

Athol-Royalston Regional School District

1062 Pleasant Street Athol, MA 01331

Telephone: (978) 249-2400 Fax: (978) 249-2402 Website: www.arrsd.org

2019-2020 Student Handbook

Dear Students and Parents/Guardians of the Athol-Royalston Regional School District,

It is the hope and expectation of the district that all students have a welcoming, safe, positive, and productive school year. In an effort to meet this goal, the district has developed a student handbook that provides all members of each school community with information regarding policies, procedures, and services. Handbooks are reviewed yearly and are ultimately approved by the Athol-Royalston Regional School Committee. It is the District's view that information and expectations outlined in this handbook will foster the appropriate school environment for students and their families, as well as teachers and administrators. Please be familiar with the information provided in this handbook, use it as a reference, and contact the building principal if you have any questions regarding its contents. Where applicable, coordinating district policies are referenced for further exploration. However, this handbook is not intended to be an exhaustive resource for district policies, those can be found at www.arrsd.org, under the **About** tab.

This handbook is divided into two sections:

1. District-wide policies and procedures, which apply to all schools
2. School-specific information:
 - a. Elementary (ACES and RCS)
 - b. Middle School (ARMS)
 - c. High School (AHS)

TRANSLATION INFORMATION: If you need assistance reading this document or other school publications, please contact the principal to obtain translation services.

Spanish Si usted necesita ayuda para leer este documento u otras publicaciones de la escuela, por favor póngase en contacto con el director del edificio para obtener servicios de traducción.

Portuguese Se você necessitar o auxílio que lê este original ou outras publicações da escola, contate por favor o principal do edifício para obter serviços de tradução.

French Si vous avez besoin de l'aide pour lire ce document ou des autres publications de l'école, svp entrez en contact avec le principal du bâtiment pour obtenir les services de traduction.

Italian Se avete bisogno dell'assistenza che leggete questo documento o altre pubblicazioni della scuola, mettasi in contatto con prego il principale della costruzione per ottenere i servizi di traduzione.

German Wenn Sie Unterstützung dieses Dokument oder andere Schulepublikationen lesend benötigen, treten Sie bitte mit der Gebäudedirektion in Verbindung, um Übersetzungsdienste zu erhalten.

Russian Если Вам нужна помощь в прочтении этого документа или других публикаций школы, пожалуйста, свяжитесь с директором Вашей школы для получения перевода.

Sincerely, The A.R.R.S.D. Administrative Team

Darcy Fernandes, Superintendent Kathryn Clark, Pupil Services Director Lynn Bassett, Business Manager David King, High School Principal Molly Superchi, PreK-8 Curriculum Director Thomas Telicki, Middle School Principal Ed Skutnik, Director of Technology Shannon Cleveland, ACES Principal, Stephen Femino Jr., Director of Facilities Cynthia Kennedy, RCS Principal

Mission

The Athol-Royalston Regional School District is committed to providing challenging educational experiences that inspire students to acquire the knowledge and skills to become responsible citizens in a global community.

Vision

The Athol-Royalston Regional School District in partnership with the community provides a safe, innovative, and vibrant learning environment for all students. We foster academic excellence by implementing best practices, improving facilities, appreciating diversity, and requiring accountability. Our graduates are life-long learners and discerning users of technology who exercise social and civic responsibility and adapt to an ever-changing world.

DISTRICT-WIDE POLICIES AND PROCEDURES

Table of Contents

I. General Rules and Procedures4

II. Student Health and Well-being6

III. Non-discrimination8

IV. Student Records Regulations14

V. Equal Access24

VI. Technology Policies and Procedures.....27

VII. Student Discipline37

VIII. Harassment and Bullying47

IX. Public Complaints57

General Rules and Procedures

General Rules School Rules apply and are enforced at all times when students are on school grounds, all ARRSD property, on school buses, during all athletic events, field trips, and during all school sponsored activities.

In all matters, the Principal/Administration reserves the right to exercise his/her discretion.

Pledge of Allegiance Students and staff recite the Pledge of Allegiance daily.

Bus Rules (District Policy JICC) Students will be entitled to transportation to and from school at the expense of the public schools when such transportation conforms to applicable provisions of the Massachusetts General Laws. Reimbursement to the school system for transportation costs is given by the Commonwealth only for: (a) students living at least one and one half miles from school, (b) students who live more than one mile from the nearest bus stop, and (c) students with special needs for whom transportation must be provided.

Additionally, the Committee will provide transportation for students as follows:

- Kindergarten: All students, except those living in immediate proximity to the school, as determined by the Superintendent.
- Grades 1-3: Students living more than one mile from school.
- Grades 4-6: Students living more than one and one-half miles from school.
- Grades 7-12: Students living more than two miles from school.

Exceptions to these guidelines may be made at the discretion of the Superintendent. This will apply particularly to any student who must travel in a hazardous area to and from school. These students will be transported regardless of the mileage limits listed.

Personal/Recreational Items Personal/recreational items such as skateboards/scooters/hoverboards must be stored during the school day, specific to the procedures at your child's school.

Change of Address / Status Please be sure to inform the Main Office of the school your child or children attend if there is a change of residence including custody, address, or telephone number during the school year. This is necessary for permanent records, as well as for the report cards, newsletters, and other mailings. An accurate record of your child's information is essential to communicate with you and those who the custodial parent chooses in the event they cannot be reached.

Visitors General Procedures: Doors to the school will be locked during school hours. Visitors must ring the bell to be admitted into the school. Upon entering the school, all visitors must sign in at the main office and will be issued a visitor's pass. Parents/ guardians are

encouraged to visit the school and should contact the school to arrange details. Students from other schools will not be permitted into the building during school hours unless given permission by an administrator.

Student Spectators Students are welcome to attend athletic competitions, but must leave school at dismissal time and return for the start of the game. Appropriate school behavior is expected at all athletic events. School rules apply at these events, whether on or off school grounds.

Delayed Opening and School Closing In the event of a storm, hazardous road conditions or other emergencies requiring schools to be closed, families will be alerted by the *One Call System*. School closings or delayed openings will also be given over radio stations: Eagle (99.9 FM) in Orange, WJDF (97.3 FM) in Orange, WWLP (TV 22) in Springfield, WGGB (TV 40) in Springfield, WCVB (TV 5), WBZ (TV 4) in Boston, Fox Channel (TV 25), and CBS (TV 7).

Property Damage It is against the law to deface or damage public school property or the property of others. Parents and students will be held accountable for damage costs.

Smoking/Tobacco/E-Cigarette Products (District Policy ADC) Smoking or the use of any tobacco and tobacco products within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

For the purpose of this policy, “smoking” will mean all uses of tobacco products and devices (including but not limited to chewing tobacco, cigars, cigarettes, vapes and pipes) and the use of electronic, “vapes”, or other substitute forms of cigarettes and nicotine products.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code, as stated in the Student Handbook.

Fire Safety Rules Students may not possess or ignite matches, lighters, or other flaming devices. Students may not ignite any material except under supervised conditions, as, for example, in a laboratory experiment. Setting fire to any material or property will be considered arson. Students may not ignite or possess any incendiary device, firecracker, sparkler, stink bomb, etc. Setting off a false fire alarm will be considered a criminal act as well as a violation of school rules.

Dress Code (District Policy JICA) Students are expected to dress appropriately while attending school. Appropriate attire is that which is safe, does not call undue attention to the wearer, does not cause a disturbance in the school, does not promote or seem to promote the use of alcohol, tobacco, or illegal substances, and is not vulgar or profane.

If any item of clothing is viewed as inappropriate, students will be asked to fix the problem immediately. If necessary, parents will be contacted to bring a change of clothes. Students will not be allowed to return to class until the clothing issue has been remedied and may face disciplinary action.

Drugs, Alcohol, and Intoxicants (District Policy JICH) Students may not possess alcohol, drugs or other intoxicants. Students may not be under the influence of alcohol, drugs or other intoxicants. All pills or other forms of prescription and non-prescription drugs are banned. Any substance used as an intoxicant is banned. All medicines and drugs prescribed by a physician must be dispensed only under the supervision of the school health office.

The school building and grounds may be searched by trained police dogs if deemed necessary by the school administration.

Lockers and Belongings Student lockers are the property of the Athol-Royalston Regional School District and remain under the control of the school. Students should have no expectation of privacy of their contents stored in their assigned locker. The school reserves the right to inspect any locker at any time without student consent and without a search warrant. When it is possible, the search will be conducted in the student's presence. Students are expected to assume full responsibility for the locker and its contents. Locker combinations are to be kept confidential and students must not share combinations with other students. Students are cautioned not to bring large amounts of money or other valuables to school, and if they wear glasses or watches, to keep track of them at all times. The students are responsible for their personal property. The school is not responsible for lost or stolen items.

Weapons/Banned Items Squirt guns, toy guns or knives, playing or trading cards, or other distracting items are not permitted on campus at any time without prior permission of administrators. A student violating the rule may face disciplinary action. Matches and lighters are not allowed for safety reasons. If any are found in a student's possession, it will result in disciplinary consequences as determined by the administration. All weapons, including but not limited to knives or any kind of guns, are banned from school. This includes penknives, exacto knives, laser pointers or any other dangerous objects that could be used as weapons.

Student Health and Well-being

ATTENDANCE LAWS School is compulsory for students under the age of sixteen. A student may be considered truant and court proceedings initiated when the student accumulates seven unexcused absences in a six-month period. (See MGL Ch. 76, S. 2).

STUDENT ABSENCES AND EXCUSES (District Policy JH) While there are a number of reasons that a student may be absent from school, the principal has legal responsibilities when the number of absences exceeds a certain limit. A student may be considered truant and court proceedings may be initiated when the student accumulates seven unexcused absences in a six-month period (Massachusetts General Laws, Chapter 76, Sec. 2). The decision whether an absence is determined to be excused is made by the principal, not by the parent/guardian. Diligent attention is given to attendance: all students need to attend school on a regular and consistent basis.

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/her character. Parents can 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. In the case of a student missing more than 3 consecutive days of school, the principal may require documentation from the doctor or team treating the student for the specific illness or illnesses related to the school absence.

Home/Hospital Tutoring The school Principal will provide Parent/Guardian with the Physician Statement (28R/3) form to be completed and signed by the student's physician. The person signing this form must be a medical doctor, not a psychologist. Once this has been returned to the Principal, s/he will initiate contact with a home tutor to plan services or contract with a hospital-assigned tutor and inform the parent of the plan for tutoring. There is no waiting period (required absence days) for services to begin. The school Principal will direct the Guidance Counselor to contact each of the student's classroom teachers and assist the tutor in contacting teachers for materials, transferring grades, etc. and to change attendance status. The completed Physician Statement will remain on file in the school nurse's office.

In the case of students attending private school at parent expense, Home/Hospital services are available if the child has been found to be a student with special educational needs. In cases where a child is not a child in need of special educational services, the District will consider the Physician's Statement and the impact of that statement on the child's status. Services can be provided or a determination to make a referral for testing or additional information may be requested depending on the circumstances. Each request will be considered on an individual basis. The Physician's Statement must be completed and sent to the office of Pupil Services.

Availability of In-School Programming for Pregnant Students 1. Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth, are permitted to return to the same academic and extracurricular program as before the leave. 2. The district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school.

Fire Drills/Evacuations Depending on the circumstances, it may be necessary to quickly evacuate the building. In this event the fire alarm will sound in all corridors. When the fire alarm sounds everyone should promptly clear the building by the posted route as quickly as possible. The teacher in each classroom will give the students instructions.

These procedures should be posted in each room and will be reviewed and practiced periodically through drills.

Lockdown/Shelter in Place Depending on the circumstances, it may be necessary to have all students remain in the classroom for their safety. In this event either the “lockdown” or “stay in place” command will be given over the intercom. “Lockdown” – When “lockdown” is called there is an immediate threat and all students should follow the lockdown procedures and attempt to conceal their location. “Stay in place” – When “stay in place” is called there is not an immediate threat, but students should not be in the common areas of the building. Students should remain in their classroom but the class should continue as usual.

These procedures should be posted in each room and will be reviewed and practiced periodically through drills.

Non-Discrimination

Non-discrimination (District Policy AC) Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have different personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination 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 admission to a public school of any town 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, pregnancy or pregnancy related conditions, or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

EQUAL OPPORTUNITY GRIEVANCE PROCEDURE

TITLE IX- CHAPTER 662

NON-DISCRIMINATION

In compliance with the requirements by the federal government (Title IX of the education Amendments of 1972, and the implementing regulations) and the Massachusetts state government (Chapter 622 of the Acts of 1971, and the implementing regulations) the Athol-Royalston Regional School District shall prohibit discrimination on the basis of race, color, national origin, religion, sex, age, disability, handicap and sexual orientation, gender identity, in regard to hiring practices by any and all schools and departments and also in regard to pupil admission to schools, courses of study, activities and any other opportunities for pupils made available within the School System. Please see the procedures to have a complaint or concern about harassment or discrimination investigated. Any concerns or complaints regarding discrimination, please contact the Title IX Coordinator, Molly Superchi, 978-249-2430, msuperchi@arrsd.org

In addition, under Section 504 of the federal Rehabilitation Act of 1973, and other relevant law no otherwise qualified handicapped individual shall, solely by reason of a handicap, be excluded from the participation in, be denied the benefits of, or subjected to discrimination under any program or activity.

Any student or employee of the Athol-Royalston School District who believes he/she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the basis of sex, sexual orientation, disability, race, color, religion, gender identity, or national origin in violation of this policy, may file a written complaint.

A local complaint procedure has been established and any such complaint should be addressed to your student's building principal.

The principal/assistant principal shall cause a review of the written complaint within ten working days after receipt of the written complaint. If the complaint is not resolved, it can then be appealed to the District Administration, the District's Equal Opportunity/Title IX Coordinator, Molly Superchi, or the Director of Pupil Services, Kathryn Clark, for matters pertaining to Section 504 or IDEA. This appeal must be in writing, describe the circumstances, and the relief you seek. This appeal should be taken within one week after receipt of the principal's decision. Both the Title IX Coordinator and the Director of Pupil Services can be reached at the District Central Office, 1062

Pleasant Street, Athol MA 01331 or call 978-249-2400. The appropriate school administrator will meet with you within a reasonable time. Following a review of the materials presented to the principal and any additional investigation, which will be conducted promptly, the Coordinator or Director of Pupil Services will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator or Director will indicate the steps to be taken to correct it.

The District's Equal Opportunity/Title IX Coordinator has been designated to respond to any questions about the district's policy, and is part of the review process for complaints or concerns about discrimination. Central office can be reached at 1062 Pleasant Street at 978-249-2400. If the complainant is not satisfied with such response, he/she may submit a written appeal to the School Committee indicating with specifics the nature of the disagreement, stating his/her reasons for such disagreement. A copy of the written complaint shall then be provided to each member of the School Committee.

The School Committee shall consider the appeal which will be listed for action by the School Committee on the next regularly scheduled School Committee agenda. The School Committee shall permit the complainant to address the School Committee in public or in closed session, as appropriate and lawful. Any individual has the right at any time to address inquiries regarding their civil rights to the Office of Civil Rights, Boston, MA. Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J.W. McCormack POCH, Room 222, Boston, MA 02109-4557.

Hate Crimes You have the right to attend school without being the victim of physical violence, threats of harm, intimidation or damage to your personal property. A hate crime occurs when you or a fellow student is targeted for physical assault, threat of bodily harm or intimidation, at least in part because you are a member of a different race, color, religion, ethnic background, national origin, gender, gender identity, or sexual orientation from the offender or because you have a disability.

Certain types of language or conduct may indicate that a hate crime has occurred. Some indicators that a crime was hate-motivated include: Use of racial, ethnic, religious, sexual or anti-gay slurs; Use of symbols of hate, such as a swastika or a burning cross; Similar behavior by the wrongdoer towards other students from the same racial, ethnic or religious group or against students of the same sexual orientation, gender identity, or gender; and the incident occurs while the victim was participating in an activity promoting a racial, religious, ethnic/national origin, disability, gender or sexual orientation group, such as attending a meeting of the National Association for the Advancement of Colored People (NAACP), a students' gay rights alliance, or a disability rights demonstration.

Hate crimes most frequently occur in the following ways: A physical attack or a threat of bodily harm, on the basis of a student's race, color, religion, national origin, ethnic background, gender, gender identity, sexual orientation or disability; Intimidating or threatening language based on a student's race, color, religion, national origin, ethnicity, gender, gender identity, sexual orientation or disability; Damage to a student's personal property or belongings because of the student's race, color, religion, national origin, ethnic background, gender, gender identity, sexual orientation or disability. Appropriate disciplinary action will be taken when there is a violation of the hate

crime policy/rules. All disciplinary actions are at the discretion of the administration. These may range from a warning, to lunch suspension, to in-school suspension, to out of school suspension.

Erasing Hate A Guide to Your Civil Rights in School: Your Right to be Free From Discrimination, Harassment, and Hate-Motivated Violence
Attorney General Maura Healy One Ashburton Place Boston, MA 02108 617.727.2200 www.ago.state.ma.us

By joining together, we can erase hatred in our schools. All of us – students, teachers, school administrators, and law enforcement officials – share the responsibility to create a safe, diverse, and positive learning environment that prepares young people for the world of the 21st century. We must celebrate our differences and applaud our diversity.

You have the right to learn in an environment that is free from hate-motivated violence, harassment, and discrimination based on race, color, religion, national origin, ethnic background, gender, gender identity, sexual orientation, or disability. This guide is designed to inform you of the laws protecting you against hate based crimes, as well as the resources available for reporting bias-motivated harassment, discrimination, or violence.

I am confident that, working together, we can ensure that all students in Massachusetts have access to an educational experience free from harassment and victimization by hate crimes.

Sincerely, Martha Coakley, former MA Attorney General

WHERE ELSE CAN YOU TURN FOR HELP? Your school should take appropriate action to protect you from physical harm and to stop hate-motivated harassment or intimidation and prevent it from happening again. If it does not, you should report the incident to one or more of the agencies listed below:

Massachusetts Department of Elementary and Secondary Education (DESE) 350 Main Street Malden, MA 02148 (617) 388-3000 The state DESE's Problem Resolution System allows you, your parents and others to file a complaint if you believe you have been harassed or discriminated against.

Massachusetts Office of the Attorney General, Civil Rights Division One Ashburton Place Boston, MA 02108 (617) 727-2200 The Attorney General's Civil Rights Division reviews complaints of harassment, intimidation and discrimination in schools and determines appropriate legal action, including obtaining a restraining order.

United States Department of Education, Office for Civil Rights John W. McCormack Building Post Office and Courthouse, Room 701 Boston, MA 02109 (617) 223-9662 The Office for Civil Rights receives and investigates complaints of discrimination and harassment.

Massachusetts Commission Against Discrimination (MCAD) One Ashburton Place Boston, MA 02108 (617) 727-3990 or (413) 739-2145
The MCAD investigates complaints about discrimination in any public school program or course of study. Filing must occur within 6 months of the alleged discriminatory educational practice or harassment incident.

Massachusetts Department of Social Services (DSS) 1-800-KIDS-508: Statewide Child Abuse/Neglect Reporting Line 1-800-792-5200:
Child at Risk Hotline/evenings, nights and weekends DSS investigates reports involving a student under 18 years old who suffers physical or emotional injury from abuse (including sexual abuse) or severe neglect (including malnutrition).

United States Department of Justice Community Relations Service (CRS) 99 Summer Street, Suite 1820 Boston, MA 02110 (617) 424-5715
CRS is a specialized federal conciliation service that assists school districts to manage and prevent racial and ethnic conflicts and disruptions in schools.

OTHER RESOURCES American Civil Liberties Union (ACLU) of Massachusetts (617) 482-3170
The ACLU provides free legal advice and advocacy to students and educates students on issues of discrimination, harassment, civil rights and civil liberties.

Anti-Defamation League (ADL) (617) 457-8800
The ADL provides advocacy, support and legal referral services to victims of hate crimes, harassment and discrimination. The ADL's "World of Difference" Program works with schools to fight anti-Semitism, prejudice, bigotry and racism.

Asian American Resource Workshop: SafetyNet Hate Violence Prevention Project (617) 426-5313
SafetyNet assists Asian Americans in reporting hate crimes and obtaining access to police, prosecutors and the court system, and provides free and confidential support and referral services. Interpretive services are available.

Boston Alliance of Gay & Lesbian Youth (BAGLY) 1-800-42-BAGLY or (617) 227-4313 (Main Office)
BAGLY is a youth-run, adult-advised social support group to discuss issues of concern to gay, lesbian, bisexual and transgender (GLBT) youth. BAGLY also offers a peer counseling program and referrals to professional services.

Boston Asian: Youth Essential Services (YES) (617) 482-4243
Boston Asian YES provides violence prevention, counseling, crisis intervention, gang prevention and substance abuse services for Asian youth in the Greater Boston area.

Boston Gay and Lesbian Adolescent Social Services (GLASS) (617) 266-3349
Boston GLASS provides social services, peer support, educational opportunities and health promotion activities for LGBT and questioning young adults ages 25 and under.

Childhelp USA National Child Abuse Hotline 1-800-4-A-CHILD
The Child Abuse Hotline provides crisis counseling and referral to any caller in an abuse-related situation.

Children's Law Center of Massachusetts (781) 581-1977 The Children's Law Center represents students and provides advocacy and training on issues affecting the civil and legal rights of students and their education.

Coalition for Asian Pacific American Youth (CAPAY) (617) 287-5689 CAPAY is a youth-run organization that focuses on improving race relations, providing peer support and developing leadership skills for Asian Pacific-American youth.

Domestic Violence Ended (DOVE) Youth Hotline (617) 773-HURT or (617) 471-1235 DOVE's Youth Hotline provides a safe, confidential and anonymous place for young adults to talk about domestic violence issues and receive support and referral services.

Fenway Community Health Center (617) 267-2535 (Gay and Lesbian Peer Listening Line) (617) 267-0900, ext. 6250 (Violence Recovery Program) The Peer Listening Line is staffed by volunteers who provide support to callers with questions regarding their sexual orientation and access to community services. The Violence Recovery Program provides support and referral services to victims of hate crimes and harassment.

Gang Peace (617) 989-1285 Gang Peace provides peer-based education and training to youth ages 9 through 25, with an emphasis on rehabilitating gang members and youth at risk, providing programs in violence prevention and intervention, crisis management, mediation and HIV education.

Gay & Lesbian Advocates & Defenders (GLAD) 1-800-455-GLAD or (617) 426-1350 GLAD provides legal information, referrals and may provide direct legal representation to students and their families to assist students who have been harassed or discriminated against on the basis of sexual orientation and/ or HIV status.

Governor's Commission on Gay and Lesbian Youth (617) 727-7200, ext. 312 The Commission provides information about how to start a Gay/Straight Alliance (GSA) and how to find out about existing GSAs and other GLBT support services.

Governor's Task Force on Hate Crimes, Student Civil Rights Project of the Governor's Task Force on Hate Crimes (617) 727-6300, ext. 25339 Web site: <http://www.StoptheHate.org> The Student Civil Rights Project receives reports of hate incidents and provides assistance and referrals for civil rights issues in schools.

La Alianza Hispana - Youth Outreach Program (617) 427-7175 La Alianza Hispana provides programs and services to the Latino community of Greater Boston, including intervention and referral services to victims of violence and harassment.

Lawyers' Committee for Civil Rights - Project to Combat Racial Hate (617) 482-1145 The Lawyers' Committee provides free legal services to children and their families who have been harassed or discriminated against on the basis of race or national origin.

Massachusetts Advocacy Center (617) 357-8431 The Advocacy Center provides legal representation to income-eligible youth with special needs or disabilities and who face suspension or expulsion from school due to disciplinary concerns.

Massachusetts Office on Disability (MOD) 1-800-322-2020 or (617) 727-7440 (Voice and TDD) MOD sponsors recreational and educational programs for youth with disabilities to share concerns about day-to-day issues and coping strategies, independence and self-care.

National Association for the Advancement of Colored People (NAACP) Boston (617) 427-9494 New Bedford (508) 991-4416 Springfield (413) 734-2765 South Middlesex (508) 879-7612 Merrimack Valley (978) 975-5177 Cambridge (617) 661-9223 The NAACP provides counseling and legal referral services to African-American youth and empowers youth to resolve problems relating to violence, harassment and discrimination.

National Coalition of Advocates for Students (NCAS) (617) 357-8507 NCAS seeks equal access to quality public education for children of vulnerable groups, including children of color, children recently immigrated to the United States and children with disabilities.

National Conference for Community and Justice (617) 451-5010 The National Conference trains youth from diverse racial, ethnic and religious groups to develop leadership skills to address prejudice and intolerance and develop strategies for inclusion.

Samariteens 1-800-252-TEEN Samariteens provides a free and confidential service staffed by teenage volunteers dedicated to assisting teenagers in need and also provides suicide prevention and intervention strategies.

Sociedad Latina (617) 442-4299 Sociedad Latina offers treatment and counseling services to Latino youth and programs designed to prevent HIV/ AIDS transmission, substance abuse, teen pregnancy and domestic violence. Urban League Eastern Massachusetts Office (617) 442-4519 Springfield Office (413) 739-7211 The Urban League provides services and advocacy programs relating to education for people of color, with a focus on poor and low-income urban areas

Malicious Physical Abuse or Assault A student who abuses others and with whom normal school disciplinary action is not effective may be subject to a complaint filed by school officials with District Court or local police. A student who clearly assaults another may be subject to a complaint filed with District Court or local police. Any intentional act, which results in the serious abuse or injury of another individual may be considered an assault or assault and battery and treated accordingly by notifying police.

Student Records Regulations

Student Records (District Policies JRA and JRA-R) Individual student records are on file in the school. They are open to parental review upon written request. The Principal will act on this request within 2 school days of the written request.

As set forth in the amended regulation, 603 CMR 23.07(5), non-custodial parents are eligible to obtain access to their children's student records *unless* the school or district has been given documentation that:

The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or The parent has been denied visitation, or The parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) The Family Educational Rights and Privacy Act (FERPA) specify rights related to educational records. This Act gives the parent or guardian the right to:

1. inspect and review his/her child's educational records 2. make copies of these records 3. receive a list of all individuals having access to these records 4. ask for an explanation of any item in the records 5. ask for an amendment to any report on the grounds that it is inaccurate, or violates the child's rights 6. a hearing on the issue if the school refuses to make an amendment

If there are any questions, please feel free to contact Darcy Fernandes, Superintendent or Kathryn Clark, Director of Pupil Services for the Athol-Royalston Regional School District at (978) 249-2400.

23.01: Application of Rights

603 CMR 23.00 is promulgated to insure parents and students' rights of confidentiality, inspection, amendment, and destruction of student records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

(1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parent.

(2) If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.

(3) If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school principal or superintendent of schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c. 71, section 34E, the parent of a student may inspect the student record regardless of the student's age.

(4) Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a school committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

23.02: Definition of Terms

The various terms as used in 603 CMR 23.00 are defined below:

Access shall mean inspection or copying of a student record, in whole or in part.

Authorized school personnel shall consist of three groups:

(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.

Eligible student shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the school committee acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team shall mean the team which evaluates school-age children pursuant to M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

Parent shall mean 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.

Release shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age child with special needs shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c. 766) and 603 CMR 28.00.

School committee shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c. 71B (Chapter 766) approved private school.

Student shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603, CMR 23.00 shall not include a person about whom a school committee maintains information relative only to that person's employment by the school committee.

The student record shall consist 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 is 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. The term as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record shall consist of all the information in the student record, which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

The transcript shall contain administrative records that constitute the minimum data necessary to reflect the student's educational progress and to operate the educational system. These data shall be limited to the name, address, and phone number of the student; his/ her birth date; name, address, and phone number of the parent or guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed.

23.03: Collection of Data: Limitations and Requirements

All information and data contained in or added to the student record shall be limited to information relevant to the educational needs of the student. Information and data added to the temporary record shall include the name, signature, and position of the person who is the source of the information, and the date of entry into the record. Standardized group test results that are added to the temporary record need only include the name of the test and/ or publisher, and date of testing.

23.04: Personal Files of School Employees

The term student record does not include notes, memory aids and other similar information that is maintained in the personal files of a school employee and is not accessible or revealed to authorized school personnel or any third party. Such information may be shared

with the student, parent or a temporary substitute of the maker of the record, but if it is released to authorized school personnel it becomes part of the student record subject to all the provisions of 603 CMR 23.00.

23.05: Privacy and Security of Student Records

(1) The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school.

(2) The superintendent of schools or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.

(3) The principal and superintendent of schools shall insure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and that any computerized systems employed are electronically secure.

23.06: Destruction of Student Records

(1) The student's transcript shall be maintained by the school department and may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

(2) During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the eligible student and his/her parent are notified in writing and are given the opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice shall be placed in the temporary record.

(3) The temporary record of any student enrolled on or after the effective date of 603 CMR 23.00 shall be destroyed no later than seven years after the student transfers, graduates, or withdraws from the school system. Written notice to the eligible student and his/her parent of the approximate date of destruction of the record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. Such notice shall be in addition to the routine information letter required by 603 CMR 23.10.

(4) In accordance with M.G.L. c 71, section 87, the score of any group intelligence test administered to a student enrolled in a public school shall be removed from the record of said student at the end of the school year in which such test was so administered.

23.07: Access to Student Records

(1) **Log of Access.** A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

- (a) authorized school personnel under 603 CMR 23.02(9) (a) who inspect the student record;
- (b) administrative office staff and clerical personnel under 603 CMR 23.02(9) (b), who add information to or obtain access to the student record; and
- (c) school nurses who inspect the student health record.

(2) **Access of Eligible Students and Parents.** The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

(a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.

(b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.

(c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.

(d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record. (3) **Access of Authorized School Personnel.** Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) **Access of Third Parties.** Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary

record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

(a) A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.

(c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.

(d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

(e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71; section 37L and M.G.L. c. 119, section 51A.

(f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.

(g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it

forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.

(h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

(5) Access Procedures for Non-Custodial Parents. As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless:

1. the parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or 2. the parent has been denied visitation or has been ordered to supervised visitation, or 3. the parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.

(b) In order to obtain access, the non-custodial parent must submit a written request for the student record to the principal annually. The initial request must include the following:

1. a certified copy of the court order or judgment relative to the custody of the student that either indicates that the requesting parent is eligible to receive access as set forth in 603 CMR 23.07 (5) (a), or a certified copy of a court order specifically ordering that the student records be made available to the non-custodial parent, and 2. an affidavit from the non-custodial parent that said court order or judgment remains in effect and that there is no temporary or permanent order restricting access to the custodial parent or any child in the custodial parent's custody.

(c) The non-custodial parent must submit a written request for access each year stating that said parent continues to be entitled to unsupervised visitation with the student and is eligible to obtain access as set forth in 603 CMR 23.07 (5) (a).

(d) Upon receipt of the request (initial and annual) the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5) (a).

(e) The school must delete the address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

(f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

23.08: Amending the Student Record

(1) The eligible student or the parent shall have the right to add information, comments, data, or any other relevant written material to the student record.

(2) The eligible student or the parent shall have the right to request in writing deletion or amendment of any information contained in the student record, except for information, which was inserted into that record by an Evaluation Team. Such information inserted by an Evaluation Team shall not be subject to such a request until after the acceptance of the Evaluation Team Educational Plan, or, if the Evaluation Team Educational Plan is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:

(a) If such student or parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student record, either student or parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objections known.

(b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such student or parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the student or parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

23.09: Appeals

(1) In the event that any decision of a principal or his/her designee regarding any of the provisions contained in 603 CMR 23.00 is not satisfactory in whole or in part to the eligible student or parent, they shall have the right of appeal to the superintendent of schools. Request for such appeal shall be in writing to the superintendent of schools.

(2) The superintendent of schools or his/her designee shall within two weeks after being notified of such appeal (longer should the appellant request a delay) review the issues presented and render a written decision to the appellant, stating the reason or reasons for the decision. If the decision is in favor of the appellant, the superintendent of schools or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.

(3) In the event that the decision of the superintendent of schools or his/her designee is not satisfactory to the appellant in whole or in part, the appellant shall have the right of appeal to the school committee. Request for such appeal shall be in writing to the chairperson of the school committee.

(4) The school committee shall within four weeks after being notified of such appeal (longer should the appellant request a delay) conduct a fair hearing to decide the issues presented by the appellant.

(a) School officials shall have the burden of proof on issues presented by the appellant.

(b) The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing.

(c) If the appeal concerns statements by an employee of the school committee, such person(s) shall have the right to be present and to have an advocate of his/her own choosing.

(5) Nothing in 603 CMR 23.00 shall abridge or limit any right of an eligible student or parent to seek enforcement of 603 CMR 23.00 or the statutes regarding student records, in any court or administrative agency of competent jurisdiction.

23.10: Notification

(1) At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter informing them of the following:

(a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.

(b) The general provisions of 603 CMR 23.00 regarding parent and student rights and those copies of 603 CMR 23.00 are available to them from the school.

(2) In those school systems required under M.G.L. c. 71A to conduct a bilingual program, all forms, regulations, or other documents regarding 603 CMR 23.00 that a parent receives or is required to receive shall be in the language spoken in the home of the student, provided that it is a language for which the school system is required to provide a bilingual program.

23.11: Monitoring

The Department of Education may, pursuant to a request by an eligible student or parent or on its own initiative, conduct reviews to insure compliance with 603 CMR 23.00. The school committee and the specific school(s) involved shall cooperate to the fullest extent with such review.

23.12: Severance Clause

The provisions of 603 CMR 23.00 is severable and should any section be found upon judicial review to exceed the authority of the State Board of Education, the remaining sections should not be affected.

Equal Access

EQUAL EDUCATIONAL OPPORTUNITIES

In recognition of the diverse characteristics and needs of our students and with the keen desire to be responsive to them, the committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, creed, sex, sexual orientation, religion, nationality, gender identity, and disability.

To accomplish this, the committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions programs. The law reads as follows.

“No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantage, privileges and course of study of such public school on account of race, color, sex, disability, religion, gender identity, national origin or sexual orientation.”

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance and extracurricular and athletic activities.

Multi-Tiered System of Support ARRSD provides systematic supports across all schools, and classrooms to meet the academic and non-academic needs of students. Within a system of high-quality core instruction for all students, targeted supports and interventions are provided in a safe and supportive learning environment.

Using data-driven decision making, school teams implement supports, interventions or extensions as needed for individual students. A cycle of benchmark assessments, progress monitoring and data analysis is completed every six weeks in order to systematically monitor and address student needs.

Child Study Team To successfully implement a tiered system of support, schools must cultivate a collaborative school culture in which all staff take responsibility for the success of all students. As part of this collaborative culture, it is important that staff have time, a place, and a process for engaging in collaborative problem-solving. The Child Study Process creates this place, time and process. The Child Study team is tasked with looking at the whole child, taking into consideration a student’s academic and non-academic needs, including family needs and medical needs where applicable.

Examples of issues that may be brought to the Child Study Process

- Academic struggles
 - Poor attendance
 - Discipline problems
 - Health-related issues
 - Potential for retention
- Need for enrichment Teachers, administrators or staff members may submit concerns to the Assistant Principal and begin the Child Study process. Detailed information regarding the concern and student progress are brought before the team and an intervention plan is implemented and monitored. Parents are an integral part of the process and are included in all aspects of the process. The following is an example of the types of data that may be reviewed:
- General concerns about the student
 - MAP
 - Current grades in all classes
 - Social-emotional concerns
 - Attendance
 - Title 1 data
 - Wonders data
 - Applicable behavioral data
 - MCAS data
 - Any other applicable data

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973 is a broad civil rights law that protects the handicapped or disabled individuals in programs that receive federal funds.

Under this Act, a qualified disabled person is “one who has had a physical or mental disability which substantially limits a major life activity or, has a record of such or is regarded as disabled by others.” Major life activities include the ability to care for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. A disability need only limit one major life activity for an individual to be eligible.

Typically, students with disabilities who do not qualify for special education under IDEA do qualify under Section 504. These disabilities might include students with Attention Deficit Disorder (AD/HD), students with AIDS, heart conditions, and other physical disabilities such as severe asthma, juvenile diabetes, severe arthritis, cerebral palsy, etc. All of these conditions under 504 allow a student to receive the necessary related services to make their education comparable to non-disabled students.

Services given to students under section 504 are considered the responsibility of regular education, as they are not in need of basic skills help and can function with adjustments in the regular classroom.

Many of the specific regulations found in IDEA do not apply to Section 504. However, the due process rights of students and parents or guardians are protected and a specific grievance procedure must be in place, including the right to mediation or an impartial hearing and the right to be represented by an attorney. If students are thought to have a disability under Section 504, they have a right to an evaluation. A team knowledgeable about the student will make recommendations regarding modifications and/or placement in the least restrictive environment. A written plan must be developed documenting the presence of a disability, which limits a major life activity, and a statement of the adjustments that will be made.

POLICIES AND PROCEDURE SECTION 504 OF THE REHABILITATION ACT OF 1973

A. Statement of Intent: It is the policy of Athol-Royalston Regional School District to comply with all the relevant and applicable provisions of Section 504. The Athol-Royalston Regional School District will not discriminate against its personnel or students because of a person’s physical or mental disability. The Athol-Royalston Regional School District will also make reasonable adjustments wherever necessary for all employees or applicants with disabilities and students. The Athol-Royalston Regional School District policy of nondiscrimination applies to all personnel and employment practices (See ADA policies and practices) and all public preschool, elementary and secondary programs and activities.

B. Access to Programs and Services The Athol-Royalston Regional School District will review all procedures used to identify student's eligibility under Section 504, and access to appropriate educational services.

The principal of the building is responsible for compliance for Section 504 for the Athol-Royalston Regional School District and has the complete support of management in the implementation of this program.

Any person having inquiries concerning The Athol-Royalston Regional School District's compliance with Section 504 is directed to contact:

Darcy Fernandes or Kathryn Clark Superintendent of Schools Director of Pupil Services 1062 Pleasant Street 1062 Pleasant Street Athol, MA 01331 Athol, MA 01331 (978) 249-2400 (978) 249-2403

Technology Policies and Procedures

Computer Use Policies

(District Policies IJND, IJNEB, IJNDB-E) Students shall not: Attempt to access or send email unless created by the school district. Attempt to access chat rooms or personal gathering websites deemed inappropriate like Facebook, Snapchat, Instagram, etc. Access or type in any Internet address (URL) unless directed to do so by their teacher. Reveal their account password or permit or authorize any other person to use their name or login password.

Gain unauthorized entry into a file, either to read or change information or transfer files. Use another individual's account or vandalize another user's data. Degrade damage or disrupt equipment or system performance. Gain unauthorized access to network resources. Download, install or load programs or disks onto a specific school computer. Use the network to access and/or transmit material in violation of any U.S. law, Commonwealth law, or school policy, including copyrighted material. Access, download, display, transmit, produce, generate, copy or propagate any material that is obscene or pornographic material; that advocates illegal acts, that contains ethnic slurs, or racial epithets; or that discriminates on the basis of gender, gender identity, national origin, sexual orientation, race, religion, ethnicity, disability or age. Use of the Internet for personal commercial activities, product advertisement or political lobbying. Refer also to the Internet Use Policy.

ATHOL-ROYALSTON REGIONAL SCHOOL DISTRICT INTERNET USE POLICY

Overview

The Internet is an electronic communications network which provides vast, diverse and unique resources. Our goal in providing this service to teachers, staff and students, is to promote educational excellence in the Athol- Royalston Regional School District by facilitating resource sharing, innovation and communication.

With access to computers and people all over the world also comes the availability of material that may not be considered to be of educational value in the context of the school setting. There may be some material or individual communications which are not suitable for school-aged children. The Athol-Royalston Regional School District views information gathered from the Internet in the same manner as information gathered from other reference materials identified by the schools. Specifically, the district supports resources that will enhance the learning environment with directed guidance from the faculty and staff. Exploration and utilization of resources is encouraged. However, it is impossible to control all materials on a global network and an industrious user may discover inappropriate information.

In the schools, student access to, and use of, the Internet will be available through a school designated account and will be carried out at teacher direction and monitored as any other classroom activity. Training will be provided. Every school complies with the CIPA (Children’s Internet Protection Act. The school district, however, cannot prevent the possibility that some users may access material that is not consistent with the educational mission, goals and policies of the school district.

Guidelines

Internet access is coordinated through a complex association of government agencies and regional networks. The operation of the Internet relies heavily on the proper conduct of the users, who must adhere to strict guidelines. The district staff has the right and obligation to monitor student Internet activities. Internet access is a privilege, not a right. It shall be the policy of the Athol-Royalston Regional School District that every student who uses the District’s internet connection shall have on file, at each school that the student attends, the official “Athol- Royalston Regional School District Contract Regarding the Use of the Internet” which is signed and dated by both the student and a parent/guardian. The Principal of each school shall be responsible for adherence to this policy and place such contracts in the student’s temporary file. If a district user violates any of the acceptable use provisions outlined in this document, his/her account will be terminated and future access will be denied. Some violations may also constitute a criminal offense and may result in legal action. Any use violating these provisions, applicable state and federal laws, or posted classroom and district policies, is subject to loss of access privileges and any other district disciplinary options.

1) Acceptable Use

- Student use must be in support of education and research consistent with curriculum
- Student use must be consistent with the rules appropriate to any network being used/accessed. **2) Unacceptable Use**
- Unauthorized use of copyrighted material is prohibited.
- Threatening or obscene material is prohibited.
- Distribution of material protected by trade secret is prohibited.
- Use for commercial activities is not acceptable.
- Product advertisement or political lobbying is prohibited.
- Plagiarism is prohibited. **3) Netiquette**
- Do not watch when others type in their passwords.
- Be polite.
- Do not use vulgar or obscene language.
- Do not reveal your own home address, telephone #, or telephone # of others.
- Use caution when revealing your school address or e-mail number (or those of others).
- Electronic mail is not guaranteed to be private.
- Do not intentionally disrupt the network or other users.
- Abide by the generally accepted rules of network etiquette. **4) Security**
- If you identify a security problem, notify a teacher/administrator immediately.
- Do not show or identify a security problem to others.
- Do not reveal your account password or allow another person to use your account.
- Do not use another individual's account.

- Attempts to log on as another user will result in cancellation of your privileges.
- Any user identified as a security risk or having a history of problems with other computer systems may be denied access.
- The student user must notify their teacher/administrator of any change in account information.
- The student user may be occasionally required to update registration, password and account information in order to continue Internet access.
- The student user must use school accounts on school grounds. **5) Vandalism/Harassment**
- Vandalism is defined as any malicious attempt to harm or destroy data or another user, the Internet or other networks. This includes, but is not limited to, creating and/or uploading computer viruses. Harassment is defined as the persistent annoyance of another user or the interference in another user's work. This includes, but is not limited to, the sending of unwanted e-mail.
- Vandalism and/or harassment will result in the cancellation of privileges. **6) Penalties**
- Any user violating these provisions, applicable state and federal laws or posted classroom and district rules is subject to loss of privileges and any other district disciplinary options, including criminal prosecution.
- School and district administrators will make the determination as to what constitutes unacceptable use and their decision will be final.

The Athol-Royalston Regional School District makes no warranties of any kind, whether expressed or implied, for the service it is providing. The Athol-Royalston Regional School District will not be responsible for any damages a user may suffer, including loss of data. The District will not be responsible for the accuracy or quality of information obtained through this Internet connection.

All terms and conditions as stated in this document are applicable to all users of the Internet. These provisions reflect an agreement of the parties and shall be governed by and interpreted in accordance with the laws of the state of Massachusetts and the United States of America.

Student Discipline

Each school has developed discipline policies in keeping with individual school culture, in accordance with district policies and state and federal regulations. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians. The focus is on student education and changing behavior whenever possible and/or appropriate.

In-School Suspension is assigned to a student when a disciplinary offense warrants action more severe than detention but less severe than one that warrants an out-of-school suspension. When appropriate, in-schools suspension will be imposed as an alternative to short-term out-of-school suspension. Students assigned to in-school suspension must complete work sent to them. Those who refuse to work productively may remain in in-school suspension until work is completed or may be assigned to a Saturday detention. Those who are assigned to a full-day of in-school suspension will not be allowed to participate in extracurricular activities on the day of the assigned suspension unless the administration feels an exception is warranted.

Out-of-School Suspension is assigned when a student has committed a serious disciplinary offense or when other consequences have proven ineffective at modifying behavior. Students who are suspended out-of-school may not attend school events and are prohibited from being on school grounds unless they have prior permission from school administration.

Severe disciplinary infractions such as drug or alcohol possession, weapon possession, bullying, fighting/assault, and threats directed at faculty/staff may result in a long-term out-of-school suspension/possible exclusion hearing.

REGULATIONS AND LAWS REGARDING STUDENT DISCIPLINE

The District assumes the responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion, see due process, below:

DUE PROCESS FOR SUSPENSIONS

NOTICE OF PROPOSED SUSPENSION

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H1/2 or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/ guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

a) the disciplinary offense; b) the basis for the charge; c) the potential consequences, including the potential length of the student's suspension; d) the opportunity for the student to have a hearing with the 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/guardian to attend the hearing; e) the date, time, and location of the hearing; f) the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate;

The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian. Reasonable effort is presumed if the principal sent written notice and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/ guardian for emergency situations.

All written communications regarding notice of proposed suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

Due Process for Certain Disciplinary Consequences:

I. Suspensions of Ten Days or Fewer, short-term suspension Unless emergency circumstances dictate otherwise, the following procedure will be followed for suspensions of ten days or fewer:

The student will receive a letter indicating the intent to suspend which will include: 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 date, time, and location of the hearing; and the right of the student and the student's parent to interpreter services at the hearing if needed to participate.

At the hearing, the student and parent(s)/guardian(s) will be told the nature of the charges, and have an opportunity to respond. The principal will make a decision based upon information presented by the student, further investigation if required, and evidence already known to the principal. If the principal determines that a suspension is warranted, he/she will notify the student of the nature and duration of the suspension verbally and in writing, and, if the student previously denied the charges, the principal will supply an explanation of the basis of his/her finding.

The school will make every effort to notify parents/guardians of the suspension by telephone immediately, and will, in all cases, notify them in writing. A student returning from suspension must be accompanied by a parent or guardian, and must meet with the principal prior to re-admission to school.

In most cases, suspensions will be based upon the disciplinary consequences listed in this handbook. However, the principal retains discretion to impose a suspension of a different length (longer or shorter), or impose some other penalty based upon the circumstances of the case.

In all cases, once a student has been assigned to suspension, he/she will not be allowed to take part in or attend any school-related function or activity. This remains in effect until the student has officially returned to school from suspension. Suspension days will be counted as excused absences. Students who are suspended will be given the number of days they are out to make up their work. The school's Educational Service Plan is available on the district website and outlines the opportunities available for students to make up academic work during the period of removal.

The principal will send written notice of his/her determination to the parent/guardian, outlining the reasons for the out-of-school suspension. In the case of PreK-grade 3 students, the principal will send a copy of this written determination to the Superintendent before the short-term suspension takes place.

II. Suspensions in Excess of Ten Days, long-term suspension For cases involving suspensions in excess of ten days or indefinite suspensions based upon the issuance of a felony criminal complaint, the following procedure will be followed:

The student will be allowed an informal hearing, as set forth in Section I. for "Suspensions of Ten Days or Fewer," prior to the suspension taking effect except where circumstances make it necessary to impose the suspension prior to such a hearing. (Such circumstances may include, but are not limited to, incarceration of student, refusal of student to attend the hearing, or where the student poses an unreasonable danger to the welfare of the school). In cases involving a felony criminal complaint, the principal may decide to take action without a hearing. If the parent/guardian is present during this informal hearing, the principal will allow the parent/guardian an opportunity to discuss the student's conduct and offer information, including mitigating circumstances for the principal's consideration.

The Principal will notify the student and parent or guardian in writing of the reasons for a suspension in excess of ten days. The notice will include the information set forth in Section I. for "Suspensions of Ten Days or Fewer," as well as the following additional student rights: notice of the student's right to receive education services during removal; 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 in advance of the hearing; 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; the right to cross-examine witnesses presented by the school district; and 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.

The Principal will issue a prompt written decision to student and parent/guardian, setting forth findings on whether the student committed an offense and if so, the penalty awarded. Suspensions will be of a definite duration, except when based upon a pending felony criminal complaint. For suspensions in excess of ten days, educational services will be provided.

The student may appeal the suspension to the superintendent by forwarding a written request for an appeal to the Superintendent within five days of the effective date of the suspension, or request an extension for filing up to seven days. Notice of appeal must be in English and the primary language of the home. In the event of an appeal, the long-term suspension remains in effect unless reversed by the Superintendent. During the appeal, the student may request a hearing, at which the student will have the right to present evidence and be represented by counsel. The Superintendent will issue a decision within five days of the hearing.

The principal will send written notice of his/her determination to the parent/guardian, outlining the reasons for the out-of-school suspension. In the case of PreK-grade 3 students, the principal will send a copy of this written determination to the Superintendent before the short-term suspension takes place.

III. Emergency Removal

A student may be temporarily removed prior to notice and hearing when a student is charged with a disciplinary offense 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 temporary removal shall not exceed two (2) school days, following the day of the emergency removal. A student will not be removed from school until adequate provisions are made for the student's safety and transportation.

During the emergency removal the principal shall make immediate and reasonable efforts to orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a principal's determination in a long-term suspension or short-term suspension, as applicable.

IV. In School Suspension

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year.

A Principal may impose an in-school suspension as defined above according to the following procedures:

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) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The 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 (2) 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 above, 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 by other method of delivery agreed to by the principal and the parent.

IV. Disciplinary Offenses Under M.G.L. 71 §§37H and 37H½

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses: Possession of a dangerous weapon; possession of a controlled substance; or assault of staff on school premises or at school-sponsored or school-related event.

A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of educational staff, and the principal determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in his/her discretion, decide to levy a suspension rather than expulsion. A student expelled for such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his/her appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense

Felony Complaint or Issuance of a Felony Delinquency Complaint

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal 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.

The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency

The Principal may expel a student convicted of a felony, or who has an adjudication or admission of guilt regarding 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.

The student shall receive written notification of the charges and reasons for the proposed expulsion. The student shall also receive written notification of his/her right to appeal the decision to the Superintendent, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall notify the Superintendent in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Superintendent hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, and shall have the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Any student found guilty of a felony and who is not removed from school, may be placed on academic probation and may not participate in any extracurricular activities, i.e., sports, student council, class offices, NHS, plays, dances. When a student is placed on academic probation he/she will have the right to attend school during the academic day only. The duration of the academic probation will be determined by the principal. (Refer to MGL Chapter 71, Section 37H1/2)

Student Discipline

Each school has developed discipline policies in keeping with individual school culture, in accordance with district policies and state and federal regulations. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians. The focus is on student education and changing behavior whenever possible and/or appropriate.

In-School Suspension is assigned to a student when a disciplinary offense warrants action more severe than detention but less severe than one that warrants an out-of-school suspension. When appropriate, in-school suspension will be imposed as an alternative to short-term out-of-school suspension. Students assigned to in-school suspension must complete work sent to them. Those who refuse to work productively may remain in in-school suspension until work is completed or may be assigned to a Saturday detention. Those who are assigned to a full-day of in-school suspension will not be allowed to participate in extracurricular activities on the day of the assigned suspension unless the administration feels an exception is warranted.

Out-of-School Suspension is assigned when a student has committed a serious disciplinary offense or when other consequences have proven ineffective at modifying behavior. Students who are suspended out-of-school may not attend school events and are prohibited from being on school grounds unless they have prior permission from school administration.

Severe disciplinary infractions such as drug or alcohol possession, weapon possession, bullying, fighting/assault, and threats directed at faculty/staff may result in a long-term out-of-school suspension/possible exclusion hearing.

REGULATIONS AND LAWS REGARDING STUDENT DISCIPLINE

The District assumes the responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion, see due process, below:

DUE PROCESS FOR SUSPENSIONS

NOTICE OF PROPOSED SUSPENSION

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H1/2 or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/ guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing. Notice shall set forth in plain language:

a) the disciplinary offense; b) the basis for the charge; c) the potential consequences, including the potential length of the student's suspension; d) the opportunity for the student to have a hearing with the 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/guardian to attend the hearing; e) the date, time, and location of the hearing; f) the right of the student and student's parent/guardian to interpreter services at the hearing if needed to participate;

The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian. Reasonable effort is presumed if the principal sent written notice and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/ guardian for emergency situations.

All written communications regarding notice of proposed suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

Due Process for Certain Disciplinary Consequences:

I. Suspensions of Ten Days or Fewer, short-term suspension

Unless emergency circumstances dictate otherwise, the following procedure will be followed for suspensions of ten days or fewer:

The student will receive a letter indicating the intent to suspend which will include: 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 date, time, and location of the hearing; and the right of the student and the student's parent to interpreter services at the hearing if needed to participate.

At the hearing, the student and parent(s)/guardian(s) will be told the nature of the charges, and have an opportunity to respond. The principal will make a decision based upon information presented by the student, further investigation if required, and evidence already known to the principal. If the principal determines that a suspension is warranted, he/she will notify the student of the nature and duration of the suspension verbally and in writing, and, if the student previously denied the charges, the principal will supply an explanation of the basis of his/her finding.

The school will make every effort to notify parents/guardians of the suspension by telephone immediately, and will, in all cases, notify them in writing. A student returning from suspension must be accompanied by a parent or guardian, and must meet with the principal prior to re-admission to school.

In most cases, suspensions will be based upon the disciplinary consequences listed in this handbook. However, the principal retains discretion to impose a suspension of a different length (longer or shorter), or impose some other penalty based upon the circumstances of the case.

In all cases, once a student has been assigned to suspension, he/she will not be allowed to take part in or attend any school-related function or activity. This remains in effect until the student has officially returned to school from suspension. Suspension days will be counted as excused absences. Students who are suspended will be given the number of days they are out to make up their work. The school's Educational Service Plan is available on the district website and outlines the opportunities available for students to make up academic work during the period of removal.

The principal will send written notice of his/her determination to the parent/guardian, outlining the reasons for the out-of-school suspension. In the case of PreK-grade 3 students, the principal will send a copy of this written determination to the Superintendent before the short-term suspension takes place.

II. Suspensions in Excess of Ten Days, long-term suspension

For cases involving suspensions in excess of ten days or indefinite suspensions based upon the issuance of a felony criminal complaint, the following procedure will be followed:

The student will be allowed an informal hearing, as set forth in Section I. for “Suspensions of Ten Days or Fewer,” prior to the suspension taking effect except where circumstances make it necessary to impose the suspension prior to such a hearing. (Such circumstances may include, but are not limited to, incarceration of student, refusal of student to attend the hearing, or where the student poses an unreasonable danger to the welfare of the school). In cases involving a felony criminal complaint, the principal may decide to take action without a hearing. If the parent/guardian is present during this informal hearing, the principal will allow the parent/guardian an opportunity to discuss the student’ conduct and offer information, including mitigating circumstances for the principal’s consideration.

The Principal will notify the student and parent or guardian in writing of the reasons for a suspension in excess of ten days. The notice will include the information set forth in Section I. for “Suspensions of Ten Days or Fewer,” as well as the following additional student rights: notice of the student’s right to receive education services during removal; 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 in advance of the hearing; 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; the right to cross-examine witnesses presented by the school district; and 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.

The Principal will issue a prompt written decision to student and parent/guardian, setting forth findings on whether the student committed an offense and if so, the penalty awarded. Suspensions will be of a definite duration, except when based upon a pending felony criminal complaint. For suspensions in excess of ten days, educational services will be provided.

The student may appeal the suspension to the superintendent by forwarding a written request for an appeal to the Superintendent within five days of the effective date of the suspension, or request an extension for filing up to seven days. Notice of appeal must be in English and the primary language of the home. In the event of an appeal, the long-term suspension remains in effect unless reversed by the Superintendent. During the appeal, the student may request a hearing, at which the student will have the right to present evidence and be represented by counsel. The Superintendent will issue a decision within five days of the hearing.

The principal will send written notice of his/her determination to the parent/guardian, outlining the reasons for the out-of-school suspension. In the case of PreK-grade 3 students, the principal will send a copy of this written determination to the Superintendent before the short-term suspension takes place.

III. Emergency Removal

A student may be temporarily removed prior to notice and hearing when a student is charged with a disciplinary offense 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 temporary removal shall not exceed two (2) school days, following the day of the emergency removal. A student will not be removed from school until adequate provisions are made for the student's safety and transportation.

During the emergency removal the principal shall make immediate and reasonable efforts to orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a principal's determination in a long-term suspension or short-term suspension, as applicable.

IV. In School Suspension

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year.

A Principal may impose an in-school suspension as defined above according to the following procedures:

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) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The 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 (2) 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 above, 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 by other method of delivery agreed to by the principal and the parent.

IV. Disciplinary Offenses Under M.G.L. 71 §§37H and 37H½

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses: Possession of a dangerous weapon; possession of a controlled substance; or assault of staff on school premises or at school-sponsored or school-related event.

A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of educational staff, and the principal determines the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in his/her discretion, decide to levy a suspension rather than expulsion. A student expelled for such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his/her appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense.

Felony Complaint or Issuance of a Felony Delinquency Complaint

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal 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.

The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency

The Principal may expel a student convicted of a felony, or who has an adjudication or admission of guilt regarding 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.

The student shall receive written notification of the charges and reasons for the proposed expulsion. The student shall also receive written notification of his/her right to appeal the decision to the Superintendent, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall notify the Superintendent in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Superintendent hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, and shall have the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Any student found guilty of a felony and who is not removed from school, may be placed on academic probation and may not participate in any extracurricular activities, i.e., sports, student council, class offices, NHS, plays, dances. When a student is placed on academic

probation he/she will have the right to attend school during the academic day only. The duration of the academic probation will be determined by the principal. (Refer to MGL Chapter 71, Section 37H1/2)

Academic Progress

The District assumes the responsibility to provide every student with an opportunity to make academic progress during the period of suspension whether in-school, out-of-school, or expulsion.

DISCIPLINING STUDENTS WITH SPECIAL NEEDS

All students are expected to meet the requirements for behavior as set forth in this handbook. However, students eligible for special education are entitled to certain additional protections under state and federal law.

The District shall make appropriate procedures for the discipline of with disabilities and students with Section 504 Accommodation Plans. Specifically, these laws include M.G.L. c. 71B and its implementing regulations (603 CMR 28.00) and 20 USC 1401 et.seq. (“IDEA”) and its implementing regulations (34 CFR 300 et. seq.).

Students eligible for special education who violate school rules are subject to removal from their current educational placement for up to ten school days per school year, to the extent that such removal would be applied to students without disabilities, without prior determination as to whether the misconduct is related to the student’s disability.

Any time school personnel seek to remove a student from his or her current educational placement for more than ten school days in a school year, this constitutes a “change of placement” and invokes certain procedural rights including but not limited to a review by the IEP Team of the relationship between the student’s disability and the behavior subject to disciplinary action, which is referred to as a Manifestation Determination.

If the behavior is a manifestation of the student’s disability the student’s Team will conduct a functional behavior assessment and develop a behavior intervention plan, provided that such an assessment was not conducted before the behavior occurred. In the situation where an assessment was already conducted and a behavior intervention plan is already in place, the Team will review the plan and revise it accordingly. The student will also be returned to his educational placement unless the parent and the school agree otherwise.

If the behavior is not a manifestation of the student's disability, then the student may be removed from his educational placement to the same extent that a regular education student would be removed, provided that the special education student must continue to receive educational services to enable the child to continue to receive his special education services in order to participate in the general education curriculum, although in another setting, and to continue to progress toward meeting the goals set out in the student's IEP. Additionally, the student should receive, as appropriate, a functional behavioral assessment and behavior intervention plan to prevent the behavior from happening again.

There are certain situations in which school personnel may order a change in placement of a special education student without regard to whether the student's behavior is determined to be a manifestation of the student's disability. These situations include when a special education student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

In these situations, school personnel may remove the special education student to an appropriate Interim Alternative Educational Setting (IAES) for not more than forty-five (45) school days without regard to whether the student's behavior is determined to be a manifestation of the student's disability. A student may also be placed in such a setting on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is substantially likely to injure him/herself or others.

If a special education student commits an offense, which causes the student to be expelled from school, the school district continues to be responsible for providing the student with a free appropriate public education in another educational setting.

For more information regarding the rights of special education students see the Massachusetts Department of Education's Procedural Safeguards Notice, which is available in many languages, at www.doe.mass.edu/sped/prb/. Additionally, copies of the state and federal special education laws are available online at the Massachusetts Bureau of Special Education Appeals website, at www.doe.mass.edu/basca/ or can be requested from the Pupil Services Department at 978-249-2403.

DISCIPLINE OF STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates the Student Code of Conduct, may assert any of the protections provided for special education students if the school had knowledge (as determined by the IDEA) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The school district may be considered to have prior knowledge if, before the behavior that resulted in the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the student's school or to a teacher of the student that the student is in need of special education and related services; or 2. The parent requested an evaluation of the student; or 3. District staff expressed, directly to the special education director or other supervisory personnel, specific concerns about a pattern of behavior demonstrated by the student.

The district may not be deemed to have had knowledge if the parent has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student was completed and resulted in a determination of ineligibility. If the district had no knowledge that the student is a student with a disability prior to taking disciplinary action, the student may be subjected to disciplinary measures applied to students without disabilities. However, if an evaluation is requested during the time period in which the student is subjected to these disciplinary measures, the district must conduct the evaluation in an expedited manner.

DISCIPLINE OF STUDENTS ON 504 PLAN

School personnel may not suspend a student on a 504 plan for more than ten consecutive school days without a manifestation determination. Procedural protections for eligible 504 students are the same as those afforded to special education students. Please contact the principal of the School.

STUDENT DISTURBANCES

The school committee recognizes the authority of the school administrator to provide the best possible education for the student or students in his/her school.

Any student who deliberately disrupts the orderly process of education, no matter the pretext, will be subject to immediate suspension from school, and the principal of the school will make any recommendations as to the final disposition of this disciplinary action.

This includes any organized disturbance, sit-down strike, walkout, bomb scare, false alarm, or any serious vandalism. In the event a large number of students leave the premises or disturb the premises, the principal and other staff members in conjunction with the local

police, will disperse this gathering, attempt to make identification of those participating and immediately suspend those students involved. The leader of the organized disturbance will be recommended for immediate expulsion.

DISRUPTION AND HARASSMENT OF STUDENTS OR SCHOOL ACTIVITIES

Any student or group of students who disturb or harass students and school activities will be subject to immediate suspension from school and possible exclusion by the building principal, or may be expelled by the school committee.

CHAPTER 722 - AN ACT INCREASING THE PENALTIES FOR DEFACING OR DESTROYING STATE, COUNTY OR MUNICIPAL PROPERTY:

Section 96: Whoever willfully, intentionally and without right defaces, marks or injures the walls, wainscoting or any other part of any building belonging to the Commonwealth, or the appurtenances thereof, by cutting, writing or otherwise, shall be punished by a fine of not less than one hundred thousand dollars or by imprisonment for not more than two years. Any person convicted under the provisions of this section shall, in addition to any fine assessed, reimburse the Commonwealth for the total amount of damages incurred.

Discrimination & Harassment

SEXUAL HARASSMENT, DISCRIMINATION and HARRASSMENT The Athol-Royalston Regional School District is committed to creating a study environment free of sexual harassment, harassment and discriminations and safeguarding the right of all persons associated with the Athol-Royalston Regional School District, including students, employees, school committee members and volunteers to a work and educational environment that is free from all forms of sexual harassment, harassment and/or discrimination. Therefore, the Athol-Royalston Regional School District condemns and prohibits all sexual harassment, harassment and/or discrimination on its premises.

All individuals associated with the District, but not necessarily limited to the School Committee, the administration, the staff, students and members of the public while on campus, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment, harassment and/or discrimination. Any person who engages in sexual harassment, harassment and/or discrimination while acting as a member of the school community or while on school property will be in violation of this policy.

Appropriate disciplinary action, up to and including dismissal, will be taken in any instance where an employee violates this policy. Sexual harassment, harassment or discrimination by a student will result in disciplinary action up to and including expulsion. Sexual harassment, harassment and/or discrimination by others will result in their being excluded from school premises or if it is required that they enter the premises, they will be accompanied by a District representative at all times.

If the sexual harassment, harassment and/or discrimination is criminal in nature, the offense shall be reported to the police department. All complaints will be reported to the Title IX Coordinator unless the Title IX Coordinator is the alleged harasser. If the complaint requires the intervention of State social service or protective agencies, the proper authorities will be contacted. In these circumstances, the School's attorney will be immediately contacted to give advice and guidance on how to process these actions with the appropriate authorities. Any student who believes that he or she has been subjected to sexual harassment, harassment and/or discrimination should make a complaint to any administrator, the Title IX Coordinator, or directly to the Superintendent, so that appropriate action may be taken at once.

Management representatives are charged with the responsibility of discouraging any sexually harassing, harassing and/or discriminatory behaviors within or outside of their areas of supervision. This includes directly confronting the harasser when a management representative observes harassing behavior, and immediately reporting the activity to the Title IX Coordinator. The Title IX Coordinator will investigate complaints promptly, and corrective action will be taken where appropriate. No person will suffer retaliation or intimidation as a result of using the internal complaint procedure. A copy of this policy and its accompanying regulations are posted in appropriate places, and made available to individuals upon request.

The Title IX Coordinator for the Athol-Royalston Regional School District is:

Molly Superci Title IX Coordinator 1062 Pleasant Street 978-249-2400

SEXUAL HARASSMENT DEFINITION Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is either explicitly or implicitly made a term or condition of a student's education;
- or 2. Submission to or rejection of such conduct is used as a basis for education decisions affecting such student;
- or 3. Such conduct has the purpose or effect of substantially interfering with a student's educational performance, or creating an intimidating, hostile or offensive educational environment.

SEXUAL HARASSMENT MAY INCLUDE, BUT IS NOT LIMITED TO:

1. Assault, inappropriate touching, intentionally impeding movement, comments, gestures, or written communications of a suggestive or derogatory nature.
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
3. Implying or actually withholding grades earned or deserved, suggesting that a poor performance evaluation will be prepared, or suggesting that a scholarship recommendation or college application

will be denied. 4. Coercive sexual behavior used to control, influence or affect the educational opportunities, grades and/ or the learning environment of a student. 5. Offering or granting favors or educational benefits, such as grades or recommendations, in exchange for sexual favors. Other sexual harassing behavior directed towards students, whether committed by management, staff, or students, is also prohibited. Such conduct includes but is not limited to:

1. Unwelcome sexual flirtations, advances or propositions; 2. Sexually explicit language or gestures; 3. Touching that an individual interprets as sexual in nature; 4. Any unwelcome physical contact; 5. The presence of sexually provocative photographs, pictures or other material, and the telling of sexual stories or jokes; 6. Verbal or nonverbal behavior about an individual's body that is interpreted as sexual in nature.

COMPLAINT PROCEDURE INFORMAL PROCESS FOR STUDENTS In determining whether an alleged incident constitutes sexual harassment, harassment and/or discrimination, the Title IX Coordinator will be vested with the authority and responsibility of processing all complaints in accordance with the procedure outlined below, unless the Title IX Coordinator is the subject of the complaint.

1. Any student of the District who believes that he/she has been subjected to sexual harassment, harassment and/or discrimination is to report the incident(s) to any administrator, Title IX Coordinator, or directly to the Superintendent. The administrator and/or Superintendent are to immediately contact the Title IX Coordinator. A written record of the complaint will be made by the party receiving the complaint. A separate file system will be maintained, apart from the student's personal record, regarding these complaints and as to all matters relating to the complaints. 2. If the alleged harassment involves the Title IX Coordinator, the Superintendent of Schools will act as the

Title IX Coordinator. 3. If the alleged harassment involves the Superintendent of Schools, the Secretary of the School Committee will act as the Title IX Coordinator. 4. The Superintendent and the Title IX Coordinator will look at the totality of the circumstances and the context in which the alleged incidents occurred. They will attempt to resolve the problem by conferring with both parties in order to obtain a clear understanding of the facts. All matters involving sexual harassment, harassment and/or discrimination complaints will remain confidential to the extent possible. 5. Students may be accompanied, at any phase of this process or subsequent hearing before the Committee, by a parent, guardian or representative of their choosing. Parents will be immediately notified by the Title IX Coordinator of the existence of a student's report of sexual harassment, harassment and/or discrimination. 6. The Title IX Coordinator will explain each phase of the Informal and Formal Complaint Process to a student who wishes to file a complaint and will assist the student in the processing of the complaint. In addition, the Title IX Coordinator will inform the student of additional forums for resolution of the complaint such as the Office of Civil Rights (O.C.R.) and the Massachusetts Commission Against Discrimination (M.C.A.D.). 7. Under normal circumstances, the Title IX Coordinator's investigation will be completed within five working days of the initial complaint. Upon completion of the investigation, the Title IX Coordinator shall issue his/her findings in writing to the student and the alleged harasser. **8. The Title IX Coordinator for the district is: Molly Superchi (978) 249-2400**

COMPLAINT PROCEDURE FORMAL PROCESS FOR STUDENTS

1. A complainant may file a formal complaint immediately or may do so after the Superintendent and the Title IX Coordinator's efforts to reach a settlement under the informal process have proven unsuccessful. 2. The complaint will state clearly and concisely the complainant's description of the incident and it will also indicate any remedy sought. The complaint must be signed by the complainant. The Superintendent's office will send the respondent a copy of the complaint within five working days after it is received. A separate file system shall be maintained as to all matters relating to the complaint. Confidentiality shall be maintained to the extent possible. 3. The respondent will have ten working days to respond in writing. This statement will contain full and specific references to each claim in the complaint, admitting, denying or explaining the complainant's allegations. The respondent must sign his or her statement which will then be appended to the original complaint. Within three working days, the Superintendent's office will forward both statements to the complainant and the respondent. 4. There will be two modes of resolution for formal complaints. A complaint may be settled through mediation or through a hearing. If the complainant and respondent agree to pursue mediation, a date mutually acceptable to both parties will be set within ten working days. If the mediation results in a mutually acceptable agreement, copies of the agreement will be forwarded to both parties. If the mediation does not result in an agreement, the case will be forwarded to the Superintendent for a hearing unless the Superintendent is the alleged harasser in which case the hearing will be before the Athol-Royalston Regional School Committee. 5. When a hearing is requested, the Title IX Coordinator will inform the Superintendent or the School Committee, as the case may be, and the case will be heard at the next regularly scheduled meeting of the School Committee pursuant to the provisions of the Commonwealth's Open Meeting Law and/or before the Superintendent pursuant to M.G.L., c. 71, § 42. Using 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).

1. The United States Equal Employment Opportunity Commission (EEOC)

1 Congress Street - 10th floor, Boston, MA 02114 (617) 565-3200 2. The Massachusetts Commission against Discrimination (MCAD)

Boston Office: Springfield Office Room 601 Room 220 Boston, MA 02108 Springfield, MA 01103 (617) 727-3990 (413) 739-2145

FORMAL HEARING

1. The purpose of the Superintendent or School Committee Hearing is to determine whether the school system's policy on sexual harassment, harassment and/or discrimination has been violated, and, if so, to determine the appropriate consequences for the violation. 2. Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the Superintendent or School Committee is not bound by the procedures and rules of evidence of a court of law. In most instances, complainants and respondents will be expected to speak for themselves, although, if desired, each party may be accompanied by counsel or an advocate.

2. The presiding officer of the hearing may have counsel present for purposes of assisting in the orderly conduct of the hearing and the questioning of witnesses. The complainant and the respondent will be asked to clarify the issues and to define the areas of disagreement. To encourage a fair and focused hearing, at the start of the proceedings the points of agreement and disagreement will be reviewed. The Superintendent or the Committee, as the case may be, will hear testimony and consider whether the School Committee Policy on sexual harassment, harassment and/or discrimination has been violated, and, if so, will recommend appropriate consequences.

3. The presiding officer will:

a. ensure an orderly presentation of all evidence; b. ensure that the proceedings are accurately recorded by means of a tape or stenographic recording; and c. see that a decision is issued no later than ten working days after the conclusion of the hearing or, when written arguments are submitted, ten working days after their submission.

4. The Superintendent or the Committee, as the case may be, will:

a. conduct a fair and impartial hearing which ensures the rights of all parties involved; b. define issues of contention; c. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business; d. ask relevant questions of the complainant, respondent, and any witnesses if needed to elicit information which may be of assistance in making a decision; and e. ensure that the complainant and respondent have full opportunity to present their claims orally or in writing, and to present witnesses and evidence which may establish their claims.

DECISION OF THE SUPERINTENDENT OR THE COMMITTEE

1. After all the evidence, testimony, and written arguments have been presented, the committee will convene for deliberations to determine whether the school system's policy on sexual harassment, harassment and/or discrimination has been violated. If the Committee finds after a roll call vote that the policy has not been violated, that fact will be registered in the records of the hearing, and the written decision will be forwarded to the complainant and the respondent no later than fifteen working days after completion of the hearing. In hearings before the Superintendent, if the Superintendent finds that the policy has not been violated, the Superintendent will issue a written decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.

2. If the Committee finds after a roll call vote that the charge of violating the District's policy on sexual harassment, harassment and/or discrimination has been substantiated, the hearing Committee will prepare findings and will determine a penalty for the respondent and

relief for the complainant. The Committee will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing. In hearings before the Superintendent, if the Superintendent finds that the charge of violating the school system's policy on sexual harassment, harassment and/or discrimination has been substantiated, the Superintendent will prepare findings and will determine a penalty for the respondent and relief for the complainant. The Superintendent will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing. The findings of fact as well as the penalty and relief will be based solely on the testimony and evidence presented at the hearing.

3. The penalty should reflect the severity of the harassment. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file or student record, probation, suspension without pay, dismissal, demotion, or removal from administrative duties within a department; students may be subject to suspension or expulsion proceedings following a finding that the policy has been violated. The Committee or Superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.

BULLYING

Bullying or harassment of any type, including cyber-bullying, will not be tolerated and may result in suspension or exclusion.. Bullying that occurs outside of school may result in disciplinary action if the behavior causes problems at school.

PROHIBITION AGAINST BULLYING AND RETALIATION.

Acts of bullying, which include cyber bullying, are prohibited:

1. on school grounds and 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 2. at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

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

As stated in M.G.L. c. 71, § 370, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

DEFINITIONS

Aggressor is a student who engages in bullying, cyber bullying, or retaliation.

Bullying, as defined in M.G.L. c. 71, § 370, is the repeated use by one or more students or staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

1. causes physical or emotional harm to the target or damage to the target's property; 2. places the target in reasonable fear of harm to himself or herself or of damage to his or her property; 3. creates a hostile environment at school for the target; 4. infringes on the rights of the target at school; or 5. materially and substantially disrupts the education process or the orderly operation of a school.

Cyber bullying, is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 370 for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target is a student against whom bullying, cyber bullying, or retaliation has been perpetrated.

Reporting by Students, Parents or Guardians, and Others The school or district 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 or designee. 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 a report of bullying or retaliation.

1. Safety

a. Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged from a reported act of bullying or retaliation.

2. Obligations to Notify Others

a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and 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, 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.

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.

4. Determinations. The principal or designee will make a determination based upon all of the facts and circumstances. If, after the 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 student's 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.

RELATIONSHIP OF BULLYING LAW TO OTHER LAWS

Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H1/2, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan specifically covers the behavior.

43A. CRIMINAL HARASSMENT; PUNISHMENT

1. Whoever willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress, shall be guilty of the crime of criminal harassment and shall be punished by imprisonment in a house of correction for not more than two and one-half years or by a fine of not more than \$1,000 or by both such fine and imprisonment. Such conduct or acts described in this paragraph shall include but not be limited to, conduct or acts conducted by mail or by use of a telephonic or telecommunication device including, but not limited to, electronic mail, internet communications or facsimile communications. 2. Whoever, after having been convicted of the crime of criminal harassment, commits a second or subsequent such crime, or whoever commits the crime of criminal harassment having previously been convicted of a violation of section 43, shall be punished by imprisonment in a house of correction for not more than two and one-half years or by imprisonment in the state prison for not more than ten years.

CHAPTER 536 - AN ACT PROHIBITING THE ACT OF HAZING

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:
Chapter 269 of the General Laws is hereby amended by adding the following three sections:

Section 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 (\$3,000.00) or by imprisonment in a house of correction for not more than one hundred days or by both such fine and imprisonment.

The term “hazing” as used as such in this section 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, 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.

Section 18: Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such a crime shall, to the extent that such person can do so without danger or peril to himself or others, report such a crime to the appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of no more than one thousand dollars (\$1,000.00).

Section 19: Each secondary school and each public and private school or college 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, pledges or applicant for membership in such group or organization, a copy of this section and sections seventeen and eighteen.

An officer of each such group or organization, and each individual receiving a copy of said sections seventeen and eighteen shall sign an acknowledgment stating that such group, organization or individual has received a copy of said sections seventeen and eighteen.

Each secondary school and each public or private school or college shall file, at least annually, a report with the regents of higher education and in the case of secondary schools, the board of education, certifying that such institution has complied with the provisions of this section and also certifying that said school has adopted a disciplinary policy with regards to the organizers and participants of hazing. The board of regents and in the case of secondary schools, the board of education shall promulgate regulations governing the content and frequency of such institution, which fails to make such report.

Public Complaints

Public Complaints About School Personnel

The following procedures are established to ensure that a citizen's complaint is given respectful attention and that the integrity of the educational program is upheld. "Complaint" in this regulation will be restricted in meaning to that criticism of particular school employees by a citizen of the school district, which includes or implies a demand for action by school authorities. Other comments, suggestions, and/or concerns will be promptly referred informally to affected personnel.

1. If a complaint comes first to the person against whom it is directed, he/she will listen courteously and may try to resolve the difficulty by explaining the background and educational purpose involved. If the complaint remains unresolved, either party may move the complaint to the building principal or other immediate supervisor to have his/her views considered further. Whether the complaint terminates with the individual staff member involved or seems likely to go further, the staff member will inform his/her supervisor of the complaint. 2. If a complaint comes first to the principal or other supervisor of the person criticized, he/she should listen courteously or acknowledge a letter promptly and politely, but should make no judgments whatsoever. If the complaint involves a particular employee, the supervisor will promptly inform that person of the complaint and will arrange a conference between the complainant, the person criticized, and supervisor (if necessary). At Superintendent's level, supervisor refers to the Chair of the School Committee. If the

complainant has already met with the person criticized and remains unsatisfied, the supervisor should invite the complainant to file his/her complaint in writing and return it. 3. No further action on the complaint should be taken unless the complainant submits the complaint in writing. 4. When a written complaint is received, the principal or other supervisor will promptly schedule a conference with himself/herself, the complainant, the person criticized, and if advisable, the department chairman or other person that either the supervisor, the person criticized or the complainant feels could contribute to the resolution of the problem. 5. If the complainant is not satisfied with the results of the conference above, he/she should then be referred to the Superintendent, who will promptly handle the complaint personally or refer it to his/her designee.

Should dissatisfaction remain after the above steps have been taken, the matter will be placed on the agenda for the next regularly scheduled school committee meeting. The decision of the committee will be communicated in writing to all interested persons.