Page 2 Staffing updates: New Principal names and contact information
2. School cover pages include updated personnel, updated PTO Members, updated phone extensions.



# MARBLEHEAD PUBLIC SCHOOLS

## Marblehead Veterans Middle School

Duncan Sleigh Square  
217 Pleasant Street  
Marblehead, Massachusetts 01945  
781-639-3120 Fax: 781-639-3130

---

To: Dr. John Buckey, Superintendent of Schools  
From: Matt Fox, Principal, MVMS  
Re: 2022 – 2023 Handbook  
Date: August 9, 2022

The list below represents the 2022-2023 changes in the Student-Parent Handbook for Marblehead Veterans Middle School. There are no substantive changes in the proposed handbook. As you can see from the list below, they are mostly the yearly updates.

**1. Standard Yearly Updates**

-Including: New dates, calendar, phone extensions, etc

**2. Bell Schedule – Page 10**

-Updated bell schedule to reflect elimination of mask break

**3. Blackboard – Page 7 & 14**

-Changed from School Messenger to Blackboard

**4. Gender References**

-Removed gender references – he/she, his/hers, etc – in favor of “they.” The exceptions to this are the direct quotes from the MPS District Policy Manual.

# Marblehead High School



*Daniel Bauer*  
Principal

*Lynsey Page*  
Assistant Principal

*Michele Carlson*  
Assistant Principal

*2 Humphrey Street  
Marblehead, Massachusetts 01945-2290  
(781) 639-3100  
(781) 639-3105 fax*

To: Dr. Buckey, Superintendent of Schools  
From: Dan Bauer  
Re: 2022 – 2023 MHS Handbook Changes  
Date: August 26, 2022

The list below represents the 2022-2023 changes in the Student-Parent Handbook for Marblehead High School.

**1. Cell Phone Policy – pg. 36 (Revised)**

Use of electronic devices within MHS is permitted for educational purposes only. Electronic devices should be stowed away unless permission has been granted by the teacher / staff member for use.

**2. Student IDs**

The safety of our schools is of the utmost importance. As part of our plan for safety and security to help identify that only authorized people are in our building, students, staff, and visitors are issued and required to wear ID badges or stickers.

**3. Attendance Policy – pgs. 26-33. Reinstated for 2022-23.**

Suspended during COVID. Revisions include documentation for COVID and health attestation for illness to minimize the need for Doctor's note.

**4. Senior Privilege – pg. 34**

Changed to Senior Planning Block

**5. Credits – pg. 15**

Increased to 7 full year courses (35 credits total) for SY 2022-23. Was 6 full year courses in 2021-22. Removal of study halls.

**6. Final Exams – pg. 13**

Reinstated for 2022-23





# MARBLEHEAD PUBLIC SCHOOLS

Office of the Superintendent  
John J Buckey, Ed.D  
9 Widger Rd.  
Marblehead, MA 01945  
781.639.3140 x10114

---

To: Marblehead School Committee

From: John J. Buckey

Re: Policy Revisions

Date: August 26, 2022

The policy revisions included below are recommended by legal. Due to the revisions pertaining to policy ac-nondiscrimination, it has been recommended that policies ACAB, ACA and AC-R be rescinded. A revised policy for ac-nondiscrimination is included along with outlined grievance procedures pertaining to Title IX and Civil Rights. Also included is a new procedure for the reconsideration of library materials.

#### **Adopt Grievance Procedures for Title IX and Civil Rights**

Ensures that the District administration will be able to amend them as necessary when changes in the law occur or in response to further guidance issued by the MA DESE and/or the US DOE

#### **Revise Policies to Align with Adopted Procedures**

Ensures they are in accordance with 2020 Title IX Sexual Harassment regulations and the FBI's Uniform Crime Reporting System (the definitions utilized by the U.S. DOE for purposes of the current Title IX regulations)

1. **Replace Policy AC - Nondiscrimination** with the attached Draft Revised Policy AC  
The Draft Revised Policy AC will comprehensively set out the District's prohibition of discrimination and harassment based on all protected categories
2. **Rescind Draft Policy ACAB Revised - Sexual Harassment**  
This Policy would be replaced with the Title IX Grievance Procedures to be approved in accordance with Draft Revised Policy AC
3. **Rescind Policy AC-R - Nondiscrimination and Harassment Prevention**  
This Policy would be replaced with the General Civil Rights Grievance Procedure to be approved in accordance with Draft Revised Policy AC
4. **Rescind Policy ACA - Nondiscrimination on the Basis of Sex**  
The attached Draft Revised Policy AC will comprehensively set out the District's prohibition of discrimination and harassment based on all protected categories

#### **Adopt Procedure for Reconsideration of Library Materials (IJ-R)**

Revise Policies as Necessary to align with adopted procedure

## Civil Rights Grievance Procedure

The Marblehead Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age and/or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this Civil Rights Grievance Procedure is unlawful and will not be tolerated by the Marblehead Public Schools.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school district administration, subject to applicable procedural requirements.

### **Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations**

The *Civil Rights Grievance Procedure* shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations (“Title IX”) effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the District’s *Title IX Sexual Harassment Grievance Procedure*. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the *Title IX Sexual Harassment Grievance Procedure*.

[https://www.marbleheadschoools.org/sites/g/files/vyhlf841/f/uploads/marblehead\\_draft\\_policy\\_a\\_cab\\_revised\\_jf-for\\_9.17.20\\_vote.pdf](https://www.marbleheadschoools.org/sites/g/files/vyhlf841/f/uploads/marblehead_draft_policy_a_cab_revised_jf-for_9.17.20_vote.pdf)

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure*.

### Definitions

For the purposes of this Procedure:

- A. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an

individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school district.

B. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for

employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

- C. Retaliation: Retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this Procedure or the Title IX Sexual Harassment Grievance Procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under these procedures and/or the Title IX Sexual Harassment Grievance Procedure.
- D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this Procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.
- E. Party or Parties: The complainant and/or respondent.
- F. Principal: The Principal or Principal's designee.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this Procedure.

#### How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Principal or applicable Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or

retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this Procedure. In such circumstances, that person is referred to as the “reporter.”

- A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.
- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.
- D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

- E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.
- G. Interim Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency

investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

- I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator.. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:
  1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
  2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
  3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
  4. The investigator will keep a written record of the investigation process.
  5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
  6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
  7. Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.

K. If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Civil Rights Grievance Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Superintendent, Marblehead Public Schools, 9 Widger Road, Marblehead, Massachusetts 01945. The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinators for complaints of discrimination, harassment, and retaliation under this Procedure is:

Dr. Paula Donnelly, Director of Student Services  
781-639-3140 x10106; [donnelly.paula@marbleheadschoools.org](mailto:donnelly.paula@marbleheadschoools.org)

Nan Murphy, Assistant Superintendent of Schools  
781-639-3140 x10117; [murphy.nan@marbleheadschoools.org](mailto:murphy.nan@marbleheadschoools.org)



N. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location](https://www.eeoc.gov); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination](https://www.mass.gov/orgs/massachusetts-commission-against-discrimination).

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

# Title IX Sexual Harassment Grievance Procedures

## OVERVIEW

The Marblehead Public Schools is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The District does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Marblehead Public Schools.

## SCOPE

The Title IX Sexual Harassment Grievance Procedures have been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedures apply to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. A District education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedures. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedures. (See exception under Section II, Part 4, Step 4

below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedures.

The District's Civil Rights Grievance Procedures is available at: [\[insert link to Civil Rights Grievance Procedures\]](#).

### CONFIDENTIALITY

The District will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

### DEFINITIONS

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this procedure the terms "complainant" and "alleged victim" shall have the same meaning.

**Formal Complaint:** A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the District investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Complaint is being filed.

**Sexual Harassment:** Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

**Sexual Assault:** Under Title IX, the term "sexual assault" means an offense classified as a sex offense under the Uniform Crime Reporting System's National Incident-Based Reporting System. This includes Rape, Sodomy, Sexual Assault With An Object, or Fondling directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also, unlawful sexual intercourse (Incest and Statutory Rape). For the purposes of the definition of sexual assault, the term "consent" shall be defined in a manner consistent with Massachusetts laws.

- Rape: (except Statutory Rape) the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sodomy: oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object: to use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person’s safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal’s designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Superintendent: The Superintendent or Superintendent’s designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. .Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

## I. REPORTING SEXUAL HARASSMENT

A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.

B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any District

employee who receives a report of sexual harassment will respond to the report as outlined below.

- C. Internal Reporting: Any District employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any District employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall instead report the allegation to the Superintendent.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:

- (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
  - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
  - (3) Consider the complainant's wishes with respect to supportive measures;
  - (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
- (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

## II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

**Step 1:** Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.
- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Step 2:** Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

**Step 3:** Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the District

shall provide notice of the additional allegations to the parties whose identities are known.

**Step 4:** Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
  - a. even if proved, would not meet the definition of sexual harassment under Title IX;
  - b. did not occur in an education program or activity of the District; or
  - c. did not occur against a person in the United States.
- (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
  - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
  - b. the respondent is no longer enrolled or employed by the District; or
  - c. specific circumstances prevent the District from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
- (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedures, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

**Step 5:** Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- (3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).



- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

**Step 6:** Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

**Step 7:** Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy,

within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

**Step 8:** Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

**Step 9:** Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
  - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
  - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.<sup>1</sup>
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

**Step 10:** Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be

---

<sup>1</sup> The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.

- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
  - (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
  - (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
  - (5) The written determination must be sent simultaneously to both parties.
  - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.
- C. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
- D. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this procedure until after this grievance process has been completed.
- E. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this procedure will be facilitated by trained personnel.
- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

- (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
- (3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

- F. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.
- G. Anonymous Reports: The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- H. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
  - (1) procedural irregularity that affected the outcome of the matter;
  - (2) newly discovered evidence that could affect the outcome of the matter; and/or
  - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual

harassment in accordance with this procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Superintendent, Marblehead Public Schools, 9 Widger Road, Marblehead, Massachusetts 01945.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

- I. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- J. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.
- K. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:
  - Title IX Coordinator: **[insert Title, Name, Contact including email]**
  - Investigator(s): **[insert Titles, Names, Contact]** – *possible individual(s) to serve as the investigators would be the Title IX Coordinator, Assistant Principal or Title IX Coordinator's designee. We recommend that both the Principal and Assistant Principal be trained in this role to provide flexibility in conducting the investigation with limited staff. Keep in mind, however, if the Principal is the investigator, he/she cannot then serve as the decision maker.*
  - Decision-maker(s): **[insert Titles, Names, Contact]** *possible individual(s) to serve as the decision-maker would be the Principal or Principal's designee (neither the Investigator nor the Title IX Coordinator can serve in this role).*
  - Appeal Officer: **[insert Title, Name, Contact]** *possible individual(s) to serve as the appellate review would be the Superintendent or designee. Or Assistant Superintendent*

- Informal Resolution Facilitator: **[insert Title, Name, Contact]** possible individual(s) to serve to facilitate the informal resolution process would be the Director of Guidance, Assistant Superintendent, or Director of Student Services. The Title IX Coordinator may serve in this role so long as he/she is free from bias/conflict. If the Title IX Coordinator is serving as the investigator, we do not recommend that he or she serve as Informal Resolution Facilitator.

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the District's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

## NON-DISCRIMINATION AND HARASSMENT

File: AC

The Marblehead Public Schools does not tolerate discrimination against students, parents, employees, or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, homelessness, religion, age, pregnancy or pregnancy status, or any other category protected by state or federal law. The Marblehead Public Schools is also committed to maintaining a school environment free of harassment based on race, color, national origin, sex, sexual orientation, gender identity, disability, homelessness, religion, age, pregnancy or pregnancy status, immigration status, or any other category protected by state or federal law. In addition, the District provides equal access to all designated youth groups.

The Marblehead Public Schools' policy of non-discrimination will extend to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in employment, admission to a public school of the District, or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation, age, homelessness, disability or immigration status.

The Superintendent shall designate at least one administrator to serve as the compliance officer for the District's non-discrimination policies in education-related activities, whose duties will include, but not be limited, to responding to inquiries related to Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; the Age Act; M.G.L. c. 76, § 5; M.G.L. c. 151B and 151C; and 603 C.M.R. § 26.00. In accordance with Title IX, any inquiries about the application of Title IX to the District may be directed to the District's Title IX Coordinator and/or the Assistant Secretary of the U.S. Department of Education.

The Superintendent shall also adopt and publish one or more grievance procedures for addressing reports of discrimination, harassment and/or retaliation under the protected classes identified in this policy. Any complaint of discrimination or harassment pursuant to the above statutes may be filed in accordance with the relevant District grievance procedure.

The student handbooks, grievance procedures, and the District's website shall identify the name and/or title, office address, email address, and telephone number for the compliance officer(s) for the above-referenced non-discrimination statutes and this Policy.

ADOPTED:

REVISED:

LEGAL REFS.: Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C.1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, §§ 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.03 as amended by Chapter 199 of the Acts of 2011; MLG c.71, § 370; 42 USC § 2000c et seq.; 42 USC § 2000d et seq.; 20 USC § 1701 et seq.; M.G.L c. 71, § 84.

## **SEXUAL HARASSMENT**

Sexual harassment of students or of employees by other students, employees, vendors and other third parties will not be tolerated in the Marblehead Public Schools (“District”). The alleged harassment must involve conduct that occurred within the school’s own program or activity, including at a location or under circumstances where the school owned, or substantially controlled, the premises; exercised oversight, supervision or discipline over the location or participants; or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred; and must have occurred against a person in the United States. This policy is in effect while students are on school grounds, District property or property within the jurisdiction of the District, on school buses, or while attending or engaging in school-sponsored activities.

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 pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

The District will promptly and reasonably investigate allegations of sexual harassment through designation of a Title IX Coordinator and building based employees, as set forth below

**Sexual harassment** is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity. It also includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person’s participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one’s sex life; comment on an individual’s body, comment about an individual’s sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one’s sexual experiences; and,



- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and, following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment. For example, conduct that constitutes harassment other than sexual harassment, bullying, violation of the student discipline code or school district workplace rules, unlawful discrimination, hazing, or student misconduct statutes, will be investigated and addressed under the District relevant policies and the applicable laws.

A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A respondent is an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or a violation of this policy.

Retaliation against a complainant because the complainant has filed a sexual harassment complaint or assisted or participated in a sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

### **NOTICE OF SEXUAL HARASSMENT**

The regulations require a school district to respond when the district has actual knowledge of sexual harassment. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction, whether or not the complainant files a formal complaint. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

Upon receipt of allegations the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant that supportive measures are available with or without the filing of a formal complaint, and explain the process for filing a formal complaint. Supportive measures include, but are not limited to, non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school building/campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the building/campus, and other similar measures.

Where there has been a finding of responsibility, the regulations require remedies designed to restore or preserve access to the school's education program or activity.

### **DUE PROCESS PROTECTIONS**

Due process protections in connection with investigation and decision-making regarding a complaint include the following:

- 1) If the allegations do not meet the definition of sexual harassment or do not satisfy the requirements regarding location or connection to an educational program of the school district, the allegations shall be dismissed for purposes of Title IX, but may be investigated and addressed under other prohibitions in the student discipline code, relevant collective bargaining agreements or other laws under which they fit;
- 2) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 3) A complainant's wishes with respect to whether the school investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances;
- 4) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 5) Proof by a preponderance of the evidence, subject to limitations;
- 6) The opportunity to test the credibility of parties and witnesses through disclosure of evidence and opportunity to submit additional questions, subject to "rape shield" protections;
- 7) Written notice of allegations and an equal opportunity to review the evidence upon filing a formal complaint;
- 8) An objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoidance of credibility determinations based on a person's status as a complainant, a respondent, or a witness;

- 9) Title IX Coordinators, investigators, and decision-makers must be trained and free from bias or conflict of interest;
- 10) A right to appeal from a determination regarding responsibility and from a dismissal of a formal complaint or the allegations therein, where the determination or dismissal involved any of the following: procedural irregularity that affected the outcome; newly-discovered evidence that could affect the outcome; or the Title IX Coordinator, the investigator, or the decision-maker had a conflict of interest or bias that affected the outcome;
- 11) As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a formal sexual complaint, but no such informal resolution can be used where the allegations are that an employee sexually harassed a student.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Title IX Coordinator(s) in the District are Nan Murphy, Assistant Superintendent, 9 Widger Road, Marblehead, MA 01945, 781-639-3140 and Eric Oxford, Director of Student Services, 9 Widger Road, Marblehead, MA 01945, 781-639-3140. The Title IX Coordinator or the school building Principal shall be the initial entity to receive the sexual harassment complaint. In all cases the Title IX Coordinator shall be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. An employee with actual knowledge of conduct that may violate this policy must report to the Title IX Coordinator.

The District may remove a respondent on an emergency basis after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The District will provide the respondent with written notice and an opportunity to challenge the decision immediately following the removal in accordance with any applicable laws, collective bargaining agreements and student handbooks.

## **INVESTIGATIONS**

The investigating officer shall be an Assistant Principal in the building or other appropriate administrator designated by the Principal. The Investigating Officer(s) in the District are Michele Carlson Assistant Principal, Marblehead High School 2 Humphrey St, Marblehead, MA 01945, 781-639-3100 and Stephen Gallo, Assistant Principal, the Village School, 93 Village St. Marblehead, MA 01945, 781-639-3159. The investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the complainant, with the respondent, and with witnesses. The investigator shall give the parties equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence; shall give each party the same opportunity to select an advisor of the party's choice who may, but need not be, an attorney; shall send written notice of all interviews or meetings; shall send to the parties evidence directly related to the allegations, in

electronic form or hard copy, with at least ten (10) school days for the parties to inspect, review, and respond; and shall prepare and submit an investigative report that fairly summarizes the relevant evidence to the decision-maker, who shall be the Principal or his/her designee (other than the investigator).

The investigator shall strive to complete investigations within twenty-five (25) school days of the filing of the formal complaint or resumption of the investigation after an unsuccessful information resolution meeting.

During the investigation, the investigator shall take the following steps:

- 1) The investigator will interview the complainant to obtain a clear understanding of that complainant's allegations within five (5) school days of the filing of the formal complaint provided that the complainant is available to be interviewed by the investigator.
- 2) The investigator will interview the respondent to obtain a response to the complainant's allegations from the respondent within five (5) school days of the interview with the complainant provided that the respondent is available to be interviewed with the investigator.
- 3) The investigator will interview witnesses identified by the complainant or respondent within five (5) school days of being identified as a potential witness by the complainant or respondent provided the witness is available. The investigator will interview witnesses as the investigator deems necessary.
- 4) The investigator will hold as many meetings or interviews with the parties and any witnesses as is necessary to make factual findings.

The timelines above are subject to the District's goal to complete investigations generally within twenty-five (25) school days but may be extended for good cause upon written notice to the complainant and respondent. The timeline for investigation may be suspended during any informal resolution procedure or meeting. Each party is entitled to be accompanied in interviews by an advisor, who may be a parent/guardian or an attorney, but who may only have limited participation in interviews. Translators will be provided upon request.

After all interviews are conducted and evidence is obtained, the parties and if applicable, their advisors, will have an equal opportunity to inspect, review and respond to any evidence obtained. Prior to completion of the investigative report, the investigator will send each party all evidence subject to inspection and review and provide each party at least ten (10) school days to provide a response to the investigator. Evidence to be shared may be redacted to protect confidential information under the Family and Educational Rights and Privacy Act ("FERPA") or other federal or state laws and regulations.

The investigator will draft an investigation report that fairly summarizes the relevant evidence including, but not limited to, interviews with parties and witnesses, written evidence, audio/video recordings, and site visits. The investigator will provide the decision maker, with a report

including all evidence obtained during the course of the investigation. The decision-maker shall upon receipt send the report in electronic format or hard copy to the parties and their advisors with ten (10) school days for the parties to respond, including submitting written relevant questions that each party wants asked of a party or witness, subject to the protections of the Rape Shield Law. Before reaching a determination, the decision-maker shall provide to the parties the answers to the submitted questions and the opportunity for limited follow up questions.

## **DETERMINATIONS**

The decision-maker shall issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, the rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. The Decision-maker(s) in the District are the individual building principals.

The decision maker assigned will have no conflicts with or biases against either the complainant of the respondent and the decision maker will not be the Title IX Coordinator assigned in the matter or the investigator for the complaint. The decision maker shall review all of the evidence and issue a written determination within fifteen (15) school days of receipt of the matter from the investigator, absent extenuating circumstances. If the decision maker substantiates the allegations of sexual harassment, the decision maker may recommend or impose discipline against the respondent. If the decision maker does not substantiate the allegations of sexual harassment, the complaint will be dismissed.

The written determination shall include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence; (3) findings of fact supporting the determination; (4) conclusions as to whether District policies were violated; (5) a statement of the result of each allegation, including a determination regarding responsibility, disciplinary action to be imposed on the respondent, and whether remedies designed to preserve equal access to the District's education program or activity will be provided to the complainant; and (6) the District's procedures and permissible bases for appeal. Confidential student record information and personnel information may be redacted consistent with and as required by state and federal law. The decision-maker shall provide the written determination to the complainant(s) and respondent(s).

## **APPEALS**

Appeals must be submitted to the Title IX Coordinator within five (5) school days of receipt of the written determination and contain a written statement in support or challenge of the outcome. The Appeal Officer in the District is Dr. John J. Buckey, Superintendent of Schools, 9 Widger Rd, Marblehead, MA 01945, 781-639-3140.

When an appeal is filed, the District shall notify the other party and ensure that the individual deciding the appeal is not the same person as the decision maker who reached the determination

regarding responsibility and that the individual has no conflicts of interests and is free of bias. The non-appealing party shall have five (5) school days from the date of receipt of the notice of the appeal to submit a written statement to support or oppose the outcome.

The individual deciding the appeal shall issue a written decision describing the result of the appeal and rationale for the decision and provide the decision to both parties generally within ten (10) school days of receipt of the non-appealing party's written statement, or in the event no statement is submitted, the date the statement would have been due.

## **RECORD KEEPING REQUIREMENTS**

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the District to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination  
1 Ashburton Place, Room 601  
Boston, MA 02108.  
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02109.  
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.  
475 Government Center  
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A  
Title IX of the Education Amendments of 1972  
BESE 603 CMR 26:00  
34 CFR 106.44 (a), (a)-(b)  
34 CFR 106.45 (a)-(b) (1)  
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

SOURCE: MASC July 2020

Marblehead Public Schools -Approved 9/17/2020

RECOMMEND

## **NONDISCRIMINATION ON THE BASIS OF SEX**

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

LEGAL REFS.: Title IX of the Education Amendments of 1972  
45 CFR, Part 86, (Federal Register, 6/4/75)  
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)  
BESE 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

SOURCE: MASC/Marblehead



*Marblehead Public Schools - Approved 10/18/18*

RECEIVED

## NONDISCRIMINATION AND HARASSMENT PREVENTION

Any student or employee of the District who feels that he or she has been discriminated against or subjected to harassment for any of the reasons cited in section AC above, or who becomes aware of an incident of such discrimination or harassment, should utilize the following procedure to report the incident (complaints of sexual harassment should be reported and will be processed as set forth in section ACAB):

### Complaint Procedure

1. Report the incident(s) to a trusted staff member or to any grievance officer. Staff members who become aware of an incident of possible sexual harassment must immediately notify a grievance officer. All complaints shall be investigated promptly. Absent extenuating circumstances, the District strives to complete investigations within thirty (30) working days of receipt of the complaint. When more than thirty (30) working days is required for the investigation, the District shall inform the complainant(s) and respondent(s) that the investigation is still ongoing.
2. Where appropriate in light of the nature of the allegations and facts involved, the grievance officer may attempt to resolve the problem in an informal manner. If the grievance officer attempts to resolve the problem, he/she shall take the following steps:
  - a. The grievance officer will meet with the charging party in order to obtain a clear understanding of that party's allegations within five (5) working days of receipt of the complaint.
  - b. The grievance officer will attempt to meet with the charged party in order to obtain his/her response to the allegations within five (5) working days of meeting with the charging party.
  - c. The grievance officer will interview any witnesses within ten (10) working days of meeting with the charged party.
  - d. The grievance officer will hold as many meetings with the parties and any witnesses as is necessary to make factual findings.
  - e. The grievance officer will make a written record of all interviews and factual findings within five (5) working days of meeting with all witnesses.

The timelines above are subject to District's goal to complete investigations within thirty (30) working days, but may be extended in the event of extenuating circumstances, upon notice to complainant(s) and respondent(s).

On the basis of the grievance officer's assessment of the situation he/she may:

- Attempt to resolve the matter informally through reconciliation; or
- Report the matter and transfer the record for further assessment to:
  - In cases where the charged party is a student, the building Principal where that student attends school; or
  - In cases where the charged party is a staff member, the Superintendent or designee.

In either case, the grievance officer shall notify the parties of the transfer by certified mail.

3. Upon receipt of a matter from the grievance officer and after reviewing the record made by the grievance officer, the Principal or Superintendent or designee may attempt to gather any more information necessary to decide the case. At this stage, the parties may present witnesses and other evidence and may also be represented. At all times, the District will observe due process protections for the parties involved. Using the preponderance of the evidence standard, the Principal or Superintendent or designee will decide the case and impose any disciplinary action deemed appropriate. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters will remain confidential to the extent possible. If it is determined that conduct in violation of MPS policy has occurred, the District will act promptly to eliminate the offending conduct.
4. Upon receipt of a complaint against the Superintendent, the grievance officer shall immediately report the incident to the Chair of the School Committee. The Chair of the School Committee will designate an investigator to review the allegations and follow the above complaint procedure in investigating the allegations.

#### **Alternative Complaint Procedure**

In the case of more serious allegations (such as sexual assault or other sexual violence), the following process will apply in lieu of the Complaint Process described above:

Upon receipt of a complaint, the grievance officer shall immediately report the incident to:

- In cases where the charged party is a student, the building Principal where that student attends school; or
- In cases where the charged party is a staff member, the Superintendent or designee.

The Principal or the Superintendent or designee will determine the appropriate steps to investigate the matter, make findings of fact, and issue a decision. The grievance officer will be informed of all steps in the investigation and decision. At all times, the District will observe due process protections for the parties involved. Factual findings will be based on the preponderance of the evidence standard. All decisions that impose disciplinary action will include specific reference to the applicable policies on student and staff discipline. The actions taken by the District may include, but are not limited to, notifying appropriate law enforcement authorities.

#### **Interim Measures**

The District shall take immediate steps to protect the alleged victim, alleged perpetrator, witnesses, and the larger school community pending the completion of an investigation or the informal process and address any ongoing harassment or discrimination. The District will take interim measures to prevent retaliation against the reporting student and minimize the burden of such measures on complainants.

#### **Additional Information**

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the governing agencies set forth below. Our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (OCR - 180 days; MCAD - 300 days).

- a) United States Department of Education Office for Civil Rights – Region 1  
J.W. McCormack Post Office and Court House

Post Office Square  
Boston, MA 02109 (617) 289-0111

- b) The Massachusetts Commission against Discrimination ("MCAD")  
One Ashburton Place - Rm. 601  
Boston, MA 02108 (617) 994-6000

SOURCE: MASC

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended 45  
Federal Regulation 74676 issued by EEO Commission  
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)  
Board of Education 603 CMR 26:00

# Procedure for Reconsideration of Library Materials

Despite the quality of the selection process, occasional objections to library materials may take place. The procedure for handling objections to library materials from parents/guardians of students from Marblehead Public Schools is as follows:

1. Challenged materials will remain available and lesson plans will proceed as scheduled until a final decision is made.
  - a. If an individual or group takes action to keep materials from remaining available to patrons, such as checking it out and failing to return it, the Superintendent or Superintendent's designee shall request, in writing, the return of the material. If it is not returned within 30 calendar days from the due date, a bill for the current replacement cost of the item shall be rendered to the party holding the item.
2. All library material concerns should be initiated with the building principal, who will inform the complainant of the formal library materials reconsideration procedure, provide the complainant with the Request for Reconsideration of Library Materials Form and attempt to resolve the concerns informally.
3. A request for reconsideration of library materials will not be considered pending until the complainant returns the Request for Reconsideration of Library Materials Form to the building principal. When a complainant returns the Request for Reconsideration of Library Materials Form to the building principal, the request will be reviewed by the building principal or principal's designee for sufficiency. A request for reconsideration may be dismissed by the principal or the principal's designee for insufficiency if: a) the Request for Reconsideration of Library Materials Form is incomplete; b) the complainant indicates that they have not read or viewed all of the challenged library material on the form; or, c) if the LMR Committee has reviewed the questioned library material and decided the material would remain in use relative to the same or substantially similar concerns in the last three school years.
4. If the building principal or principal's designee determines the complaint is sufficient, the principal will convene a Library Materials Reconsideration (LMR) Committee consisting of:
  - a. The principal at the school receiving the complaint
  - b. The library media specialist from the building where the complaint originated
  - c. One teacher from the building where the complaint originated
  - d. One PCO member from school where challenge originated
  - e. One school committee member
  - f. At the Principal's discretion, 2 students in grades 7-12 may be appointed.
5. The LMR Committee will read and examine the Request for Reconsideration of Library Materials Form, the referred materials, and then meet to discuss the material using reviews from professionally recognized sources and the criteria for selection. The LMR Committee will:
  - a. Keep in mind the freedom of inquiry
    - i. [Interpretations of the Library Bill of Rights](https://www.ala.org/advocacy/intfreedom/librarybill/interpretations)  
<https://www.ala.org/advocacy/intfreedom/librarybill/interpretations>
    - ii. American Library Association [Academic and Intellectual Freedom](https://www.ala.org/advocacy/intfreedom)  
<https://www.ala.org/advocacy/intfreedom>

- b. Study thoroughly all materials and read available reviews, standard re-evaluation aids and local holdings of other schools.
  - c. Committee should review an LMR report if one has been made elsewhere in the district on the same material.
  - d. Consider the materials as a whole rather than passages pulled out of context, and consider the literary merit of the materials.
  - e. Create a written report which includes both majority and minority opinions of LMR Committee members.
6. The LMR Committee members will decide within 10 calendar days of convening to review the request for reconsideration if the questioned material will remain in school use, be restricted or be removed. A written record of the meeting and decision will be given to the complainant and any other relevant parties, with a copy filed in the principal's office for a minimum of seven years.
7. The decision of the LMR Committee is binding at the grade levels or schools where the objection originated.
8. The complainant may appeal the LMR Committee's decision to the School Committee by written request to the School Committee within 10 calendar days of the LMR Committee's decision. If the School Committee does not receive an appeal within 10 calendar days of the LMR Committee's decision, the LMR Committee's decision is final and no longer eligible for appeal. Appeals filed after 10 calendar days of the LMR Committee's decision will be automatically dismissed and not reviewed by the School Committee. For timely appeals, the School Committee will review the complainant's original request for reconsideration, the LMR Committee report and decision, the complainant's appeal as well as the district's relevant policies and determine whether to uphold or overturn the LMR Committee's decision on whether the material shall remain in school use, be restricted or be removed. The School Committee will make a final determination in writing within 30 calendar days of receipt of the complainant's appeal. The district will notify the complainant of the appeal decision. The School Committee may consult with outside organizations such as the MA School Library Association and the American Library Association in making their final decision. While the complainant's appeal is pending, the LMR Committee's decision stands and will be enforced unless and until the School Committee issues a final decision overturning the LMR Committee's decision. Once the School Committee issues a final decision on the appeal, the material in question will remain, be restricted or be removed from the collection in compliance with the final decision of the School Committee.
9. If a challenged material has been reviewed and upheld, it may not be subjected to further reconsideration for three years from the date of the decision report for the same or substantially similar concerns.
10. Given that each consideration requires all members of the LMR Committee to read the entire book, if multiple books in the same school are challenged at the same time, one book will be evaluated at a time. Once a determination is made and the reconsideration is complete, the reconsideration procedure may begin for a subsequent challenge, and so on according to the order in which challenges were received.

# Request for Reconsideration of Library Materials

If you wish to request reconsideration of library resources, please return this completed form to the school principal. Please note that challenged material will remain in use and shall not be removed until the formal due process procedures have been completed.

In order for your challenge to be processed, you must respond fully and completely to all of the following questions:

Request Initiated by: \_\_\_\_\_

Telephone \_\_\_\_\_ email \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_

Parent/Legal Guardian of: \_\_\_\_\_

Which school does your child attend: \_\_\_\_\_

What brought this resource to your attention? \_\_\_\_\_

Date of the initial discussion/conference between requester and school principal regarding  
this material: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Request for Review

Title: \_\_\_\_\_ Type of Material: \_\_\_\_\_

Author: \_\_\_\_\_ Copyright Date: \_\_\_\_\_

Did you read or view all of the material? Yes \_\_\_\_\_ No \_\_\_\_\_

Please note that your challenge will be dismissed if you have not read or viewed the material in full. You may want to delay completion of this form until you have read/viewed the material completely. When you have read/viewed the material, please summarize it.

How does this resource NOT meet the [library selection criteria](#)? Please be specific.

Have you read professional reviews of this material? How has the material been assessed by educators and professional book reviews? Please identify which sources you reference.

What specific concerns do you have about the resource? Please provide page numbers or location of information in the material to support your concerns.

How do you perceive students would be impacted by this material? Please cite evidence.



Are there resources of equal educational quality and value which you would recommend to replace this resource? Please provide professional reviews.

What would you like the school to do about this material?

Signature of Requester: \_\_\_\_\_

Date: \_\_\_\_\_

Recommendation from LMR Committee:

Date: \_\_\_\_\_

LMR Committee member names and signatures:

---

---

---

---

---

# Mary D. Talbot

---

## Education

---

### Salem State University

Salem , Massachusetts

Bachelor of Arts

**Major:** English , **Minor:** Business Administration

**GPA:** 3.000

Attended September 1982 to May 1986

Degree conferred May 1986

### Loyola University of Chicago

Chicago , Illinois

Master of Education

**Major:** Education , **Minor:** Curriculum

**GPA:** 4.000

Attended January 2000 to November 2001

### Oakton Community College

Des Plaines , Illinois

Associate of Applied Science

**Major:** Nursing

**GPA:** 3.300

Attended January 2018 to December 2019

Degree conferred December 2019

## Experience

---

### Masconomet Regional School District

Jul 2022 - Present

Registered Nurse

Boxford/Topsfield/Middleton

Registered Nurse, Extended School Year, Special Education Summer Program 2022.

**Reason for leaving:** Contract expires August 11, 2022

**Supervisor:** [REDACTED]

**Experience Type:** Public School, Summer

It is **OK** to contact this employer

---

### WakeMed Hospital and Health, Corporate and Community Health

Oct 2021 - Jan 2022

Vaccinator RN, Pediatric and Adult Clinics

Raleigh, North Carolina

Pediatric and Adult clinic RN, administering the Pfizer-BioNTech (Pfizer) and Janssen (J&J) COVID-19 vaccine and boosters at WakeMed clinics.

**Reason for leaving:** Permanently moved to New England area with husband.

**Supervisor:** [REDACTED]

**Experience Type:** Other, Part-time

It is **OK** to contact this employer

---

**Community Consolidated School District 21 (CCSD21)**

Aug 2020 - Aug 2021

School Nurse/RN

Wheeling, Illinois

Frontline District RN responding to global pandemic for distance learning and in person elementary school students and staff at Whitman Elementary School, Wheeling IL.

Lead nurse on Shield testing, pandemic response, assessment, contact tracing and SARS CoV 2 protocol for in person students and staff at Whitman Elementary. Nursing staff support for CCSD21 sponsored CVS SARS CoV 2 vaccination clinic of 1600 individuals (staff and local residents).

Actively collaborated with parents and district public health professionals in securing scheduled vaccines for McKinney Vento and under immunized students.

Provide direct professional nursing services, first aid, illness, and emergency care to students and staff in response to the nursing assessment and in accordance with professional standards, school policy and procedures, and state and local mandates.

Administers medication with appropriate documentation according to the Illinois Department of Human Services Guidelines for Medication Administration in Schools and the district health office manual.

Maintains updated student medication list.

Prepares student medications for field trips as needed per district guidelines.

Makes appropriate assessment and referrals for suspected abuse/neglect as a mandated reporter.

Follows District and building policies concerning injuries and illnesses.

**Reason for leaving:** Moved to Raleigh, North Carolina with my husband

**Supervisor:** [REDACTED]

**Experience Type:** Public School, Full-time

It is **OK** to contact this employer

---

**Northshore University Healthcare System, Evanston Hospital**

Sep 2014 - May 2016

Patient Care Technician

Evanston, Illinois

Resource PCT assigned to Northshore University Healthcare System, Evanston Hospital. Float assignments to Skokie and Highland Park Hospital, as required. Units assigned: Medical/Oncology, Medical/Telemetry, Medical/Surgical, Orthopedics, Neurology, Gynecology, Kellogg Cancer Care Center, Women&Infants, Emergency, Adult Rehabilitation (Stroke/Brain Tumor), Palliative Care, Cardiac Care, Medical Observation and Psychiatric units.

Bedside experience with the administration and/or monitoring of EKG's, telemetry, CPO, Hemovac/Jackson Pratt drains, Nasogastric tubes, Ostomy Pouching Systems, stoma care, Foley & Texas catheters, Iceman Cold Therapy, Sequential Compression Devices, basic wound care, varied specimen collection, bladder scans, glucose monitoring meters and varied V/S monitoring systems.

AHA BLS for Healthcare Providers (CPR and AED) certified. Renewal certification: December 2017

**Reason for leaving:** Obtained RN, moved to school nursing career

**Supervisor:** [REDACTED]

**Experience Type:** Other, Part-time

It is **OK** to contact this employer

---

**Midwest Palliative & Hospice CareCenter**

Apr 2014 - Sep 2014

CNA

Arlington Heights, Illinois

Midwest Palliative & Hospice CareCenter

Inpatient Hospice Unit: Northwest Community Hospital, Arlington Heights, IL

**Reason for leaving:** Accepted into nursing school

**Supervisor:** [REDACTED]

**Experience Type:** Other, Part-time

It is **OK** to contact this employer

---

**The New England/Metropolitan Life Insurance Company**

Apr 1996 - Sep 1998

Senior Investigator, Internal Affairs

Boston Ma

The New England Life Insurance Company, Boston, Ma Apr. 1996-Sept.1998

A subsidiary of MetLife life insurance, New York, New York

Senior Investigator, Internal Affairs Division, Audit

Primary role was to protect corporate assets through the detection and deterrence of financial frauds perpetrated by employees, agents and others providing services for the corporation.

Investigated and reported

issues of internal conflict of interest, fiduciary duty and ethics violations to senior management/general counsel for intervention.

Worked closely with internal auditors in the investigation of suspicious audit activity.

**Reason for leaving:** Moved to Chicago.

**Supervisor:** [REDACTED]

**Experience Type:** Other, Full-time

It is **OK** to contact this employer

---

**Fidelity Investments**

Jun 1994 - Mar 1996

Investigative analyst

Boston, MA

Investigative Analyst

Primary role was to protect corporate assets through the detection and deterrence of financial frauds perpetrated by employees, agents and others providing services for the corporation. Prepared reports summarizing internal control aberrations and perpetrated fraud activity for senior management review.

**Reason for leaving:** Job opportunity, advancement

**Supervisor:** [REDACTED]

**Experience Type:** Other, Full-time

It is **OK** to contact this employer

---

**Travelers Insurance Company**  
Senior Fraud Investigator/Internal Affairs  
Hartford, Connecticut

Nov 1989 - Dec 1993

Senior Investigator Internal Security Unit, Criminal and Civil Investigations, Audit Department

Primary role was the protection of corporate assets through the detection, deterrence and prosecution of internal and external financial frauds perpetrated by employees, agents and other providing services for the company.

Corporate representative in grand jury and trial testimony, depositions and litigation relevant to financial frauds perpetrated against the company.

Used covert surveillance and undercover investigation techniques in pursuit of illicit substances purchased, sold or dispersed on company property.

Corporate liaison for federal, state and local law enforcement, government regulators, auditors and criminal and civil counsel nationwide.

**Reason for leaving:** Job opportunity in Boston with Fidelity Investments.

**Supervisor:** [REDACTED]

**Experience Type:** Other, Full-time

It is **OK** to contact this employer

---

**General Services Administration, Office of Inspector General, Office of Investigations**

Oct 1987 - Nov 1989

Special Agent/Criminal Investigator  
Boston

Special Agent/Criminal Investigator  
Criminal Investigations Unit (OIG)

Primary role was to investigate, intervene and prosecute federal contract frauds, front end loading schemes, deceptive contract practices, money laundering activities, bid rigging, RICO Act violations, conflict of interest, corruption and Buy American Act violations in support of federal prosecution.

Utilizing full statutory law enforcement authority, worked in conjunction with United States Attorney's Office, GSA-OIG, US Secret Service/Counterfeit Unit, FBI, USPS, DOD-OIG, NCIS-OIG, Federal BOP, state and local entities in pursuit of federal prosecution of various crimes related to bribery, kickbacks, extortion, public corruption, false claims, credit card fraud, theft, diversion of excess government property, counterfeit products, product substitution and false statements.

**Reason for leaving:** Job opportunity in Hartford, CT

**Supervisor:** [REDACTED]

**Experience Type:** Other, Full-time

It is **OK** to contact this employer

---

**Federal Deposit Insurance Corporation (FDIC)**  
Assistant Bank Examiner  
New York

Jan 1986 - Oct 1987

Assistant Bank Examiner, Office of Regulation and Examination

**Reason for leaving:** Job opportunity in Boston, advancement

**Supervisor:** [REDACTED]

**Experience Type:** Other, Full-time

It is **OK** to contact this employer

## ***Miscellaneous***

---

Oakton Community College Honor's Program  
Aug 2015

Oakton Community College  
Acceptance into Oakton Community College's Honor Study program. Acceptance into  
Oakton Community College's Honor Study program.

Phi Theta Kappa Scholastic Honor Society Phi Theta Kappa Scholastic Honor Society  
Sep 2014

Presidential Scholar, High Honors, 2013 Presidential Scholar, High Honors

Disaster Recovery Specialist Disaster Recovery Specialist  
American Red Cross - Massachusetts  
Disaster and Humanitarian Relief  
American Red Cross, Disaster Recovery team, Cape Ann region, Massachusetts

## ***Resume and Linked In account***

---

<file:///Users/marytalbot/Library/Mobile%20Documents/com~apple~CloudDocs/Downloads/MDT%20RESUME%20>

<https://www.linkedin.com/in/mary-talbot-80885010/>

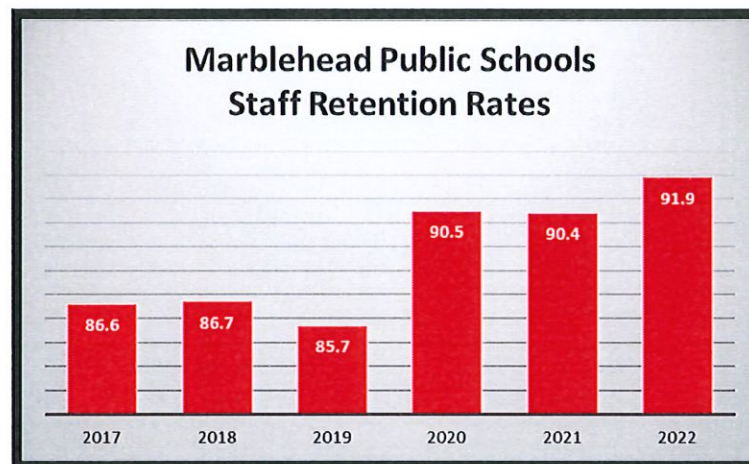


# MARBLEHEAD PUBLIC SCHOOLS

Office of the Superintendent  
Dr. John J. Buckey  
9 Widger Road,  
Marblehead, MA 01945  
phone: 781.639.3140 x16  
fax: 781.639.3149

**Memo To:** Marblehead School Committee  
**From:** Dr. John J. Buckey  
**Re:** Enrollment & Staffing Update  
**Date:** August 26, 2022

This staffing update includes new hires (*in italics*) as well as existing staff who have changed roles and/or schools within the district. We are very fortunate to have solid staff retention, as evidenced by the numerous staff members advancing roles.



*DESE School & District Profiles*

## DISTRICT

- *Caja Johnson - METCO Director*
- *Susan Yackolow - Speech Therapist*
- *Kristen Phelps - Behavior Specialist*
- *Sandra Pichado - Bus Driver, part time*
- *Joaquim Fitch - Custodian, part time*

## BROWN

- Rachel Marcorelle - Special Education Teacher - formerly LTS at Brown
- Alison Bonetti - Special Education Teacher - formerly LTS at Brown
- *Emina Babic - Main Office Secretary*
- Paige McGonagle - First Grade Teacher - formerly LTS at Brown
- Jamie Yomtov - Speech Therapist - formerly Speech Therapist



# MARBLEHEAD PUBLIC SCHOOLS

Office of the Superintendent  
**Dr. John J. Buckley**  
9 Widger Road,  
Marblehead, MA 01945  
phone: 781.639.3140 x16  
fax: 781.639.3149

## BROWN cont.

- *Nicole Hall - First Grade Teacher*
- *Carole Donnelly - Team Chair - formerly at Village*
- *Laura Zisson - Kindergarten Teacher - formerly LTS and Tutor*
- *Maria Martin - Tutor Preschool - formerly Tutor at High School*
- *Dana Kleemola - Special Education Teacher*
- *Maria Martin - Tutor Preschool - formerly Tutor at High School*
- *Wendy Whitman - Tutor, Integrated Preschool*
- *Lindsay Simmons - Tutor, Integrated Preschool*

## GLOVER

- *Isabelle Nee - Special Education Teacher - formerly student intern*
- *Mary Roberts - Kindergarten Paraprofessional*
- *Catherine Sullivan - School Adjustment Counselor*
- *Lauren Skelton-Leard - Student Services Chairperson*
- *Kathrin Donahue - Second Grade Teacher*
- *Julia Freni - Kindergarten Long Term Sub - formerly LTS & Perm. Sub*
- *Allison Prindiville - Reading Tutor*
- *Sarah Cullen - Special Education Teacher - formerly Paraprofessional and LTS*
- *Rebecca (Becky) Suci as lunch/recess Paraprofessional*
- *Elyssa Daggett - Second Grade Long Term Sub*
- *Linda Fazzina - School Adjustment Counselor*
- *Tammi Michaud - Special Education Tutor - formerly Paraprofessional*
- *Corolan (Caran) Page - Math Tutor - formerly math tutor at Coffin*

## VILLAGE

- *Annabel Ruderman - Special Education Secretary*
- *Kevin Merrigan - School Counselor*
- *Leah Feldman - Team Chair - formerly High School*
- *Meredith Palmer - Math Tutor*
- *Diane Sears - LTS for 6th Grade*
- *Wendy Gillis - Tutor, ABA - formerly LTS*
- *Raymond Gutierrez - Cafeteria Paraprofessional*
- *Darcy O'Sullivan - Tutor, Special Ed. ABA*

## MVMS

- *John Michaud - Special Education Teacher*
- *Ryan Judkins - English Teacher - formerly LTS at MHS*
- *Averi Parece - Performing Arts Teacher (.8 at MHS, .2 at VETS)*
- *Krista Linder - Special Education Teacher - formerly Endicott Fellow*





# MARBLEHEAD PUBLIC SCHOOLS

Office of the Superintendent  
**Dr. John J. Buckley**  
9 Widger Road,  
Marblehead, MA 01945  
phone: 781.639.3140 x16  
fax: 781.639.3149

## MVMS cont.

- *Shanna Semper - Special Education Tutor*
- *Meaghan Kalpin - School Nurse - formerly at High School*
- *Katherine Abare - Tutor, Special Education*
- *Laureano Melo - Custodian*

## MARBLEHEAD HIGH SCHOOL

- *Brian Livingston - Latin Teacher - formerly at Vets*
- *Leonard Caplan - Tutor, Special Education - formally LTS*
- *Erin Yoder - Special Education Teacher - formerly Tutor*
- *Mandy Dumais - Tutor, Special Education*
- *Kate Kelley - Teacher, Spanish*
- *Patrick Bulger - Tutor, Special Education Therapeutic*
- *Kristina Gallagher - Main Office Secretary*
- *Jake Toolan - Therapeutic Tutor - formerly Tutor*
- *Rachael Elsworth - Social Studies Teacher*
- *Jonathan Strzempek - Social Studies Teacher - formerly Tutor and LTS*
- *Peter Morris - Spanish Long Term Sub*
- *Caroline Faherty - Math Teacher*
- *Shannon Foley - Speech Therapist - formerly LTS*
- *Linda Kuszmar - Clerk - formerly Clerk*
- *Matthew Lech - Security Monitor*
- *Milena Connolly - LTS Special Education at Marblehead High School then tutor position*

# Enrollment

As of August 26, 2022 MPS enrollment has increased across the district by 131 students. Many of these are resident students who are returning to the district. We have seen an increase in enrollment at every grade level, except fourth grade. The following enrollment chart highlights the grades with increased enrollment and the number of students at each grade level. As always, enrollment is fluid and we anticipate these numbers will only increase. Of note, this year's Kindergarten enrollment is up 22 students over last year.

District Enrollment

School	School Name	PK	PR	K	1	2	3	4	5	6	7	8	9	10	11	12	SP	Other	Total
701	Marblehead High School	0	0	0	0	0	0	0	0	0	0	0	208	238	219	232	4	0	901
702	Veterans Middle School	0	0	0	0	0	0	0	0	0	212	216	0	0	0	0	0	0	428
705	Glover School	20	10	80	68	79	68	0	0	0	0	0	0	0	0	0	0	0	325
706	Village School	0	0	0	0	0	0	166	178	210	0	0	0	0	0	0	0	0	554
709	Brown Elementary	25	13	95	101	100	114	0	0	0	0	0	0	0	0	0	0	0	448
ODP	Out of District	0	0	0	1	0	0	4	4	2	4	5	5	8	2	6	7	4	52
PP	Private Placement	0	0	0	0	1	4	1	3	3	1	3	4	6	5	0	0	1	32
SST	Student Services Testing	10	0	0	1	2	1	1	0	1	0	0	0	0	0	2	0	0	18
Totals		55	23	175	171	182	187	172	185	216	217	224	217	252	226	240	11	5	2758

22 18 12 12 < 9 10 7 18 16 14 0 3 9 < 4



MARBLEHEAD  
PUBLIC SCHOOLS

**Business Office**  
9 Widger Road,  
Marblehead, MA 01945  
phone: 781.639.3140  
fax: 781.639.3149

---

MEMORANDUM

TO: Marblehead School Committee  
FROM: Michelle Cresta  
DATE: August 26,2022  
RE: Schedule of Bills for Approval

Included in this packet is the following Schedules of Bills for your consideration. The schedules and invoices have been uploaded to the shared drive and the required signatures have been obtained for each schedule.

22441	\$	131,184.63
22442	\$	20,372.37
22464	\$	32,158.03
22465	\$	29,467.29
22467	\$	70,300.56
22479	\$	4,877.02
22482	\$	3,589.47
22488	\$	1,829.50
22489	\$	19,344.05
22490	\$	19,306.93
22492	\$	91,326.62
22494	\$	68,536.36
22511	\$	103,162.33
22513	\$	325.00
22514	\$	27,472.44
22515	\$	8,071.35
22536	\$	44,697.06
22540	\$	37,235.82
22543	\$	35,999.19
22544	\$	7,203.83
22547	\$	39,545.02

22551	\$	53,114.55
22552	\$	650.39
22561	\$	61,723.02
22572	\$	105,247.72
22573	\$	90,833.54
22574	\$	2,500.00
22592	\$	14,116.03
22594	\$	16,096.80
22595	\$	664.00
22596	\$	20,326.93
22598	\$	3,838.80
TOTAL	\$	1,165,116.65

Suggested Motion:

*Motion to approve the identified schedules of bills totaling \$1,165,116.65.*

# QUOTE CONFIRMATION



DEAR STEVE KWIA TEK,

Thank you for considering CDW•G LLC for your computing needs. The details of your quote are below. [Click here](#) to convert your quote to an order.

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
<b>MQFB889</b>	<b>2/18/2022</b>	<b>POLY</b>	<b>419279</b>	<b>\$5,690.26</b>

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<a href="#">Poly - stand - for video conferencing system</a> Mfg. Part#: 2215-86538-100 Contract: Massachusetts IT Hardware and Services - ITC73 C3 (ITC73)	1	6690392	\$111.53	\$111.53
<a href="#">Poly Studio X70 - video conferencing kit - with Poly TC8</a> Mfg. Part#: 7200-87300-001 Contract: Massachusetts IT Hardware and Services - ITC73 C3 (ITC73)	1	6690401	\$5,578.73	\$5,578.73

PURCHASER BILLING INFO	SUBTOTAL	\$5,690.26
<b>Billing Address:</b> MARBLEHEAD PUBLIC SCHOOL DISTRICT ACCTS PAYABLE 9 WIDGER RD MARBLEHEAD, MA 01945-2111 <b>Phone:</b> (617) 631-0900 <b>Payment Terms:</b> NET 30 Days-Govt/Ed	<b>SHIPPING</b>	\$0.00
	<b>SALES TAX</b>	\$0.00
	<b>GRAND TOTAL</b>	<b>\$5,690.26</b>
	<b>DELIVER TO</b>	
<b>Shipping Address:</b> VETERANS MIDDLE SCHOOL 217 PLEASANT ST MARBLEHEAD, MA 01945 <b>Shipping Method:</b> DROP SHIP-GROUND	<b>Please remit payments to:</b> CDW Government 75 Remittance Drive Suite 1515 Chicago, IL 60675-1515	

Need Assistance? CDW•G LLC SALES CONTACT INFORMATION			
	Tim Smith	(866) 773-7356	timsmit@cdwg.com

This quote is subject to CDW's Terms and Conditions of Sales and Service Projects at <http://www.cdwg.com/content/terms-conditions/product-sales.aspx>  
For more information, contact a CDW account manager  
© 2022 CDW•G LLC 200 N. Milwaukee Avenue, Vernon Hills, IL 60061 | 800.808.4239



Lisa Dimier <dimier.lisa@marbleheadschoools.org>

---

## Fwd: Boosters Banner Program

1 message

---

**Sarah Fox** <fox.sarah@marbleheadschoools.org>  
To: Lisa Dimier <dimier.lisa@marbleheadschoools.org>

Fri, Aug 26, 2022 at 2:19 PM

Can you add this to the Documents for the meeting please?

Sarah Fox

Begin forwarded message:

**From:** Muffy Paquette <muffyfp@gmail.com>  
**Date:** August 8, 2022 at 4:20:15 PM EDT  
**To:** John Buckey <buckey.john@marbleheadschoools.org>, Sarah Fox <fox.sarah@marbleheadschoools.org>  
**Subject:** Boosters Banner Program

Hi John & Sarah,

As you know Boosters has had a fabulous Banner program for the past several years that has helped us support MHS athletics (and more). Years ago we received approval from the School Committee to move forward and it's been the best thing we ever did!

Recently we have been asked why we don't put the banners on the Vets Softball field or the Village Hopkins field/track? So..... I am inquiring if we are ok to move forward and display sponsors on those two fields as well as Piper. The banners would look exactly as they do on Piper but would allow us to have more sponsors and therefore more funds to support the teams.

When we were given approval, we were given limits such as style and wording limitations, but never told we could only use Piper. All the banners have the same outline and look. None have websites or phone numbers as they are not paid advertising. We have been so successful that I am constantly fielding calls from other towns asking how they can do the same thing.

My question is do we have approval to utilize the fencing at Hopkins (Village) and Softball field (Vets)? Or do I need to go back to the school committee?

Thanks and hope you are both having a great summer!!  
Muffy Paquette  
Boosters President  
617-721-7476

## **ADVERTISING IN THE SCHOOLS**

The School Committee may grant permission for advertising of commercial products or services in school buildings or on school property under guidelines or regulations it may approve. Otherwise, no advertising of commercial products or services will be permitted in school buildings or on school property. Publications of the school system will not contain any advertising. However, this will not prevent advertising in student publications that are published by student organizations, subject to administration controls, or the use of commercially-sponsored, free teaching aids if the content is approved by the administration.

Solicitation of sales or use of the name of the school system to promote any product will not be permitted by the Committee.

SOURCE: MASC October 2016

CROSS REF.: JP, Student Gifts and Solicitations  
KHA, Public Solicitations in the Schools