

DISTRICT HANDBOOK FOR PRE-K to 12 SCHOOL STUDENTS

2018-2019

Fall River School Committee

Honorable
Jasiel F. Correia
Chairman

Mark Costa
Vice Chairman

Joseph Martins

Kevin Aguiar

Matthew H. Malone, Ph.D.
Superintendent of Schools

Paul Coogan

Joshua Hetzler

Thomas Khoury

Fall River Public Schools - School Committee Office
417 Rock Street, Fall River, MA 02720 • Phone: 508-675-8424 x53701

Table of Contents

Vision and Mission Statement 4
Academic Calendar 5
No School Announcements/Blackboard Connect Phone Service 6
Emergency Early Dismissal 6
ATTENDANCE POLICY 7-17
LEGAL POLICIES
Harassment Policy: Promoting Diversity 18
Homeless Education Policy 18-20
Drug/Alcohol Policy and Student Assistance Program 20-22
Smoking/Tobacco Use Policy 23
Bullying Intervention/Procedures 23-36
CODE OF CONDUCT
Standards of Behavior 39
Promoting Positive Student Behavior 40-41
Parents' as Partners and Attendance 43
Progressive Discipline 43
Infraction Levels 44-46
Behavioral Interventions 47-48
Restorative Approaches 48-49
Infractions Grades K-5 50-53
Infractions Grades 6-8 54-62
Infractions Grades 9-12 63-69
Appendix 70-85
Special Education Students Discipline 86-87
STUDENT RIGHTS
Bill of Student Rights/Responsibilities 88-89
Acceptable Use 90-95
Restraint Policies/Procedures 95-100
Equal Educational Opportunities 101
Discrimination Grievance Procedures 101-105
Dress Code Policy/Spirit Wear Policy 106-107
Bring Your Own Technology (BYOT) 107-108
School Building Safety/Security Policy 109
Athletics/Clubs and Anti Hazing Act 109-110
Service Animal Policy 110
STUDENT SERVICES
Gifted and Talented Education 110
English Language Learners 111
Temporary Home or Hospital Tutoring 111
Home Schooling 112
Special Instruction Programs and Accommodations (Programs for students with Special Needs) 112-113
HEALTH SERVICES FOR STUDENTS
Health Services and MedicationProcedures 113-114
Wellness Policy 115-118
TRANSPORTATION
Bus Regulations 119-120
PARENTS AND GUARDIANS
Parent Participation Policy 120-122
Parental Notification Relative to Sex Education 122
Student Records Regulations 122-124
Surveys-Notification of Rights Under The Protection of Pupil Rights Amendment 124-125
Receipt of Student's Handbook 127

Fall River Public Schools Vision and Mission Statement

VISION STATEMENT

Approved 4/17/15 by the FRSC

The Fall River School District shall be one where students are safe and prepared for college and/or careers, where individualization and personalization is strived for, where excellence for all is expected, and where collaboration and communication among all stakeholders is the norm.

MISSION STATEMENT

The mission of the Fall River Public Schools is to provide a quality education so that all students will attain their fullest potential and become responsible members of society. We are committed to providing quality teaching and learning in a respectful, safe, healthy, and supportive environment that links students, parents, and staff in a community of lifelong learners and capable problem solvers.

As we endeavor to accomplish our educational mission, we also strive for inclusiveness. **Not only do we prohibit discrimination of any kind, based upon race, color, gender identity, religion, national origin, sexual orientation, homelessness or disability , we moreover strive to reach out to all students, in a proactive and vigilant manner, to ensure that they are made aware of, and are included in, all programs, and extracurricular activities. Equal educational opportunity is not only a legal requirement, but something we strongly value.**

ABOUT OUR HANDBOOK

The Fall River Public Schools is pleased to present the 2018-2019 Policy Handbook to inform students and parents/guardians of the important procedures and policies that are in effect in our school system. The policies and procedures have been prepared by the Fall River Public School Administration and were approved by the Fall River School Committee.

The handbook is designed to provide an overview of our policies of the Fall River Public Schools. To view all existing policies, please go to our website www.fallriverpublicschools.org and click on Policies/Procedures. Please review this handbook with your child and keep a copy for future reference. Best wishes for a successful 2018-2019 school year.

Fall River Public Schools
ACADEMIC CALENDAR
2018-2019

Professional Development/Orientation Day: *(No school for students)*	**Tuesday, August 28, 2018**
Opening Day of School:	**Wednesday, August 29, 2018** ***(PreK begins 9/4/18; Kindergarten begins 9/7/18)***
No school	**Friday, August 31, 2018**
Labor Day:	**September 3, 2018**
Early Release Day** (for students):* ***Professional Development	**Monday, October 1, 2018**
Columbus Day:	**Monday, October 8, 2018**
Professional Development Day: *(No school for students)*	**Tuesday, November 6, 2018**
Veterans Day:	**Monday, November 12, 2018**
Early Release Day (for staff & students):	**Wednesday, November 21, 2018**
Thanksgiving Recess:	**Thursday, November 22, 2018 and Friday, November 23, 2018**
Early Release Day** (for students):* ***Professional Development	**Monday, December 3, 2018**
Early Release Day (for staff & students):	**Friday, December 21, 2018**
Christmas-New Year Recess:	**December 24, 2018 through January 1, 2019** *(Recess begins at the early release of school on **Friday, December 21, 2018** / school resumes on **Wednesday, January 2, 2019.**)*
Martin Luther King Jr.'s Birthday Observance:	**Monday, January 21, 2019**
Professional Development Day: *(No school for students)*	**Friday, February 1, 2019**
Winter Recess:	**February 18, 2019 through February 22, 2019** *(Recess begins at the close of school on **Friday, February 15, 2019** / school resumes on **Monday, February 25, 2019.**)*
Early Release Day** (for students):* ***Professional Development	**Monday, March 11, 2019**
Early Release Day** (for students):* ***Professional Development	**Monday, April 1, 2019**
Spring Recess:	**April 15, 2019, through April 19, 2019** *(Recess begins at the close of school on **Friday, April 12, 2019** / **school resumes on Monday, April 22, 2019.**)*
Good Friday:	**Friday, April 19, 2019** **no school in session / district offices will be closed*
Memorial Day:	**Monday, May 27, 2019**
Last Day for Durfee High School Seniors:	**Friday, May 31, 2019**
Durfee High School Graduation:	**Friday, June 7, 2019**
Closing Day of School:	**Thursday, June 13, 2019** *(**NOTE:** The last two days of school are half-days for students)*
Inclement Weather Date:	**Thursday, June 20, 2019**

The 2018-2019 Instructional School Year is scheduled to end on Thursday, June 13, 2019. If a school day is cancelled due to inclement weather conditions or other emergencies, the day or days will be added to the closing date of the school year. If five instructional school days are cancelled due to inclement weather conditions or other emergencies, schools will close on Thursday, June 20, 2019. ***All personnel must be prepared for a Thursday, June 20th closing.***

NOTE: *In the event that any of the Professional Development Days are cancelled because of inclement weather or other emergencies, they will be made up at the conclusion of the 2018-2019 school year.*

End of Trimesters: *(Elementary)*	**I Trimester** (61 days): Friday, November 30 **II Trimester** (61 days): Friday, March 15 **III Trimester** (58 days): Closing date/inclement weather date
End of Terms: *(Middle/High)*	**I Term** (45 days): Friday, November 2 **II Term** (44 days): Friday, January 18 **III Term** (43 days): Friday, March 29 **IV Term** (48 days): Closing date/inclement weather date

Revision approved by the FRSC 6/28/18

No School Announcements

NO SCHOOL ANNOUNCEMENTS

On receipt of a severe weather alert, heavy snowfall, icy streets or when other hazards make streets unsafe, the school session will be canceled. Parents/guardians can listen to the above named radio and television stations as well as the Fall River Schools web site for school cancellations beginning at 5:30 am.

AN AUTOMATED MESSAGING SERVICE

During the school year, the Fall River School District will be using the Blackboard Connect school-to-parent communication service. This system allows phone messages to be sent to parents at up to six different phone numbers, as well as emails. Parents may receive messages from the District regarding school closure or cancellations, transportation or any activities taking place at the District level. Our school staff may also send parents information that is specific to our school, such as Open House, field trips or school-based events. Parents are asked to please be sure all phone numbers are kept current in the school office.

Emergency Early Dismissal

FALL RIVER PUBLIC SCHOOLS GUIDLINES

The Fall River Public Schools will dismiss or cancel school in the event that an emergency situation exists, which could affect the safety and welfare of our students. At the beginning of each school year, all parents/guardians will be informed of the School Department's policy as it relates to early dismissal for emergency reasons.
It is the expectation of the Fall River Public Schools that each parent/guardian will make arrangements for their youngsters to get home safely in the event school is dismissed early. The Fall River Public Schools will make every effort possible to provide the general public with at least one-hour notification through the local media prior to the dismissal of students for emergency reasons.

All employees of the Fall River Public Schools will make every reasonable effort to assist in ensuring that youngsters get home safely.

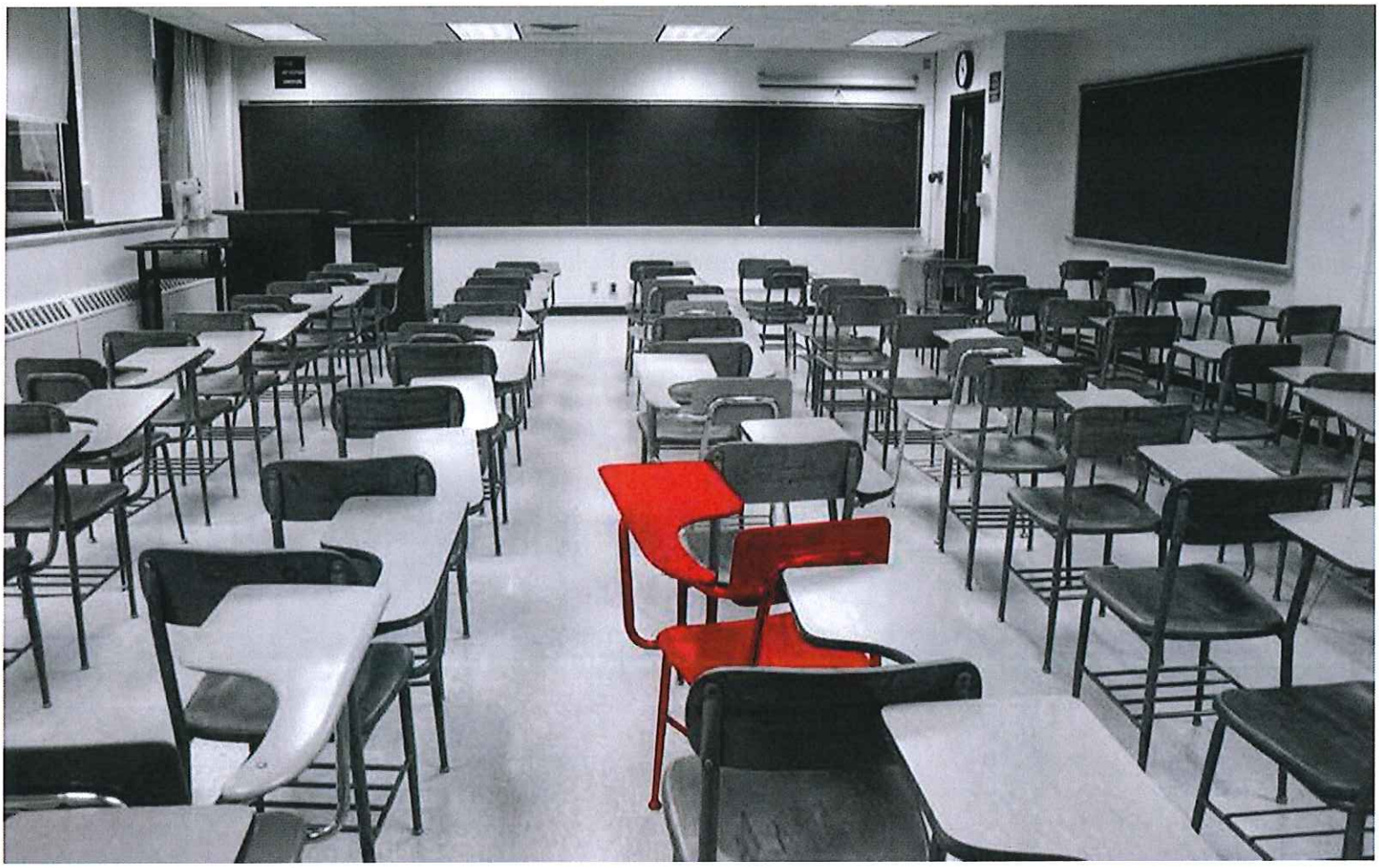
The following television and radio stations will be contacted in the event that school will be dismissed or canceled during and emergency situation.

RADIO
WHTB (1400 AM)
WSAR (1480 AM)
WCTK (New Bedford) 98.1
WJFD-FM (Portuguese Radio Station)

TELEVISION
TV Cable News 2
TV Channel 6
TV Channel 10
TV Channel 12
FRED TV Channel 17The Fall River Public Schools will also post emergency dismissal information on the district web site: www.fallriverschools.org

Fall River Public Schools

Attendance Policy



Dr. Matthew H. Malone
Superintendent

ATTENDANCE MATTERS
What are YOU doing to fill...
THE EMPTY CHAIR
Every Student Every Day

www.FallRiverSchools.org

Table of Contents

Letter from the Superintendent	3
Attendance Information for All Levels	4
Elementary School Attendance Policy	6
Middle School Attendance Policy	7
High School Attendance Policy	9
Attendance Policy Acknowledgment	11

Letter from the Superintendent

Dear Parent/Guardian:

Our goal this year is to ensure that every student attends school regularly.

Showing up for school has a huge impact on a student's academic success starting in kindergarten and continuing through high school. Even as children grow older and more independent, families play a key role in making sure students get to school safely every day and understand why attendance is so important for success in school and in life.

We realize some absences are unavoidable due to health problems or other circumstances, but we also know that when students miss too much school— regardless of the reason – it can cause them to fall behind academically. Your child is less likely to succeed if he or she is chronically absent—which means missing 18 or more days over the course of an entire school year. Research shows:

- Children chronically absent in kindergarten and 1st grade are much less likely to read at grade level by the end of 3rd grade.
- By 6th grade, chronic absence is a proven early warning sign for students at risk for dropping out of school.
- By 9th grade, good attendance can predict graduation rates even better than 8th grade test scores.

Absences can add up quickly. A child is chronically absent if he or she misses just two days every month!!

Clearly Attendance Matters!

We don't want your child to fall behind in school and get discouraged. Please ensure that your child attends school every day and arrives on time. Here are a few practical tips to help support regular attendance:

- Make sure your children keep a regular bedtime and establish a morning routine.
- Lay out clothes and pack backpacks the night before.
- Ensure your children go to school every day unless they are truly sick.
- Avoid scheduling vacations or doctor's appointments when school is in session.
- Talk to teachers and counselors for advice if your children feel anxious about going to school.
- Develop back-up plans for getting to school if something comes up. Call on a family member, neighbor, or another parent to take your child to school.

Let us know how we can best support you and your children so they can show up for school on time, every day. We want your child to be successful in school! If you have any questions or need more information, please contact your child's school.

Sincerely,

Matthew H. Malone
Superintendent

Attendance Information for ALL Levels PreK-12

Regular attendance in all classes, every day, is essential for student growth and life-long achievement. Regular school attendance is linked to higher graduation rates, lower drop-out rates, higher college attendance rates and higher paying jobs. It is therefore most important that a specific set of expectations be established to ensure a clear understanding of the conditions under which a student may have an allowable absence. All absences must be verified with proper documentation. Failure to submit proper documentation will result in an unexcused absence.

Parents/guardians have a legal responsibility to ensure their child is in school every day school is in session. It is a high priority for the Fall River School District to monitor attendance and address the reasons why some students are chronically absent. In addition, it is the mission of the Fall River School District to work with families and community partners to ensure students arrive at school on time, every day, ready to learn. ***A student who misses more than 10% of school due to excused and unexcused absences is considered chronically absent. (e.g. school is in session for 30 days and the student is absent a total of 3 or more excused and unexcused days)***

THE ROLE OF THE SCHOOL ATTENDANCE OFFICER

School Attendance Officers support schools in improving attendance, preventing truancy and intervening in cases of chronic truancy. School Attendance Officers communicate by telephone, letters or home visits with parents/guardians of children who are chronically absent. School Attendance Officers work with community partners, such as the Family Resource Center or the Department of Children and Families (DCF), to offer support to families and assist them in getting their children to school every day, on time. School Attendance Officers are mandated to take parents or students to court if truancy continues and children are being denied a consistent and comprehensive education.

STATE LAWS REGARDING ATTENDANCE

The following State Laws outline the responsibilities of parents/guardians for monitoring and preventing children's absences from school:

- The Commonwealth of Massachusetts states that parents are required to ensure children between the ages of 6 to 16 attend school. (Chapter 76, section 19 of the MA General Laws)
- Parents/guardians must provide the school with accurate contact information and must inform the school regarding the reason for a child's absence. (Chapter 76, section 1A of the MA General Laws)
- Educational professionals are mandated to report to the Department of Children and Family (DCF) their belief that a child is suffering from educational neglect.
- Without a warrant, School Attendance Officers may apprehend truants found wandering, and return them to school.
- If truancy persists, School Attendance Officers are mandated to file a Child Requiring Assistance application with Juvenile Court. If a student is in elementary school, a criminal complaint for Failure to Cause School Attendance will be filed against the parent. (http://www.mass.gov/courts/selfhelp/family/cra.html)
- Families that receive benefits under Transitional Aid to Families with Dependent Children are subject to specific attendance requirements.

Attendance Information for ALL Levels PreK-12

TRUANCY

- A student is considered truant when he/she has an unexcused absence.
- A parent/guardian note does not excuse an absence if the absence does not meet the criteria to be excused.

Excused absences will be permitted under the following circumstances, and require the indicated documentation:

- Absences with a valid doctor's note specifying the dates to be excused
- Sick visits with a doctor's note specifying the date of the appointment
- Routine medical appointments with a doctor's note specifying the date of the appointment (Well visits should be scheduled after school hours, or at the beginning or end of a school day so students can still be in school for as much of the school day as is possible.)

PLEASE NOTE:

Doctor's notes will be accepted when submitted to the school nurse within 2 weeks following an absence. Doctor's notes are legal documents and may not be tampered with or altered in any way. School officials are authorized to verify all information presented.

Excused absences will be permitted under the following circumstances, and require the indicated documentation:

- Death in the immediate family (parental note required)
- Religious holidays as determine by the MA Department of Elementary and Secondary Education (DESE) (parental note required)
- Legal matters that involve the student: A note from a court officer or copy of the summons must be provided and filed in the office.

SUSPENSIONS

Students who are absent due to external suspensions are expected to make up missed assignments, homework and tests.

Family vacation days that DO NOT coincide with school vacation days <u>are not excused absences</u>.

Elementary School Attendance Policy

Please also refer to Attendance Information for All Levels PreK-12 on Pages 4 and 5.

Good attendance is an essential component of a student's education. Therefore, it is important that a specific set of expectations be set forth to insure a clear understanding of the conditions under which a student may be absent. All absences must be verified with proper documentation. Failure to do so will result in an unexcused absence. ***Every absence from class or school will be considered unexcused until proper documentation is presented at the proper time. A student who misses more than 10% of school due to excused and unexcused absences is considered chronically absent. (e.g. school is in session for 30 days and student is absent 3 or more excused and unexcused days)***

Chronically absent students may be ineligible to move from one grade to the next. Circumstances surrounding promotion or retention will be considered by the school principal on an individual basis.

MAKEUP WORK

Work missed due to an absence shall be made up in a timeframe established by the classroom teacher. Teachers have at least 24 hours to provide students with any makeup work. Pre-established deadlines (papers, projects, homework) must still be completed on-time by student. It is the responsibility of the student to make up all work missed because of absence.

TARDIES

A student who is not in his/her school at the start of the school day is considered tardy. Five tardies (without a doctor's note) will be considered an unexcused absence.

Any school delays declared by the superintendent will not count as a tardy for students

DISMISSALS

All requests for early dismissals must be submitted in writing and given to the principal or designee at the start of the school day or, if possible, give the school 24 hour notice. Teachers are teaching students up to the final dismissal time. While early dismissals are discouraged, it is recognized that emergencies sometimes arise. Frequent or chronic early dismissals shall result in a parent –school conference to determine whether additional action is necessary. Five early dismissals (without a doctor's note) will be considered an unexcused absence.

Middle School Attendance Policy

Please also refer to Attendance Information for All Levels PreK-12 on Pages 4 and 5.

Good attendance is an essential component of a student's education. Therefore, it is important that a specific set of expectations be set forth to insure a clear understanding of the conditions under which a student may be absent. All absences must be verified with proper documentation. Failure to do so will result in an unexcused absence. ***Every absence from class or school will be considered unexcused until proper documentation is presented at the proper time. A student who misses more than 10% of school due to excused and unexcused absences is considered chronically absent. (e.g. school is in session for 30 days and student is absent 3 or more excused and unexcused days)***

Chronically absent students may be ineligible to move from one grade to the next. Circumstances surrounding promotion or retention will be considered by the school principal on an individual basis.*

Excused absences will be permitted under the following circumstances, and require the indicated documentation:

- DESE approved religious holidays (parental note required)
- Death in the immediate family (parental note required)
- Suspensions (noted on Absentee List) mandated by State Law.
- Documented student illness (Please refer to page 5 of this policy)
- Attendance at a school-sponsored activity
- Legal matters that involve the student: A note from a court officer or copy of the summons must be provided and filed in the office.

An excused absence due to illness requires formal medical documentation and must be presented to the school nurse **within 2 weeks following the absence**. Doctor's notes will not be accepted after 2 weeks have passed.

MAKEUP WORK

Work missed due to an absence shall be made up in a timeframe established by the classroom teacher. Pre-established deadlines (papers, projects, long-term assignments) must still be honored. It is the responsibility of the student to inform the teacher of any absence and to make up all work missed because of absence. Failure to do so may result in a failing grade due to insufficient or unsatisfactory academic performance.

LONG TERM ILLNESS (3 days or more) necessitates a homework request by the student's parent/guardian. Teachers will be notified by a guidance counselor or the vice-principal in such cases.

SPECIAL NOTATIONS

On the sixth unexcused absence from a class, a student will receive an F6 or a 64 for the term. In cases where academic performance is less than 64, the actual grade for that term will be an F, along with whatever numerical grade the student earned.

*In extraordinary cases, a student with demonstrated proficiency who is in jeopardy of failing a class or being promoted due to receiving an F6 from chronic absenteeism may appeal the decision to the principal. The principal's decision will be final.

Middle School Attendance Policy (continued)

TARDIES

Three unexcused tardies to a class will equal one unexcused absence from that class.
A tardy to school will result in a tardy or absence to a class or classes, depending on the student's arrival time.
Any school delays declared by the superintendent will not count as a tardy for students.

DISMISSALS

All requests for early dismissals must be submitted in writing and given to the principal or designee at the start of the school day or, if possible, give the school 24 hour notice. Teachers are teaching students up to the final dismissal time. While early dismissals are discouraged, it is recognized that emergencies sometimes arise. Frequent or chronic early dismissals shall result in a parent –school conference to determine whether additional action is necessary. Five early dismissals (without a doctor's note) will be considered an unexcused absence.

ABSENCE - NOTIFICATION VERIFICATION

On the day a student is absent, it is the responsibility of a parent or guardian to telephone the school office prior to 9:30 am to give a valid reason for the absence.

High School Attendance Policy

Please also refer to Attendance Information for All Levels PreK-12 on Pages 4 and 5.

Good attendance is an essential component of a student's education. Therefore, it is important that a specific set of expectations be set forth to insure a clear understanding of the conditions under which a student may be absent. All absences must be verified with proper documentation. Failure to do so will result in an unexcused absence. ***Every absence from class or school will be considered unexcused until proper documentation is presented at the proper time. A student who misses more than 10% of school due to excused and unexcused absences is considered chronically absent. (e.g. school is in session for 30 days and student is absent 3 or more excused and unexcused days)***

Excused absences will be permitted under the following circumstances, and require the indicated documentation:

- DESE approved religious holidays (parental note required)
- Death in the immediate family (parental note required)
- Suspensions (noted on Absentee List) mandated by State Law.
- Documented student illness (Please refer to page 5 of this policy)
- Attendance at a school-sponsored activity
- Legal matters that involve the student: A note from a court officer or copy of the summons must be provided and filed in the office.

An excused absence due to illness requires formal medical documentation and must be presented to the school nurse **within 2 weeks following the absence**. Doctor's notes will not be accepted after 2 weeks has passed.

MAKEUP WORK

Work missed due to absences shall be made up in a timeframe established by the classroom teacher. Pre-established deadlines (papers, projects, long-term assignments) must still be honored. It is the responsibility of the student to inform the teacher of any absences and to make up all work missed because of absence. Failure to do so may result in a failing grade due to insufficient or unsatisfactory academic performance.

LONG TERM ILLNESS (3 days or more) necessitates a homework request by the student's parent/guardian. The teacher will be notified by a guidance counselor or the vice-principal in such cases.

SPECIAL NOTATIONS

- On the sixth unexcused absence from a class, a student will receive an F6 or a 64 for the term. In cases where academic performance is less than 64, the actual grade for that term will read F, along with whatever numerical grade the student earned.
- **Seniors:** Because the fourth term is shorter for Seniors, the fourth absence from a class will result in an F4 or a 64 for that term.

*In extraordinary cases, a student with demonstrated proficiency who is in jeopardy of receiving an F6 from chronic absenteeism may appeal the decision to the principal or designee. The principal's decision will be final.

High School Attendance Policy (continued)

TARDIES

Three unexcused tardies to class will equal one unexcused absence in that class.
A tardy to school will result in a tardy or absence to a class or classes, depending on the student's arrival time.
Any school delays declared by the superintendent will not count as tardies for students.

DISMISSALS

All requests for early dismissals must be submitted in writing and given to the principal or designee at the start of the school day or, if possible, give the school 24 hour notice. Teachers are teaching students up to the final dismissal time. While early dismissals are discouraged, it is recognized that emergencies sometimes arise. Frequent or chronic early dismissals shall result in a parent –school conference to determine whether additional action is necessary. Five early dismissals (without a doctor's note) will be considered an unexcused absence.

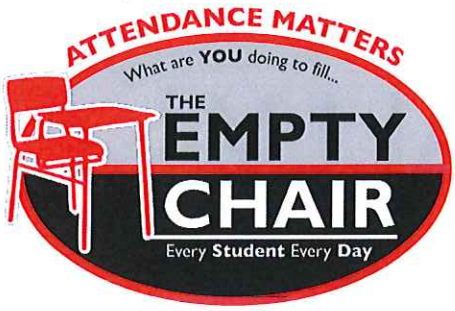
ABSENCE-NOTIFICATION VERIFICATION

On the day a student is absent, it is the responsibility of a parent or guardian to telephone the vice principal's office prior to 9:30 am to give a valid reason for the absence.

ALTERNATIVE HIGH SCHOOL

The alternative high school will adhere to this policy with the exception of the Special Notations section. In place of this, we will implement strategic interventions with students and families that address individual needs.

Attendance Policy Acknowledgment



www.FallRiverSchools.org

I have read the Fall River Public Schools' Attendance Policy and understand that my daily attendance is directly related to my learning and success. I further understand to achieve academic success I must not have excessive absences to school. I agree to communicate with my parent/guardian, teachers, counselors and staff if any issues arise that prevent me from attending school.

_____

Signature of Middle or High School Student

I have read the Fall River Public Schools' Attendance Policy and understand that my child's daily attendance is directly related to their learning and success. I further understand to achieve academic success my child must not have excessive absences to school. I agree to communicate with my child's teachers, counselors and staff if any issues arise that prevent my child from attending school.

_____

Signature of Parent/Guardian

THIS PAGE
INTENTIONALLY
LEFT BLANK

Harassment Policy: Promoting Diversity

The Fall River Public Schools does not discriminate against students, parents, employees, or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion, or age. Additionally, the Fall River Public Schools does not discriminate against the individuals on the basis of homelessness in a manner consistent with the McKinney-Vento Act.

The individuals listed below have been designated to handle the inquiries regarding the District's non-discrimination policies in education-related activities, including but not limited to inquiries related to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Act.
Thomas Coogan, Executive Director of Human Resources
Julia Carlson, Assistant Superintendent
Brad Bustin, Athletic Director

Homeless Education Policy & Procedures

The goal of the McKinney-Vento Homeless Education Assistance Act is designed to address challenges that homeless child or youth have in enrolling, attending and succeeding in school. To ensure that each homeless child youth has equal access to the same free appropriate public education to the extent practical and as required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. Homeless students will be provided district services for which they are eligible, including Head Start and comparable Pre-School programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs gifted and talented programs and school nutrition programs. The Fall River Public School's Homeless Education Policy addresses the following key components of the McKinney-Vento Act.

HOMELESS CHILDREN AND YOUTH

The term "homeless children and youth" are individuals who lack a fixed, regular, and adequate nighttime residence or have a primary nighttime in a supervised, publicly or privately operated shelter for temporary accommodation (including welfare hotels, congregate shelter, and transitional housing for the mentally ill) an institution providing temporary residence for individuals intended to be institutionalized or ordinarily used as, a regular sleeping accommodation for human beings.

THIS DEFINITION SHALL INCLUDE:

- Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Unaccompanied youth – a youth not in the physical custody of a parent or guardian;
- Migratory children living in conditions described above.

DESIGNATION OF A HOMELESS EDUCATION LIAISON

(A current list of Liaisons is available on the Department of Education (DOE) web site: www.doe.mass.edu)

The Fall River Public Schools (FRPS) will designate a staff person whose role will be in part to ensure that homeless students enroll in school and that they receive the educational and other services for which they are eligible and ensure that:

- Homeless children and youth are identified by school personnel and through coordination with other agencies;
- Parents or guardians are informed of educational and related opportunities, (i.e., providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens), access to school nutrition programs available to their children and are provided with meaningful opportunities to participate in the education of their children
- Enrollment disputes are mediated and resolved;
- Parents, guardians and unaccompanied youth are fully informed of all transportation services, including to the school of origin and are assisted in accessing needed transportation services; and
- Assistance is provided to children and youth who do not have immunizations, or medical records, to obtain necessary immunizations
- Amendments to district policies that may act as barriers to the enrollment of homeless students are reviewed and recommended.

The Fall River Public School's Homeless Education Liaison is Siobhan Ryan and can be contacted at 508-675-8421.

ENROLLMENT/SCHOOL SELECTION

The school selected shall immediately enroll homeless students even if they do not have the documents usually required for enrollment, (i.e., school records, medical records or proof of residency). The Homeless Liaison will assist families if needed in obtaining the required records.

To the extent possible:

- Homeless students will continue to be enrolled in their school of origin while they remain homeless (unless parent or guardian objects) or to attend school where they are temporarily residing;
- Students who choose to remain in their school of origin have the right to remain there until the end of the school year in which they obtain permanent housing;
- Homeless children or youth shall be permitted to enroll in any school that non-homeless students who live in the attendance area in which the child or youth is actually living are eligible to attend;
- Parents/guardians may request their child attend, if possible, any school in the Fall River School District.

In the case of unaccompanied youth, the Homeless Liaison or designee will assist in placement or enrollment decisions considering the requests of such unaccompanied youth.

TRANSPORTATION

Homeless students are entitled to transportation at the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison) to their school of origin or the school where they are enrolled.

Also, transportation will be provided:

- If the homeless student moves to an area served by another district, though continuing his education at the school of origin, the district of origin and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin and;
- If the districts cannot agree upon such method, the responsibility and costs must be shared equally
- Children who move from a homeless situation into a permanent residence during the course of a school year have the right to stay in the school they were attending while they were temporarily homeless

The FRPS will provide transportation services to homeless children and youth that are comparable to those received

by other students.

DISPUTES

If there is a school selection or enrollment dispute, the student shall immediately be enrolled in the school in which enrollment is sought, pending resolution of the dispute. Unaccompanied youth will also be enrolled pending resolution of the dispute.

The parent or guardian shall be informed of the district's decision and their appeal rights in writing. The FRPS District's Homeless Liaison will carry out dispute resolution as provided by state rule.

RESOURCES

More information regarding the McKinney-Vento Homeless Education Assistance Act can be found at:

- Department of Elementary and Secondary Education (DESE) website: www.doe.mass.edu/mv/
- National Association for the Education of Homeless Children and Youth: www.naehcy.org
- National Center for Homeless Education website: http:/ftp.serve.org/nche/

Drug/Alcohol Policy and Student Assistance Procedure

I. PHILOSOPHY

The school environment is the place in which intelligence, capabilities, and skills are developed and enhanced. Physical and psychological dependence upon chemical substance creates health problems and is counter-productive to the goals of education. Frequent use of any drug results in impaired-performance. Therefore, use, possession, or sale of illegal drugs or alcohol cannot be permitted as it undermines the education process. School policy has been developed to maintain high standards of behavior and to underscore our commitment to maintaining healthy growth and development in our students and a respect for the quality of our educational environment.

II. STUDENT ASSISTANCE PROCEDURE

The Fall River Public Schools have established Student Assistance Programs to provide education, assistance, and support for students affected by their own or others' substance-related problems.

B. All school staff members are expected to refer to the Student Assistance Procedure (SAP):

1. Any student who exhibits a definite and repeated pattern of unacceptable school performance that does not respond to usual and customary attempts to correct it:
2. Any student exhibiting signs, symptoms, or indications of an alcohol or drug-related problem;
3. Any student who's self-disclosed alcohol/drug-related behavior places them or others at risk;
4. Any student who they witness in violation of the Drug and Alcohol Policy.

C. the Student Assistance Program, on a case basis, will be convened consisting of trained school personnel to:

1. Clarify problems that are interfering with the student's education;
2. Develop a plan to address problem areas, including in-school and community resources;
3. The SAP team will involve the parent for as soon as possible with information regarding the Student Assistance Program process.
4. Describe the relevant school policies and procedures that might have an impact on student if plan in not followed;
5. Treat all information given by students or parents/guardian with complete confidentiality
6. Include a representative, from either the school department or from the family, to assist with any language barriers and provide better understanding of any specific cultural needs.

D. Students may also be referred to the Student Assistance Program through self-referral or referral by peers, parents, or community representatives.

E. Satisfactory student progress in the Student Assistance Program will be evaluated by the Team in consultation with the appropriate building administrator.

F. No records of the student's participation in the Student Assistance Program will become part of the student's permanent record or cumulative file (this will be kept as a confidential file).

III. Drug and Alcohol Policy

The possession and/or sale or use of any controlled drug, look-alike drug, drug paraphernalia, and any prescription medication, volatile substance, or alcoholic beverage on or in the vicinity of school property or at any school function, on or off school grounds, is a violation of school rules. Such a violation may result in immediate suspension of the student involved from school and all school activities for the duration of the suspension. With parent permission, and appropriate physician documentation, any student required to take a prescribed medicine during school hours should deposit such drug with the school nurse or appropriate building administrator who will administer the drug according to school district policy.

AT NO TIME SHOULD A STUDENT BE IN POSSESSION OF ANY DRUG UNLESS SUCH DRUG HAS BEEN PRESCRIBED AND PHYSCIAN'S ORDERS ARE ON FILE WITH THE SCHOOL NURSE FOR SELF-ADMINISTRATION.

The following procedures, A – G, are applicable to students in middle schools and the high school: (Elementary school should refer to H)

A. If a student voluntarily confides a drug and/or alcohol use to a staff member, the following steps will be taken on a confidential basis to develop treatment options:

1. Staff member should refer student to a member of the Student Assistance Team.
2. No disciplinary action is warranted.
3. The Student Assistance Program will make a determination if internal services and/or outside evaluation/assessment are necessary.
4. Parents will be included whenever services, evaluations, or assessments have been recommended.

B. If a student is exhibiting signs, symptoms, or behavior patterns which might indicate an ongoing alcohol or drug-related problem:

1. Staff member should contact any Student Assistance Program member to alert him/her of these concerns and fill out a referral from on the student.
2. The Student Assistance Program will gather the necessary information and determine whether an intervention is necessary.
3. Parents/Guardians will be included whenever services, evaluations, or assessments have been recommended.

C. If at any time a student is suspected of being under the influence of drugs and/or alcohol:

1. The nurse will be notified immediately to assess potential medical risk.
2. Designated administrator or appropriate Team representative will notify parents or guardian who will take student home after a brief meeting with a Student Assistance Program member.
3. Referral to the Student Assistance Program for further exploration and Parent-Student-Team meeting to discuss background information and treatment options.
4. Primary focus of intervention is medical evaluation, parent involvement, in-house team meeting and counseling
5. Disciplinary action may occur. Suspension up to five (5) days may result at the discretion of administrator.
6. It is strongly recommended that a student with repeat occurrences complete a medical/mental health evaluation prior to remittance. Failure to do so will result in referral to a disciplinary review committee.

Any treatment recommendations should be shared with the school nurse and the Student Assistance Program Team Coordinator.

D. Student found to be in presence of other student(s) using or distributing drugs or alcohol:

1. Staff member will notify designated administrator.
2. Administrator or appropriate Team representative informs parent or guardian of student's involvement.
3. Referral to Student Assistance Team for further exploration.
4. Disciplinary action may occur. Suspension up to five (5) days may result at the discretion of administrator

E. Student found to be in possession of drugs or alcohol, or drug paraphernalia:

1. Administrator or appropriate Team representative informs parent or guardian and then refers student to the Student Assistance Team.
2. Student Assistance Team will develop background information.
3. Notification of Police. Any drug found must be turned over to the police.
4. Suspension for up to five (5) days will be considered and the principal may consider more severe consequence, including, in the case of drugs, expulsion from school. M.G.L. c. 71, § 37H.
5. Student Assistance Team Intervention Meeting: Parent-Student-Team meeting during disciplinary period to discuss recommendations and need for further treatment. All policies will be explained thoroughly to the parent/guardian.

F. Student found selling or distributing drugs or alcohol:

1. Staff member will notify designated administrator.
2. Notification of police. Any drugs found must be turned over to the police.
3. Administrator or appropriate Team member informs parent or guardian of student's involvement
4. Potential suspension of ten (10) days up to expulsion M.G.L. c. 71, § 37H.

G. Repeated violations of drug and alcohol policies or continued unacceptable behavior by a student will result in the Student Assistance Team reevaluating its recommendations. The team, after its review, will make appropriate follow-up recommendations for further action.

1. Recommendations may include one or more of the following: medical evaluation, participation in prevention education program, ongoing counseling, modified school schedule, or continued discipline, depending on the severity of the case.
2. It is expected that parents or guardians will be responsible to follow through with recommended treatment plans. Failure by parents to cooperate with the school department may result in the filing of legal proceedings with the local District Court and/or Massachusetts Department of Social Services.

H. Elementary School Procedures In all cases involving substance abuse at the elementary level, these procedures will be followed:

1. The staff member will notify the school principal immediately
2. If student is suspected of being under the influence, nurse will be notified immediately to assess potential medical risk. Staff member will then notify designated administrator.
3. The principal will notify the parents/guardian of the incident and requests a Parent - School meeting.
4. The principal** will contact the Student Assistance Team or Health Office staff who will pull together a team of trained intervention staff to work with the school. A Team member should be involved in the Parent meeting.
5. In cases where a student is thought to be under the influence of a substance, the principal should follow emergency procedures, making medical evaluation the first priority.
6. In cases where a student is in possession of an illegal substance the police will be notified immediately

Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during, attendance at or participation in a school-sponsored activity, will be barred from that activity and may be subject to disciplinary action.

Smoking/Tobacco Use Policy

LEGAL REFERENCE:

Education Reform Act of 1993, Section 37H: "The use of any tobacco products within school buildings, the school facilities, or on school grounds, or on buses by any individual, including school personnel, is prohibited." The FRPS policy includes the prohibition on any nicotine-delivery devices, vaporizers and/or any item used for the purpose of using nicotine.

VIOLATION PROCEDURES

STAFF:

1. First Offense: Verbal warning by the immediate supervisor.
2. Second Offense: Written warning by the immediate supervisor/director.
3. Third Offense: Referral to the Office of the Superintendent for disposition.

STUDENTS:

1. First Offense: Up to one day suspension.
2. Second Offense: Possible one to three day suspension.
3. Repeated: Referral to the Office of the Superintendent for disposition.

VISITORS:

1. First Offense Verbal Request/Warning.
2. Second Offense Directive to leave school property.
3. Repeated Offense Referral to supervisory personnel responsible for program/area of disposition.

BULLYING INTERVENTION

I. LEADERSHIP

A. Public involvement in developing the Plan

As required by Massachusetts Common Law: c71, a committee was formed to develop this intervention plan. Members of the committee included the Director of Special Education, a principal, school adjustment counselors, a teacher, a parent and a community representative. During September, a series of Professional Development opportunities was held in Fall River to introduce the new law and Fall River's new bullying policy and procedures.

All Fall River School Department School Adjustment Counselors, Vice Principals and Psychologists were trained by the Bristol County Sheriff's Office. In addition, community members, a School Resource Office, and a School Security Officer attended these meetings and offered feedback. The plan was presented to the Fall River Special Education Parent Advisory Committee on Thursday, October 14, 2010. Anne Gilligan from Department of Elementary and Secondary Education spent an hour talking about the new law and answering questions from Fall River principals. In November, a public hearing was held to seek the input of parents and community members. Presentations about the plan have been made to the Fonseca and Doran PTOs and to the Durfee High School Student Council. In addition, this plan will be reviewed by the Superintendent's District-wide Parent Committee and the Superintendent's District-wide Teacher Committee.

B. Assessment of needs and resources

All schools were contacted to see what resources were present at each school. Kindergarten teachers have: I CAN Problem Solve and the Second Step Program. All elementary schools have partially implemented the Second Step Social Competency Program. The middle schools also have partially implemented the Second Step Program . It is clear that the Fall River Public School System needs to invest in training more staff to become trainers and needs to purchase more programs.

It is also clear that implementation procedures need to be standardized throughout the District. The District needs materials to be able to standardize the implementation.

The grade 9 high school health teachers will implement the Aggressors, Victims and Bystanders: Thinking and Acting to Prevent Violence. All 10th, 11th, and 12th grade students will be trained through the Bristol County Sheriff's Office about the law, with a particular focus on cyber- bullying. All high school staff will be trained to support the implementation of the program and learn how to recognize bullying.

A phone survey was conducted to determine which schools needed additional materials. New materials, Steps to Respect and Aggressors, Victims, and Bystanders will be delivered to the school as soon as they become available. On October 1st, print material, posters, and DVDs were delivered to buildings throughout the District. These resources from MARC, the US DOE, and Stop Bullying Now were targeted for each stakeholder group: administrators, staff, and parents.

Students will be surveyed in grades 2 through 12 to provide a baseline on the extent of the problem in the District. This will be a 10 question survey. We will use the grant to purchase scan sheets to be able to get this done.

C. Planning and oversight

The principal of each building or a designee will receive reports of bullying. Incident reports will be located in a separate binder. In order to collect and analyze accurate data on the extent of bullying within the district and to measure improved outcomes, all substantiated bullying reports must be entered into the current data collection system. It is important that accurate information is reported relative to targets and aggressors.

At the beginning of each school year, the school principal will review the bullying prevention policy, reporting procedures (including anonymous reporting), and reporting forms with all staff members.

The principal will also amend student and staff handbooks and codes of conduct as needed to meet the letter and intent of the law. The principal will also give parents a written copy of the procedure for investigating bullying and reporting forms in their native language. Students will be given a developmentally appropriate copy of the bullying policy.

Internet safety resources are to be published on the Fall River School Department Technology website at: http://www.fallriverschools.org/internetsafety.cfm. In addition, each school will send out a developmentally appropriate Acceptable Use Agreement. These agreements are sent home at the beginning of each school year and signed by the student and parent. These agreements can be found at: http://www.fallriverschools.org/technology.cfm.

Each school was sent a packet of resources to use with parents and staff. Information in the packet included: Stop Bullying Now (K-5) and bullying and cyber-bullying information from the Massachusetts Aggression Research Center (MARC). Copies will be given to parents at registration and at each school's open house. A copy will be posted in the school office. Some of the titles include:

Social Networking: A Guide for Parents
No child left online
Cyber-bullying: A Guide for Parents
When Your Child Is Being Bullied: A Guide for Parents

These titles are free to the public and are posted at: http://webhost.bridgew.edu/marc/parpub.html

A District-wide Bullying Prevention Committee will be established. This committee will be responsible for reviewing the Bullying Policy, the Bully Procedures, Reporting Forms, and Bullying Prevention and Intervention Plan. These policies and procedures will be reviewed on a yearly basis. This committee will also meet to hear parental appeals, as needed.

Principals will report end of the year bullying data to this Bullying Prevention Committee. This data should include but is not limited to: 1) the number of bullying complaints/investigations, 2) the number of substantiated bullying reports, and 3) a count of the action taken. This District- wide Committee will meet to review the data. The data will be used to determine what changes, if any, need to be made in the Bullying Prevention and Intervention Plan.

Appeal Process

Any person believing that the Fall River Public Schools or any part of the school organization has inadequately applied the bullying policy shall bring forth a complaint to the school principal and if necessary to the District-wide Bullying Prevention Committee. The complaint may be made verbally or in writing. The principal or Bullying Prevention Committee will investigate the complaint and respond to the complainant within ten (10) business days.

Within five (5) business days, any person who disagrees with the Committee's shall be entitled to appeal this decision to the Superintendent of Schools. The Superintendent shall gather all documentation from the Bullying Prevention Committee, investigate the complaint, and reply to the complainant within ten (10) business days from the date the appeal was received.

Any complainant wishing to appeal the Superintendent's decision may do so to the School Committee. The appeal must be in writing and presented to the Superintendent for transmittal to the School Committee within ten (10) days from the Superintendent's decision.

The School Committee representatives shall meet with the complainant and all other interested persons, and reply in writing to the complainant within thirty-days (30) business days of receiving the complaint.

D. Priority Statement

The Fall River Public School Department is committed to promoting a positive school climate and safe learning environment that is free from in person as well as cyber-bullying. It is expected that all members of the school community will treat each other in a civil manner with respect for differences. Bullying, cyber-bullying, and retaliation for reporting incidents of bullying, are prohibited in all Fall River Public Schools, on school grounds, and at school related functions.

All reports and complaints of bullying, cyber-bullying, and retaliation will be investigated promptly, and prompt action to end that behavior and restore the target's sense of safety will be taken. This commitment will be supported in all aspects of the school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Fall River Public School District understands that members of certain student groups, such as students with disabilities, students who are gay, lesbian, bisexual, transgender or homeless may be more vulnerable to becoming targets of bullying, harassment, or teasing. The Fall River School District will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

The Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyber-bullying. The District is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, this Plan has been established for preventing, intervening, and responding to incidents of bullying, cyber-bullying, and retaliation. The principal is responsible for the implementation and oversight of this Plan.

II. Training and Professional Development

A. Annual staff training

At the beginning of each school year, all staff members will be trained on the Bullying Prevention and Intervention Plan, Bullying Policy, and Bullying Procedures including: reporting requirements, investigation guidelines, ensuring the safety of the target and witnesses, and the required documentation.

B. Ongoing professional development

All staff training will start with the need for the creation of a positive school climate where adults and children act in a positive and respectful manner. Through after-school faculty/curriculum meetings and after-school and summer in-service workshops, the staff will be trained on a developmentally appropriate and evidence-based social competency program that promotes self-awareness, social awareness, self-management, relationship skills, and responsible decision-making. The law lists six topics that will be included in the Fall River Bully Prevention Professional Development Plan.

1. Developmentally appropriate strategies to prevent bullying
2. Developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents
3. Information about the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying
4. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment
5. Information on the incidence and nature of cyber-bullying
6. Internet safety issues as they relate to cyber-bullying

The Fall River School Department plans to send approximately twenty staff members to the Massachusetts Aggression Reduction Center Train the Trainer Program. These trained staff members will be assigned to teach all other staff, parents, community members, and volunteers. Professional Development shall include training in evidenced-based social competency programs such as:

Kindergarten – I Can Problem Solve and Second Step (provided by the Early Childhood Department)
Grades 1 and 2 – Second Step
Grades 3, 4, and 5 – Steps to Respect
Grades 6, 7, and 8 – Aggressors, Victims, and Bystanders
Grade 9 – Aggressors, Victims, and Bystanders (Health teachers)
Grade 10 – Health teachers will provide instruction and discussion about the law and the dangers of cyber-bullying on an ongoing basis.
Grades 11 and 12 – Instruction and discussion about the law and cyber-bullying will be provided on an ongoing basis.

In addition, the Fall River School Department will continue its collaboration with the Bristol County Sheriff's Office. Staff members from this agency have been able to offer free workshops for staff and students.

C. Written notice to staff about law and responsibilities

The Fall River Public School Department has revised its Anti-Bullying Policy and Procedures to ensure it complies with the law. The policy will be posted on the school system website. During each new school year, the policy will be reviewed on the first day of school with all staff members.

III. Access to Resources and Services

A. Identify resources – review programming and staffing

Please refer to page 3 – Section I. B.

B. Counseling and other services – linkages with community agencies

Every school has at least one full time School Adjustment Counselor. A nurse and an attendance officer are also available at all schools. Curriculum Accommodations Teams meet weekly to address the needs of children. Durfee has three School Adjustment Counselors.

Research indicates that having classroom teachers implement a social skills and bullying prevention program is a best practice. Using a three-tier model of intervention, the classroom teacher will implement Tier One:

whole class general instruction on the subject.
When necessary, the classroom teacher will speak to individual students or small groups of students as a Tier Two Intervention.

When a case of bullying has been confirmed, the investigator will immediately refer both the aggressor and the target to the School Adjustment Counselor. The school adjustment counselor will be the Tier Three interventionist by addressing small groups in counseling sessions with targets and by meeting with aggressors individually. The School Adjustment Counselor will hold separate social skills groups for targets and bystanders. Aggressors will be interviewed and educated about appropriate behavior separately. In addition, the counselor should make connections and provide services to students likely to be the target of bullying. The purpose will be to teach likely targets strategies to stand up to aggressors.

In the Fall River elementary schools, there are strong connections with many community agencies. Several agencies such as Family Services, CFC, Boys or Girls Club, YMCA have before school and after school programs in elementary schools. In addition, 4th grade classes participate with the "Adopt a Cop Program". With this program, off-duty police officers adopt a school and provide monthly lessons on social skills and teach students how to stand up for themselves.

The Fall River Public School District also participates in the Katie Brown Educational Program. This program is a relationship violence prevention curriculum designed for students in fifth grade through high school. The fifth through eighth grade curricula provides five sessions, and the high school program provides four sessions.

The Fall River Public School System is a member of the Fall River Shannon Community Safety Initiative. The Shannon partnership is composed of community organizations, city agencies, FRPS, and local law enforcement dedicated to addressing gang and youth violence in the city of Fall River. Utilizing a collaborative
and comprehensive approach, the group actively addresses prevention, intervention, and gang suppression strategies to attempt to address all components of gang involvement and youth violence. This collaborative works to develop and
implement strategies, programs, and policies that address the reasons why youth join gangs and commit violence. It
also promotes a more peaceful community. Current partners include Fall River Police Department, Boys & Girls Club, Youth Build, DYS, Workforce Investment Board, and Fall River Youth Services.

C. Students with disabilities Note: This section was taken from Draft Technical Assistance Advisory (SPED 2011-1: Bullying Prevention and Intervention.)

Sections 7 and 8 of the bullying prevention and intervention law have specific implications for the IEP process and for students with disabilities.

Section 7 states: Whenever the IEP Team evaluation indicates that a student's disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010.)

Section 8 states: For students identified with a disability on the autism spectrum, the IEP Team must consider and specifically address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. (M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010.)

Since disabilities can affect multiple aspects of a student's life, a student's individual evaluation must be comprehensive in order to identify areas affected by the disability and to allow for appropriate supports to ensure student success. Generally speaking, this means that well planned evaluations will already contain the information needed to address the special education requirements of the bullying prevention and intervention law. The new bullying prevention and intervention law requires the IEP Team to discuss and address students' social skill development and vulnerability to bullying, harassment, and teasing.

Characteristics of students who are vulnerable to and/or engage in bullying, harassment, or teasing

Because schools are social places and learning is a social process, appropriate social skills are necessary for successful interactions in the school environment. Students whose disabilities impede social skills development may become an aggressor, a target of, or vulnerable to bullying, harassment, and teasing. Some students may exhibit behaviors that are characteristic of both targets and aggressors. FRPS includes the provision of skill-building opportunities for students including offerings, supports, and where appropriate, Individual Behavior Plans addressing the recognition that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socio economic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental physical, developmental, or sensory disability, or by association with the person who has or is perceived to have one or more of these characteristics.

A review of the available research identifies specific characteristics common to aggressors and characteristics common to targets. Research also suggests that each aggressor or target will have two or more of the characteristics in these lists. Students who are both aggressors and targets possess characteristics from each group described below. This combination of aggressor and target may indicate the most severe challenges in social competence.

Some characteristics common to aggressors and some characteristics common to targets are:

Aggressor	Target
Impulsive	Anxious
Belligerent	Nervous
Hot-tempered	Insecure
Easily frustrated	Depressed
Lacks empathy	Lonely
Motivated by power	Sad
Loud and assertive	Fearful
Fearless	Socially withdrawn
Higher level of discipline problems and dislike of school	Poor self-image
Views violence in a positive way	Unable to read social cues correctly Difficulty making friends – no best friend

Some of these characteristics are identifiable in students with disabilities because of the nature of their disability. For example, a defining characteristic of Autism Spectrum Disorder (ASD) is a qualitative impairment of social communication and interactions. Impairments in social interaction may also be mistaken for behavior problems in students with ASD. A functional behavior assessment is a useful tool for identifying factors that reflect social skills deficiencies that are better served by providing skill development rather than strictly through a behavior modification or management plan.

Skills and proficiencies students need to respond to bullying, harassment, or teasing

The bullying prevention and intervention law requires IEP Teams to address the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing in IEPs of students with ASD, students whose disability affects positive social skills development, and students who are vulnerable to bullying, harassment, or teasing because of a disability.

The Collaborative for Academic, Social, and Emotional Learning (CASEL) has reviewed current research and identified specific skills and proficiencies needed to avoid bullying, harassment, and teasing. The skills and proficiencies that an IEP Team may wish to identify in the IEP may include but are not limited to the following core categories identified by CASEL:

- **Self-Awareness:** accurately assessing one's feelings, interests, values, and strengths/abilities, and maintaining a well-grounded sense of self-confidence.

- **Self-Management:** regulating one's emotions to handle stress, control impulses, and persevere in overcoming obstacles; setting personal and academic goals and then monitoring one's progress toward achieving them; and expressing emotions constructively.

- **Social Awareness:** taking the perspective of and empathizing with others; recognizing and appreciating individual and group similarities and differences; identifying and following societal standards of conduct; and recognizing and using family, school, and community resources.

- **Relationship Skills:** establishing and maintaining healthy and rewarding relationships based on cooperation; resisting inappropriate social pressure; preventing, managing, and resolving interpersonal conflict; and seeking help when needed.

- **Responsible Decision-making:** making decisions based on consideration of ethical standards, safety concerns, appropriate standards of conduct, respect for others, and likely consequences of various actions; applying decision-making skills to academic and social situations; and contributing to the well-being of one's school and community.

Implications for the Individualized Education Program (IEP)

Because the IEP serves as a vehicle for improving the educational experience and achievements for a student with disabilities, the IEP Team uses a variety of information sources, including evaluations, assessment information, and their discussions of the student's present level of educational performance and social acumen, to focus the direction of the IEP goals and services. An IEP for an eligible student must address the unique needs of the student as determined by the evaluation process and IEP Team discussion. The IEP Team's discussion focuses comprehensively on the student's educational needs, as well as, the student's overall involvement in the school, including participation in extracurricular and other nonacademic activities. In this process, the IEP Team considers the student's social skills and identifies behaviors that affect the student's learning, the learning of others, and the student's ability to interact with others in positive ways.

A student's social skill development is currently an area of focus in federal and state special education law. The IEP Team must gather relevant data and information related to a student's social skill development during the evaluation process. Federal regulation 34 CFR 300.304 (c)(4) requires that "the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities" [emphasis added]. Similarly, the Massachusetts regulations at 603 CMR 28.04(2)(a)(2)(ii) state that initial evaluations should include: "an assessment of the student's attention skills, participation behaviors, communication skills, memory, and social relations with group, peers, and adults" [emphasis added].

As part of an initial evaluation, IEP Teams may use the Educational Assessment document (28R/1) (available at http://www.doe.mass.edu/sped/28mr/28r1.doc) to aid in gathering relevant information related to a student's social skills and proficiencies. The IEP Team may use this information to identify characteristics indicative of aggressor or target, or a student's vulnerability for bullying, harassment, and teasing.

Because of the nature of ASD, progress in positive social skill development is a likely focus within the IEP of every student with ASD. For students whose evaluation indicates that a disability affects social skills development, or when the student's disability makes him or her vulnerable to bullying, harassment, or teasing, the IEP must include goals and objectives that address the identified skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing. Social skills instruction should be at the student's skill level and appropriate for his/her age. The goals must be attainable, measurable, and must specify the skills and proficiencies to be achieved within the IEP period. These goals are to aid the student in accessing social and emotional learning to more effectively handle challenges in his/her academic and social realms.

IEP Teams should consider ways that the age-appropriate instruction on bullying prevention that is incorporated into the school or district's curriculum may support specific goals for social and emotional learning for students with disabilities.

D. Referral protocol for referring students to outside agencies

1. Referral for Counseling Services

Any parent, teacher, or staff member may refer a child for counseling. Students themselves may seek counseling services.

Children involved in any confirmed case of bullying will be referred to the School Adjustment Counselor. The counselor will meet with the aggressor individually. The counselor will hold small groups sessions with children who are targets or likely targets of bullying.

The Fall River Public School System is fortunate to have several teachers, counselors, nurses, vice principals, and principals who are bilingual or tri-lingual. When necessary, it is a practice to shift services and providers to schools that needs counseling or other interventions by a multilingual staff member.

Bullying incidents will be investigated and leveled

1 = mild
2 = moderate
3 = severe

Based on the level, the Designee will consult with the principal to determine appropriate consequences. The school counselor will work with an aggressor individually. Moderate or severe bullying that is consistent over time may be referred to an outside agency for counseling. The targets and bystanders will also have access to the school counselor.

If safety issues continue and signs of stress and depression are indicated, referral to an outside agency should be considered. School counselors will keep a current list of outside service providers to give to parents as needed. Progressive discipline will be used as needed for moderate and severe cases.

2. Mobile Crisis Intervention

The Fall River Public School Department works with the Massachusetts Behavioral Health Partnership to assist students who are covered by Massachusetts Health. This partnership provides a short-term service that is mobile, on-site, face-to-face therapeutic response to a youth experiencing a behavioral crisis for the purpose of identifying, assessing, treating, and stabilizing the situation and reducing immediate risk of danger to the youth or others. This service is provided 24 hours a day, 7 days a week.

Admission Criteria: All of the following are necessary for admission to this level of care:

- The youth must be in a behavioral health crisis that was unable to be resolved to the caller's satisfaction by phone triage.
- Immediate intervention is needed to attempt to stabilize the youth's condition safely in situations that do not require a public safety response.
- The youth demonstrates impairment in mood, thought, and/or behavior that substantially interferes with functioning at school, home, and/or in the community.

In addition to the above, at least one of the following must be present:

- The youth demonstrates suicidal/assaultive/destructive ideas, threats, plans, or actions that represent a risk to self or others.
- The demands of the situation exceed the parents/guardian's/caregiver's strengths and capacity to maintain the youth in his/her present living environment and external supports are required.

IV. Academic and Non Academic Activities

A. Specific bullying prevention approaches: Bullying prevention curricula will be informed by current research that, among other things, emphasizes the following approaches:

- building school capacity to teach and reinforce social emotional learning and violence prevention strategies through the use of interactive teaching techniques that might use cooperative learning, scripts and role plays to develop skills;
- addressing school climate so that students are engaged in a safe, supportive school environment that is respectful of diversity and difference;
- providing developmentally and culturally appropriate instruction;
- empowering students (teaching assertiveness skills) to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- helping students understand the dynamics of bullying and cyber-bullying, including the underlying power imbalance;
- emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;

- utilizing peer mentoring where older students informally teach lessons and share learning experiences with younger students to promote healthy interactions with peers, and on- line;
- enhancing students' skills for engaging in healthy relationships and respectful communications.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. Each principal will hold an assembly to discuss this plan. It is suggested that a school-wide motivational system be set up to reward children who use appropriate social skills.

B. General teaching approaches that support bullying prevention efforts. The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of bullying intervention and prevention initiatives:

- setting clear expectations for students and establishing school and classroom routines;
- creating safe school and classroom environments for all students, including students with disabilities, lesbian, gay, bisexual, transgender, and homeless students;
- using appropriate and positive responses and reinforcement, even when students require discipline;
- developing a common vocabulary around social skills and bully prevention;
- encouraging adults to develop positive connections with students;
- modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- teaching an appreciation of differences;
- teaching perspective;
- using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- incorporating continuing evaluation and improvement;
- teaching using the internet safely; and
- supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

V. Policies and Procedures for Reporting and Responding to Bullying

- *A reporter* is defined as a person reporting an incident under this policy and not the recipient of the alleged behavior that violates the policy. A reporter may make an anonymous report.
- *A Community Member* is defined as any student, district or school employee, school committee member, independent contractor, school volunteer, parent or legal guardian of a student, or a visitor on school premises or at a school-related or school sponsored function or activity.
- *Reporting Bullying or Retaliation:*
  All members of the school community are responsible for reporting any observation of bullying or harassment, or credible information that such an act has taken place. A Fall River Public School Bullying Reporting form is available in every office. That form states: "(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.)"
- *Responding to a report of bullying or retaliation:*
  Each school building administrator will appoint one person (Designee) who will be responsible for receiving the bullying report, investigating, and applying appropriate sanctions for all complaints of bullying.

Upon receiving the report, the Designee must contact the parent/guardian of the target of the incident and the parent/guardian of the person accused of bullying. The Designee will notify both sets of parents or guardians that a complaint has been received and that an investigation is going to be conducted.
Neither the name of the target nor the name of the student alleged of bullying should be disclosed to the other student's parent. The parent/guardian will also be advised that it is necessary to prevent any further acts of bullying and/or retaliation.

The Designee must provide for the safety of the target and any witnesses to the incident while conducting the investigation. The investigation shall include prompt interviews of students, staff, witnesses, parents or guardians, and others as necessary. The Designee will also remind aggressor, target and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

The Designee will determine if the complaint is substantiated and if any remedial action is necessary. The Designee will consider the following remedial actions:

1. Teaching appropriate behavior through skills-building
2. Taking Disciplinary Action as outlined on the Bullying Investigation Form
3. Promoting Safety for the Target and Others

The parent/guardian of the target and the parent/guardian for the one alleged of bullying will be notified of the findings of the investigation. The Designee will keep all Bullying Report Forms and Investigation Forms in a Separate binder. All substantiated incidents of bullying must be reported in the Fall River School Department's Data Management System (X2).

VI. Collaboration with Families

A. Parent Education and Resources

It is essential that all appropriate family members are instructed about the dangers of bullying and cyber-bullying. Appropriate family members will be taught what bullying is and what bullying is not. To aid in this effort, all principals were sent a packet of print material on October 1, 2010. Principals were encouraged to make this material available at open houses and to have it readily available for appropriate family members having an issue with bullying. At future Kindergarten Orientations and the Open Houses of each elementary school, the parent video from the Second Step Program will be used to demonstrate appropriate social skill development.
During a specially called meeting for parents of students in grade 3 to 5, the appropriate family member's component of the Steps to Respect Program will be presented.

Each principal at the high school and middle school levels will discuss the Bullying Prevention and Intervention Plan with appropriate family members through a presentation at open house and parent conferences. Bullying, cyber-bullying, retaliation, hazing and harassment terminology and its contextual meaning will be reviewed at these mandated MIAA parent meetings.

B. Notification Requirement to parents/guardians

Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the appropriate family members of the target and the aggressor involved in the bullying incident about all Fall River Public Schools Administrative procedures for responding to it. There may be circumstances in which the principal or designee contacts appropriate family members prior to any investigation. The principal or designee will notify both sets of appropriate family members that a complaint has been received and that an investigation is going to be conducted. Neither the name of the target nor the name of the student alleged of bullying should be disclosed to the other student's parent. The appropriate family members will also be notified regarding, specific actions taken by the Fall River Public Schools to prevent any further acts of bullying and/or retaliation based on each individual bullying/retaliation circumstance. Notice will be consistent with state regulations at 603 CMR 49.00.

VII. Administrative Actions to prevent further acts of bullying

A. Support and Assist the Target:

- Develop an Individualized Safety Plan and enact it. Each Individual Safety Plan will be promptly and consistently put into place to prevent further bullying.

- A Guidance Counselor or School Adjustment Counselor will be assigned to the targeted student. The assigned Counselor will meet regularly with the target to support the target and assure that retaliation does not occur. If retaliation does occur it will be reported and dealt with immediately on a case by case basis.
- Follow up meetings between the counselor and targeted student will take place twice a week for a period of a month. The counselor will provide a biweekly progress report to the principal or administrative designee, and appropriate family members. The progress report will address the individualized safety of the student (target). An Individualized Safety Plan will continue until the following people collectively agree it is no longer needed: targeted student, appropriate family members, and the principal or administrative designee.
- School guidance counseling services that the target needs will be provided to the target as well as appropriate family members. The targeted student will be provided with strategies to deal with future incidents, empowering the student to use self-advocacy to report any further acts.
- Follow up school counseling will be provided by the guidance counselor and or School Adjustment Counselor as determined necessary for the target.
- If school counseling personnel determine more in depth support will be needed then information regarding outside counseling services will be provided to the student's appropriate family members. The School Adjustment Counselor will assist the student and family to secure further outside of school counseling.

B. *Support and Assist the Aggressor*:

- An Individualized Monitor Plan will be developed and put into place to ensure no further acts of bullying will be committed by the aggressor. Consistent, direct, and prompt action will be put into place to prevent further bullying by the aggressor towards the specifically targeted student.
- A Guidance Counselor or School Adjustment Counselor will be assigned to the aggressor. The aggressor will be counseled and educated on acceptable alternative behaviors by the assigned guidance counselor or school adjustment counselor. The aggressor and appropriate family members will be made aware of the schools anti- bullying plan and the potential for severe consequences for his/her aggressive actions by the assigned Guidance Counselor or School Adjustment Counselor. The assigned Counselor will meet regularly with the individual aggressor to assure that retaliation has not occurred. But if retaliation does occur it will be reported and dealt with immediately.
- Follow up counseling will be provided by a Guidance Counselor or School Adjustment Counselor as determined necessary for the aggressor and appropriate family members.
- Counseling services that the aggressor needs will be available to the appropriate family members. School staff and, for middle and secondary levels, the school resource officer will provide appropriate support and counseling for the aggressor as needed within the school setting.
- If needed, information regarding outside counseling services will be provided to the aggressor's appropriate family members. The School Adjustment Counselor will assist the student's family to secure additional outside counseling services.
- The Individualized Monitoring Plan will include meetings twice a week and the duration will depend upon the aggressor's future actions. All meetings will be documented and the ending of the monitoring plan will be determined by the Principal or administrative designee. The aggressor and the appropriate family members will be advised that this documentation will become part of the student's record.
- The District may make appropriate law enforcement referrals/reports (assist target in reporting to law enforcement). Criminal charges may be filed at the discretion of the School Resource Officer.

Notice to another School 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) about 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.

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. In addition, 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.
A Memorandum of Agreement between the Fall River Public School Department and the Fall River Police Department is being discussed.

B. Investigation Procedure:
Appointing School Designee: Each school building administrator will appoint one person (Designee) who will be responsible for receiving, investigating, and applying appropriate sanctions for all complaints of bullying. The school administrator must provide notification of the name and contact information of the Bullying Designee to all school administrators, teachers, paraprofessionals, custodians, cafeteria workers, office staff, bus staff, parents, and any other individual who comes in contact with a child who attends school in the Fall River Public School District.
A copy of this procedure, along with the name and contact information for the Designee, will be posted in the Main Office of every school.

Receiving Complaints of Bullying: A person, other than the Designee, who receives a report of bullying must: (1) Direct the reporter to the Designee; (2) Report all information received from the reporter directly to the Designee.

Designee Responsibilities: The Designee must complete the following steps once a report of bullying has been received: (the word target means victim)

1. Complete the Bullying Report Form. This form may be completed by the target of the bullying, a parent, guardian, the Designee, or any other individual who reports an incident of bullying.
2. The Designee must contact the parent/guardian. The Designee will gather the parent/guardian contact information for the target of the bullying, and the person accused of bullying. The Designee will call the respective parents/guardians and advise them a complaint has been received, and an investigation is going to be conducted by the Designee. Neither the name of the target, nor the name of the one alleged of bullying, should be disclosed to the other student's parent/s. If after the investigation, the Designee believes that the incident was so egregious so as to warrant a parent meeting, the parent/s may be contacted again to meet with the Designee and the Discipline Administrator for the building.
3. The Designee will investigate the alleged incidence of bullying by talking with the target of the bullying and the person alleged to have bullied. This is to be done separately, never bringing the target and the person alleged to have bullied together in the same room. The Designee will speak to the person/s who reported the incident, witnesses, and any other individuals having information about the incident. The Designee will check the – alleged conduct record to determine if the student has been disciplined for other incidences of bullying. The investigation and the Bullying Investigation Form should both be completed, within three (3) school days from the time the incident was reported.
4. The Designee will determine if the alleged incident of bullying occurred, and the appropriate sanction/s to be given.

The Designee should choose the sanction from those enumerated on the Bullying Investigation Form. If the Designee believes that the sanction should be greater than one of the enumerated sanctions, or that further steps need to be taken to assure the target's safety, the designee will speak with the Discipline Administrator for the Designee's school, and appropriate measures will be taken.

5. The parent/guardian of the target and the parent/guardian for the one alleged of bullying will be notified of the findings of the investigation.
6. The notice to the parents/guardians of the victim shall include information about the Massachusetts Department of Elementary and Secondary Education (DESE) problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system. The parents of the victim should be provided the following contact information; program resolution system, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906. Telephone number (781) 338-3700; TTY; n.e.t. relay 1-800-439-2370.
7. The Designee will keep all Bullying Report Forms and Bullying Investigation Forms in a separate binder.

VIII. Prohibition against Bullying, Cyber-bullying, Retaliation

Acts of bullying, cyber-bullying, and retaliation are prohibited:

- on school grounds, property immediately adjacent to school grounds, at a school sponsored or school related activity, function or program whether on or off school grounds, at a school bus stop, on a bus or other vehicle owned, leased or used by a school district or school
- at a location, activity, function or program that is not school related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the target, infringes on their rights at school or materially and substantially disrupts the education process or the orderly operation of a school.

Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

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

IX. Definitions

Massachusetts' Legal Bullying, Cyber-bullying and Retaliation Definitions

A. Bullying: the repeated use by one or more student(s) or by a member of school staff including, but not limited to, and educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity, or a paraprofessional, of a written, verbal or electronic expression or a physical act or gesture, or any combination thereof, directed at a target that:

i. causes physical or emotional harm to the target or damage to the target's property;
ii. places the target in reasonable fear of harm to himself or damage to his property;
iii. creates a hostile environment at school for the target;
iv. infringes on the rights of the target at school; or
v. materially and substantially disrupts the education process or the orderly operation of a school.

B. Cyber-bullying: bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

C. 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.

D. Hostile environment: 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 the student's education.

E. **Perpetrator:** a student who engages in bullying or retaliation. It is preferable to use the word **Aggressor.**

F. **School district:** the school department of a city or town, a regional school district or a county agricultural school.

G. **School grounds:** property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school sponsored activity, function, program, instruction or training.

H. **Victim:** a student against whom bullying or retaliation has been perpetrated. It is preferable to use the word **Target.**

Relationship 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 Fall River School District or individual school 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 any school within the Fall River Public School District to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

Conclusion:

One of the goals of the Fall River Public School System is to develop: "socially and emotionally competent children and youth who get along well with others. [The children will learn] how to communicate effectively. They [will be] cooperative. They [will be able to] negotiate with others to solve problems. They [will] have good refusal skills ... and know when and how to seek help. They [will] make a positive contribution to their families, school, and community ..." (Safe and Sound: An Educational Leader's Guide to Evidence-Based Social and Emotional Learning (SEL) Programs, CASEL, 2003, page 5)

"Improving the social emotional climate of schools, and the social and emotional competence of students, advances the academic mission of schools. It actually increases student's capacity for learning. Social and emotional learning has been shown to increase mastery of subject material, motivation to learn, commitment to school, and time devoted to school work. It also improves attendance, graduation rates, and prospects for constructive employment while at the same time reducing suspensions, expulsions, and grade retention. (Safe and Sound: An Education Leader's Guide to Evidence-Based Social and Emotional Learning (SEL) Programs CASEL, 2003, page 7)

Fall River Public Schools
Code of Conduct
2018 - 2019



Matthew H. Malone, Ph.D., Superintendent of Schools

May, 2017

www.fallriverschools.org

FRSC approved 5/8/17

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

Matthew H. Malone, PhD., Superintendent

May 8, 2017

Welcome to the Fall River Public Schools!

Our first and foremost goal is to ensure the safety, security and well-being of each and every one of our students. Our core values run deep in this school district, and we work very hard to model and implement a positive and caring learning environment across all our schools.

Our Code of Conduct is a model of collaboration initiated by union and management, with broad-based representation from stakeholders at every level of the school system. It is driven by our deep commitment to the well-being of our students. During the 2016-2017 School Year, a cross-functional team of educational professionals and community partners worked to refine and enhance the document contained herein.

The catalyst for this work was to ensure greater consistency, application, and enforcement of a clear set of norms and rules that drive student decorum in our schools. We feel that the improvements made in this document will better enable us to proactively and responsibly address violations of our Code of Conduct, keeping in mind the principles of restorative practices and justice.

We hope that you find this handbook to be user friendly and organized for accessibility. We encourage our educational professionals to employ alternative discipline consequences, not always using out-of-school suspension, as a first response. Remember, student discipline is about changing behaviors. Our hope for the future of our system - we use this tool as a living document, to refine it where we must — to always strive for improvements in student behavior.

Cordially,

Matthew H. Malone, Ph.D. — Superintendent of Schools

Rebecca Cusick — FREA President

Phone: 508-675-8423 • Fax: 508-675-8462 • www.fallriverschools.org

STANDARDS OF BEHAVIOR

The Fall River Public Schools is committed to ensuring that our schools are safe, secure and orderly environments in which teaching and learning take place each day. A safe and supportive school depends upon the efforts of all members of the school community—teachers, students, administrators, parents, counselors, social workers, safety personnel, related service providers, cafeteria, custodial and bus staff—to treat one another with mutual respect.

Included in this document is the Student Bill of Rights and Responsibilities that promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students as they strive to become productive citizens in a diverse society.

STANDARDS OF BEHAVIOR

All members of the school community— students, staff and parents—must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met.

The Code of Conduct provides a description of conduct that does not meet the standards of behavior expected of students in the Fall River Public Schools. It includes a range of interventions and a range of permissible
disciplinary and intervention measures which schools may use to address misbehavior. Also included is the Bill of Students Rights and Responsibilities.

The Discipline Code applies to all students.

PROMOTING POSITIVE STUDENT BEHAVIOR

CREATING SAFE, SUPPORTIVE, AND INCLUSIVE SCHOOLS

Each school is expected to promote a positive school culture and climate that provides students with a supportive environment in which to grow both socially and academically. Schools are expected to take a proactive role in nurturing students' pro-social behavior by providing them with a range of positive behavioral supports as well as meaningful opportunities for social emotional learning.

Student engagement is integral to creating a positive school culture and climate that fosters students' social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities and, at the same time, bond with caring, supportive adults can help prevent negative behaviors.

Examples can include: providing students with meaningful opportunities to share ideas and concerns and participate in school-wide initiatives; student leadership development; periodic recognition of students' achievements in a range of academic and co- curricular areas; using corrective feedback; and developing school-wide positive behavior systems. Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and support they need to thrive.

Establishing a school-wide tiered framework of behavioral supports and interventions guides the entire school community toward following the school's rules and expectations, as well as the delivery of consistent and appropriate consequences.

Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: recognizing and managing emotions; developing caring and concern for others; establishing positive relationships; making responsible decisions; and handling challenging situations constructively and ethically. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not live up to behavioral standards.

School staff members are also responsible for addressing inappropriate student behaviors which disrupt learning. Administrators, teachers, counselors and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

Intervention and prevention approaches include but are not limited to support and services to address personal and family circumstances; social/emotional learning, such as conflict

resolution/mediation/negotiation, restorative consequences, anger management, stress management, and/or communication skills acquisition; the use of alternate instructional materials and/or methods; enrichment services; and/or development or review of functional behavioral assessments and behavioral intervention plans which should be developed and/or reviewed as an early intervention strategy.

Through the use of intervention and prevention strategies that engage students and give them a clear sense of purpose, school staff members facilitate students' academic and social-emotional growth and assist them in following school rules and policies.

PARENTS* AS PARTNERS

Students, parents and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or a written communication. As role models, parents and school staff should exhibit the behaviors which they would like to see students emulate.

To ensure that parents become active and involved partners in promoting a safe and supportive school environment, they must be familiar with the Discipline Code. Educators are responsible for informing parents about their child's behavior and for nurturing the skills students need to succeed in school and in society.

Parents are encouraged to discuss with their child's teacher and/or other school staff issues that may affect student behavior and strategies that might be effective in working with the student. It is important that there is maximum consultation and communication between the school and the home.

Collaborative Problem Solving conferences attended by the principal or his/her designee, a student adjustment or guidance counselor, the student's parent(s) and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate.

Attendance

Attendance at school is vital to a student's academic progress and success. School personnel must ensure that appropriate outreach, intervention and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect.

In cases of truancy, school personnel will make every effort to meet with the student and parent in order to determine needed supports and an appropriate course of action which may include, but is not limited to: parental contracts, referral for social service support, and/or referral to after-school programs.

The school's Social Emotional Learning Team should review cases of chronic absenteeism and/or truancy and should involve attendance officers, guidance counselors, teachers, student adjustment counselors, and administrators in facilitating a resolution.

Parents who want to discuss behavioral interventions in response to student behavior should contact their child's school or teacher.

PARENT NOTIFICATION

School officials are responsible for sharing the information in this document with students, parents, and staff. In the event a student engages in infractions/disruptive behavior and the student is assigned a consequence, the principal or principal's designee must report the behavior to the student's parent. When a student is believed to have committed a crime, the police must be summoned and the parent must be contacted.

** Whenever used in this document, the term "parent" means the student's parent(s) or guardian(s) or any person(s) in a parental or custodial relationship to the student, or the student, if she/he is an emancipated minor or has reached 18 years of age.*

PROGRESSIVE DISCIPLINE

Understanding discipline as a "teachable moment" is fundamental to a positive approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline does not seek punishment. Instead, progressive discipline seeks concurrent accountability and behavioral change.

The goal is prevention of a recurrence of negative behavior by helping students learn from their mistakes. Essential to the implementation of progressive discipline is helping students who have engaged in unacceptable behavior to:

- Understand why the behavior is unacceptable and the harm it has caused
- Understand what they could have done differently in the same situation
- Take responsibility for their actions
- Be given the opportunity to learn pro-social strategies and skills to use in the future
- Understand the progression of more stringent consequences if the behavior reoccurs

Determining the Disciplinary Response

School officials must consult this document when determining which disciplinary measure to impose. In determining how to best address inappropriate conduct, it is necessary to evaluate the totality of the circumstances surrounding the conduct, The following facts should be considered prior to determining the appropriate disciplinary measures:

- The student's age and maturity;
- The student's disciplinary record (including the nature of any prior misconduct, the number of prior instances of misconduct, and the disciplinary and intervention measures applied for each);
- The nature, severity and scope of the behavior,
- The circumstances/context in which the conduct occurred;
- The frequency and duration of the behavior;
- The number of persons involved in the behavior;
- The student's IEP (Individualized Education Plan), BIP (Behavioral Intervention Plan) and 504 Accommodation Plan, if applicable.

Every reasonable effort should be made to correct student behavior through interventions and other school-based resources. Interventions are essential because inappropriate behavior or violations of the Discipline Code may be symptomatic of more serious problems that students are experiencing. It is, therefore, important that school personnel be sensitive to issues that may influence the behavior of students and respond in a mariner that is most supportive of their needs.

Appropriate disciplinary responses should emphasize prevention and effective intervention, prevent disruption to students' education, and promote the development of a positive school culture.

INFRACTION LEVELS

The FRPS Code of Conduct holds students accountable for their behavior. Infractions are grouped into a total of five levels (3 levels of Elementary School, 5 levels for Middle School, and 3 levels for High School) based on the severity of the infraction. Whenever possible and appropriate, interventions should begin with the lowest level of disciplinary response.

Progressive Infraction Levels	
Level 1	Uncooperative/Noncompliant Behavior
Level 2	Disorderly Behavior
Level 3	Disruptive Behavior
Level 4	Aggressive or Injurious/Harmful Behavior
Level 5	Seriously Dangerous or Violent Behavior

Principals, teachers, school staff, students and parents need to know the disciplinary measures that can be taken when a student misbehaves or substantially disrupts a classroom. The Code

of Conduct is divided into three sections: Section E Grades K-5, Section M Grades 6-8, and Section H Grades 9-12 to ensure that the age and general maturity of the student are considered. Some infractions may not apply to students in grades K-3.

Each level of infractions contains possible interventions as well as a minimum to a maximum range of possible disciplinary responses that may be imposed by a teacher, school level administrator, Superintendent or Superintendent's designee.

The enumerated infractions are not all-inclusive.

Students who engage in misconduct which is not listed are subject to appropriate disciplinary measures by the teacher, school level administrator or other designee of the Superintendent based on violation of school rules. To ensure that staff, students and parents are aware of all expected standards of behavior, school rules must be in writing and distributed along with the Code of Conduct. The Discipline Code provides progressive accountability measures for students who engage in repeated misbehaviors despite prior interventions and/or prior imposition of appropriate disciplinary measures.

Where and When the Discipline Code Applies

The standards set forth in the Discipline Code apply to behavior:

- To and from school,
- In school during school hours,
- Before and after school, while on school property,
- While traveling on vehicles funded by the FRPS,
- At all school-sponsored events and
- Off of school property, when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.
- When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

More severe accountability measures will be imposed on those students who engage in a pattern of persistent misconduct. Whenever possible and appropriate, prior to imposing such penalties, school officials should exhaust less severe disciplinary responses and use interventions.

In cases of vandalism, The FRPS reserves the right to seek restitution for damages to facility, equipment, or materials perpetrated by students of parents/guardians.

The infraction and the consequences contained within this handbook are not exhaustive nor are they meant to be; rather these are guidelines for addressing inappropriate conduct and suggested disciplinary consequences. A range of discipline is possible within these guidelines, and school administrators have the discretion to impose more severe consequences than contained within these guidelines depending on the individual circumstances presented. In some instances consequences may carry over from one year to the next. In serious cases involving possible criminal behaviors; FRPS referral to appropriate legal authorities will be made, separate from any school disciplinary action. Parents will be notified when such referral takes place.

*It is noted that chronic infractions of the Code of Conduct on one level, regardless of the grade stacking (elem, middle, high), may "bump" the student to the next level of violation within the Code of Conduct.

Note: *The Code of Conduct should be used in conjunction with other relevant FRPS policies and Massachusetts General Laws (MGL) and Commonwealth of Massachusetts Regulations (CMR). Included in the appendix are select MGL's and CMR's. It should be duly noted that some students, (ex. Special Education students,Ch7l b) may be provided additional protections and may supported by additional Federal Law. Additionally, we need to ensure that we follow reporting functionality consistent with CMR (ex. Physical Restraint, CMR 46.00). For all FRPS policies, please refer to* http://www.fallriverschools.org/noliciesprocedures.cfm

BEHAVIORAL INTERVENTIONS

To promote positive behavior schools provide a range of prevention and intervention strategies and support services for students during and/or after school hours throughout the school year. When a student engages in misconduct, the Discipline Code provides a non-exhaustive list of behavioral interventions that must be considered based on the type of behavior in which a student has engaged.

When used consistently and appropriately, interventions help improve student behavior, lower repeated misbehavior and contribute to a more positive school environment. Interventions are an integral part of a comprehensive response and schools are expected to provide support services at all stages of the disciplinary process, including during suspension. Support services may include any of the interventions or a combination of such services that best meet the needs of the individual students.

Types of Student Support Services	
Parent Outreach: School staff should keep parents informed of their child's behavior and enlist parents as partners in addressing areas of concern, Outreach to parents can include, but is not limited to, a phone call and/or written communication.	**Development of Individual Behavior Contract:** The student meets with teachers to create a written contract that includes objectives and the specific performance tasks that the student will accomplish to meet those objectives. The contract is signed by the student and teacher and, where appropriate, by the parent.
Collaborative Problem Solving Conference: Principals and teachers may request a conference with the student and, where appropriate, with the parent. The purpose of the conference is to review the behavior, find solutions to the problem and address academic, personal and social issues that might have caused or contributed to the behavior,	**Referral to RTI (Response to Intervention Team):** RTI Teams are school-based teams that utilize a multidisciplinary approach to encourage student success through prevention and intervention strategies and supports. A case manager is identified for each student referral so that an individualized plan can be created to help students overcome their academic and/or socio-emotional difficulties.
Individual/Group Counseling: Counseling provides students with an outlet to share issues in privacy that may be negatively impacting their attendance, behavior, and/or academic success. Students discuss and formulate goals, and learn problem solving strategies that will enable them to overcome a variety of personal challenges. Counselors will conference with parents on a regular basis to discuss the student's academic and personal progress.	**Referral to Appropriate Substance Abuse Counseling Services:** In the case where a student is presenting problems with substance abuse, including the use, possession or distribution of illegal drugs, drug paraphernalia, and/or alcohol, referrals should be made to counseling services that are either inside the school or through an outside community-based organization.

Referral to a Community Based Organization (CB0): Students may be referred to a community-based organization for a wide range of services including after-school programming, individual or group counseling, leadership development, conflict resolution and tutoring,	**Positive Youth Development (PYD) or Community Service (with Parental Consent):** Students may be provided with PYD or community service opportunities so that they can feel connected to other youth in a positive way, gain a greater appreciation of their school neighborhoods and develop skills to become positive social change agents.
Mentoring/Advisory Program: A mentoring program matches a mentor or advisor who may be a counselor, teacher, and/or leader with a protege, The object of this relationship is to help the protégé in his/her personal, academic and social development.	**Reentry Process:** Assignment of a trained school staff member to provide transition support for a student returning from a long term suspension or from a prolonged absence.
Referral to Counseling Services for Bias-Based Bullying, Intimidation or Harassment: When a student or group of students engages in bias-based bullying, intimidation or harassment of another student or group of students, both the victim and the student who engages in this behavior should be referred to separate appropriate counseling, support and education services provided by school staff or a community- based agency. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for bias-based bullying, intimidation or harassment.	**Referral to Counseling Services for Youth Relationship Abuse or Sexual Violence:** When one person uses a pattern of threatened or actual physical, sexual, and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.

RESTORATIVE APPROACHES

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well- being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the pro-social skills of those who have harmed others; and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

- What happened?
- Who was harmed or affected by the behavior?

- What needs to be done to make things right?
- How can people behave differently in the future?

TYPES OF RESTORATIVE APPROACHES

Morning Meeting/Advisory Program: These groups are effective as both a prevention and intervention strategy. They may be used as a regular practice in which a group of students (or faculty or students and faculty) participates. They can also be used in response to a particular issue that affects the school. The process enables a group to build relationships and establish understanding and trust create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom he/she disagrees to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Mediation: An impartial, third party mediator facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle that have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspective and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

Kindergarten - Grade 5

LEVEL 1

Uncooperative, non-compliant behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
E01 Failing to wear the required school uniform (grades 4 and 5 only) E02 Bringing prohibited equipment or items to school without authorization E03 Failing to be in one's assigned place on school premises E04 Behaving in a manner which disrupts the educational process E05 Engaging in verbally rude or disrespectful behavior E06 Using school computers, fax machines, telephones or other electronic equipment or devices without appropriate permission E07 Refusal to complete classwork E08 Lying to, giving false information to, and/or misleading school personnel E09 Misusing property belonging to others E10 Engaging in or causing disruptive behavior on the school bus	• Parent outreach • Intervention by counseling staff • Collaborative problem solving • Restorative approaches • Logical consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract • Short-term behavioral progress report • Referral to RTI • Community service • Referral to CBO • Functional behavioral assessment • Referral to Youth Court	• Redirection by school staff • Student/teacher conference • Reprimand by appropriate supervisor • Parent conference • In-school disciplinary action (exclusion, removal, or in-school suspension) • Out of school detention

LEVEL 2

Disorderly and disruptive behavior		
INFRACTIONS	**Interventions**	**RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS**
El 1 Smoking and/or use of electronic cigarettes or possession of matches or lighters El2 Leaving class or school premises without permission of supervising school personnel E13 Violating the Department's Internet Use Policy E14 Engaging in scholastic dishonesty which includes cheating and plagiarizing E15 Inappropriate use of electronic technology (unauthorized audio and video recording) E16 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students or school personnel, or throwing an object, or spitting at another person El 7 Tampering with, changing, or altering a record or document of a school by any method	• Parent outreach • Intervention by counseling staff • Collaborative problem solving • Restorative approaches • Logical consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract • Short-term behavioral progress report • Referral to RTI • Community service • Referral to CBO • Functional behavioral assessment • Referral to Youth Court	• Redirection by school staff • Student/teacher conference • Reprimand by appropriate supervisor • Parent conference • In-school disciplinary action (exclusion, removal, or in-school suspension) • Out of school detention • Suspension for 1-5 days

LEVEL 3

Aggressive or violent behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
E18 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process E19 Using profane, obscene, vulgar or lewd language, gestures, or behavior E20 Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability E21 Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules E22 Attempting to take, taking or knowingly possessing property belonging to another without authorization and with or without force and/or intimidating behavior	• Parent outreach • Intervention by counseling staff • Collaborative problem solving • Restorative approaches • Logical consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract • Short-term behavioral progress report • Referral to RTI • Community service • Referral to CBO • Functional behavioral assessment • Referral to Youth Court	• Redirection by school staff • Student/teacher conference • Reprimand by appropriate supervisor • Parent conference • In-school disciplinary action (exclusion, removal, or in-school suspension) • Out of school detention Suspension for 1-5 • Suspension for 6-10 days

Level 3 Infractions continued

E23 Engaging in inappropriate or unwanted physical contact or touching someone in a private part of the body E24 Engaging in gang-related behavior E25 Engaging in vandalism, graffiti, or other intentional damage to school property or property belonging to staff, students, or others E26 Posting or distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff

E27 Engaging in physically aggressive behavior other than minor altercations which creates a substantial risk of or results in minor injury in school, on the school bus, or at school-sponsored events

E28 Engaging in an act of coercion or threatening or instigating violence, injury or harm to another or others

E29 Engaging in harassing, intimidating and/or bullying behavior, including cyber bullying, as per FRPS Bullying Policy and Intervention Plan

E30 Making sexually suggestive comments, innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature *(See FRPS Sexual Harassment Policy)*

E31 Possessing, using, or distributing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol

E32 Falsely activating a fire alarm or other disaster alarm such as making a bomb threat

E33 Starting a fire

E34 Creating a substantial risk and/or causing a serious injury by recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury

E35 Inciting or causing a riot

E36 Possessing, selling, or using a weapon to threaten, attempt to inflict, or inflict injury pon school personnel, students, or others

E37 Using force against or inflicting or attempting to inflict serious injury against school personnel or safety agents

E38 Planning, instigating, or participating with another or others in an incident of group violence, including gang violence

E39 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

Grade 6 - Grade 8

LEVEL 1

Uncooperative, non-compliant behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
MO1 Unexcused absence from school **MO2** Being late for school or class **M03** Failing to wear the required school uniform and School ID. Wearing clothing, headgear (ex: caps or hats), or other items that are unsafe or disruptive to the educational process **M04** Using school computers, telephones or other electronic equipment or devices without appropriate permission	• Parent Outreach • Intervention by counseling staff • Truancy Officer	• Student/teacher conference • Immediate communication to parent by student or staff • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Intervention Conference (Possible re-entry) Parent conference • In-school disciplinary action (e.g., detention, lunch DT, • exclusion from extracurricular activities, and dress down days, exclusion, removal, or in-school suspension)

LEVEL 2

Disorderly and disruptive behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
M05 Minor illegal activity (ex: smoking tobacco, use of electronic cigarettes, gambling) Inappropriate use of electronic technology student/student (e.g., minor unauthorized audio/video recording) **M06** Using profane, obscene, vulgar, or lewd language, gestures, or behavior **M07** Lying to, giving false information to, and/or misleading school personnel (misrepresenting self/intentions) **M08** Engaging in or causing disruptive behavior on the school bus (1) *Bus company consequences/ **M09** Cutting or Leaving class without permission of supervising school personnel	• Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches/Logical Consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract/Short-term behavioral progress report • Referral to a Community Based Organization (CBO) • Referral to RTI (Response to Intervention Team) • Community service	• Student/teacher conference • Immediate communication to parent by student or staff • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Intervention Conference (Possible re-entry) • Parent conference • In-school disciplinary action (e.g., detention, lunch DT, exclusion from extracurricular activities, sports teams and dress down days, exclusion, removal, or in-school suspension) • Saturday School

LEVEL 3

Aggressive or violent behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
M10 Disruption, defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process. M11 Using profane, obscene, vulgar, or lewd language, gestures, or behavior towards school personnel. **M12** Entering or attempting to enter a school building without authorization or through an unauthorized entrance. Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules. **M13** Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability. **M14** Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students (e.g., pushing past another person), or throwing an object (e.g., chalk).	• Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches/Logical Consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior contract/Short-term behavioral progress report • Referral to a Community Based Organization (CBO) Youth Court • Referral to RTI (Response to **Intervention** Team) • Community service • Referral to the appropriate counseling services o substance abuse o sexual violence o youth relationship abuse bias-based, bullying, intimidation, or harassment • Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP)	• Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Intervention Conference (Possible re-entry) • Parent conference • In-school disciplinary action (e.g., detention, lunch DT, exclusion from extracurricular activities, sports teams and dress down days, exclusion, removal, or in-school suspension) • Saturday School • Refer to SRO • District Support Center or Suspension for 1 - 5 days • District Support Center or Suspension that results in continued suspension for a fixed period of 6-10 school days • Community Service

Level 3 Infractions continued

M15 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior toward school personnel.

M16 Engaging in gang-related behavior (e.g., wearing or displaying gang apparel and/or accessories, writing graffiti**, making gestures or signs)

M17 **Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others.

**If there is substantial damage to property requiring extensive repair, the superintendent may impose a suspension for 30-90 school days with a review for early reinstatement after 30 or 60 school day.

M18 Engaging in a pattern of persistent Level 1 & 2 behavior in the same school year, higher level disciplinary actions may be applied.

M19 Violating the Department's Internet Use Policy (e.g., use of the Department's System for non-educational purposes, security/privacy violations).

M20 Posting or distributing libelous material or literature (including posting such material on the Internet)

M21 *Engaging in scholastic dishonesty which includes but is not limited to:

A. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test; collaborating with another student during the test without authorization; knowingly using, buying, selling, stealing, transporting, or soliciting, in whole or part, the contents of an unadministered test;substituting for another student or permitting another student to substitute for one's self to take a test; bribing another person to obtain a test that is to be administered;or securing copies of the test or answers to the test in advance of the test).

B. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source).

C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit).

D. Tampering with, changing or altering a record or document of a school by any method, including, but not limited to, computer access or other electronic means.

** For particularly egregious situations(e.g., where numerous students are involved, where the behavior involves standardized tests, or where the behavior requires invalidation of a test), the Superintendent may impose a long-term suspension of 30-90 school days with a review for early reinstatement after 30 or 60 school days*

LEVEL 4

Aggressive or Injurious/Harmful Behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO
M22 Engaging in sexual conduct on school premises or at school- related functions) **M23** Making sexually suggestive comments, innuendoes,propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) **M24** Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet **M25** Engaging in physically aggressive behavior other than minor altercations as described under B14, which creates a substantial risk of or results in minor injury **M26** Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury **M27** Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyberbullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language or making derogatory jokes or name calling to humiliate or harass.	Parent outreach **Intervention** by substance abuse counseling staff Collaborative Problem Solving conference(s) Restorative Approaches/Logical Consequences Individual/group counseling Mediation Mentoring program Conflict resolution Development of individual behavior contract/Short-term behavioral progress report Referral to a Community Based Organization (CBO) Youth Court Referral to RTI (Response to Intervention Team) Community service Referral to the appropriate counseling services -sexual violence -youth relationship abuse -bias-based,bullying, or intimidation, or harassment Functional Behavioral Assess-ment (FBA)/ Intervention Plan (BIP)	Parent conference In-school disciplinary action (e.g., detention, lunch DT, **removal** from all extracurricular activities, sports teams and exclusion from dress down days or in school suspension) Saturday School • Refer to SRO District Support Center or Suspension for 1 - 5 days District Support Center or Suspension that results in continued suspension for a fixed period of 6-10 school days Community Service District Support Center or Suspension that results in extended suspension for 30 to 90 school days School based - Youth Court

M28 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyberbullying) based on an individual's actual or perceived race, weight, religion, religious practices, gender, gender identity, gender expression, sexual orientation, or disability; such behavior includes, but is not limited to:

- physical violence; stalking;
- verbal, written, or physical conduct that threatens another with harm;
- seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate;
- using derogatory language or making derogatory jokes or name calling to humiliate or harass.

M29 Creating a substantial risk or causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g. lighter, belt buckle, umbrella, or laser pointer)

M30 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol.

M31 Taking or attempting to take property belonging to another or belonging to the school without authorization,without using force or intimidating behavior.

LEVEL 5

Seriously Dangerous or Violent Behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
M32 Serious Illegal Activity • Possessing or using controlled substances or prescription medications without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol. • Falsely activating a fire alarm or other disaster alarm • Making a bomb threat • Inciting/causing a riot • **Possessing, using or selling a firearm or any weapon as defined in Category II • Engaging in an act of coercion or	Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches/Logical Consequences • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Development of individual behavior	• District Support Center or Suspension for 1 - 5 days • District Support Center or Suspension that results in continued suspension for a fixed period of 6-10 school days • District Support Center or

threatening or instigating violence, injury or harm to another or others • Starting a fire • Threatening to use or using force to take or attempt to take property belonging to another • Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents **(School will file charges against the child)** • Using extreme force against or inflicting or attempting to inflict serious injury upon students or others • Planning, instigating, or participating with another or others, in an incident of group violence • *Engaging in threatening, dangerous or violent behavior that is gang-related • Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity • Selling or distributing illegal drugs or controlled substances and/or alcohol • Using any weapon, other than a firearm, to threaten or to attempt to inflict injury upon school personnel,students, or others * For particularly egregious situations(e.g., where numerous students are involved, where the behavior involves standardized tests, or where the behavior requires invalidation of a test), the Superintendent may impose a long-term suspension of 30-90 school days with a review for early reinstatement after 30 or 60 school days ** Before requesting a suspension for	contract/Short-term behavioral progress report • Referral to a Community Based Organization (CBO) Youth Court • Referral to RTI (Response to Intervention Team) • Community service • Referral to the appropriate counseling services • substance abuse sexual violence • youth relationship abuse • bias-based, bullying, intimidation, or harassment • Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan (BIP) *Supports for Students Transitioning From Suspension* -- Re-entry meeting with parent/guardian -- Schools are expected to provide support services to students returning from suspension to maximize their ability to meet social and academic standards within the school community. -- Support services may include any of the	Suspension that results in extended suspension for 30 to 90 school days • Referral to Court

possession of a weapon or an article listed in Category II for which a purpose other than infliction of physical harm exists, e.g., a nail file, the principal must consider whether there are mitigating factors present. In addition, the principal must consider whether an imitation gun is realistic looking by considering factors such as its color,size,shape, appearance and weight.	range of guidance interventions or a combination of services as best meets the needs of the individual student	

Grade 9 - Grade 12

LEVEL 1

Uncooperative, non-compliant behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
H01 Unexcused absence from school **H02** Cutting classes (reporting to school and failing to attend one or more programmed classes) **H03** Being late for school or class **H04** Failing to be in one's assigned place on school premises **H05** Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway) **H06** Engaging in verbally rude or disrespectful behavior **H07** Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process **H08** Posting or distributing material on school premises without administrative permission **H09** Failing to wear proper identification **H11** Gambling	• Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Logical Consequences • Development of individual behavior contract • Short-term behavioral progress reports • Referral to RTI (Response to Intervention Team) • Community service (with parental consent) • Referral to a Community Based Organization (CB0) • Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan	• Student/teacher conference • Reprimand by appropriate supervisor (e.g., assistant principal, principal) • Parent conference • In-school disciplinary action (e.g., detention, exclusion from extracurricular activities,or communal lunchtime) • Removal from class

Level '1 Infractions Continued

H12 Using profane, obscene, vulgar, or lewd language, gestures, or behavior
H13 Lying to, giving false information to, and/or misleading school personnel
H14 Misusing property belonging to others
H15 Engaging in or causing disruptive behavior on the school bus
H16 Inappropriate use of electronic technology (e.g.,unauthorized audio/video recording
H17 Leaving class or school premises without permission of supervising school personnel

LEVEL 2

Disorderly and disruptive behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
H18 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that substantially disrupts the educational process,Using profane,obscene,vulgar,or lewd language,gestures, or behavior towards school personnel **H19** Entering or attempting to enter a school building without authorization or through an unauthorized entrance **H20** Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability **H21** Shoving, pushing, or engaging in a minor altercation or similar physical	• Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Logical Consequences • Development of individual behavior contract • (Response to Intervention Team) • Community service(with parental consent) • Referral to a	• Parent conference • In-school disciplinary action (e.g., detention, exclusion from extracurricular activities, or communal lunchtime) • Removal from class • Suspension for 1-5 days • Suspension That results in continued suspension for a fix ed period of 6-10 school days Range of Possible Disciplinary Responses to Be Used in Addition To Interventions *(See above)*

confrontational behavior towards students or school personnel (e.g., **H22** Bringing unauthorized persons to school or allowing unauthorized visitors to enter school in violation of written school rules **H24** Tampering with, changing or altering a record d or document of a school by any method, including, but not **H25** Engaging in vandalism, graffiti or other intentional damage to school property or property belonging to staff, students or others **H26** Violating the Department's Internet Use Policy (e.g., use of the Department's system for non-educational **H27** Engaging in scholastic dishonesty which includes but is not limited to: A. Cheating (e.g., copying from another's test paper; using material during a test which is not authorized by the person giving the test: collaboratina with or part, the contents of an unadministered test; substituting for another student or permitting another student to substitute for	Community Based Organization (CBO) substance abuse counseling services • Referral to counseling services for youth relationship abuse or sexual violence harassment • Functional Behavioral Assessment (FBA)/Behavioral *(See Above)*	*(See Above)*

one's self to take a test;bribing another person to obtain a test that is to be administered;or securing copies of the test or answers to the test in advance of the test) B. Plagiarizing (appropriating another's work and using it as one's own for credit without the required citation and attribution, e.g., copying written work from the Internet, or any other source) C. Colluding (engaging in fraudulent collaboration with another person in preparing written work for credit) **H28** Posting or distributing libelous material or literature (including posting such material on the Internet) **H29** Engaging in a pattern of persistent Level 1 behavior in the same school year (Whenever possible and appropriate, prior to imposing a Level 2 disciplinary response, school officials should have exhausted the disciplinary responses and intervention in Level I. Infractions are limited to Level 2 disciplinary responses.)		

LEVEL 3

Aggressive or violent behavior

INFRACTIONS	INTERVENTIONS	RANGE OF POSSIBLE DISCIPLINARY RESPONSES TO BE USED IN ADDITION TO INTERVENTIONS
H30 Lying to, giving false information to, and/or misleading school personnel H31 Engaging in sexual conduct on school premises or at school - related functions) H32 Making sexually suggestive comments,innuendoes, propositions or similar remarks, or engaging in nonverbal or physical conduct of a sexual nature (e.g., touching, patting, pinching, lewd or indecent public behavior, or sending or posting sexually suggestive messages or images) H33 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury or harm, or depicting violent actions against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet H34 Engaging in an act of coercion or threatening or instigating violence, injury or harm to another or others H35 Engaging in or causing disruptive behavior on the school bus which creates a substantial risk of or results in injury	• Parent outreach • Intervention by counseling staff • Collaborative Problem Solving conference(s) • Restorative Approaches • Individual/group counseling • Mediation • Mentoring program • Conflict resolution • Logical Consequences • Development of individual behavior contract • Referral to RTI (Response to Intervention Team) • Community service(with parental consent) • Referral to a Community Based Organization (CBO) • Referral to appropriate substance abuse counseling services • Referral to counseling services for youth relationship abuse or • Referral to counseling services for bias-based bullying, intimidation, or harassment	• Parent conference • In-school disciplinary action (e.g., detention, extracurricular activities, or communal lunchtime) • Removal from class • Suspension for 1-5 days results in continued suspension for a fix ed period of 6-10 school days Range of Possible Disciplinary Responses to Be Used in Addition To Interventions Functional Behavioral Assessment (FBA)/ Behavioral Intervention Plan(BIP)

Level 3 Infractions Continued

H36 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber - bullying); such behavior includes, but is not limited to: physical violence; stalking; verbal, written, m or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do m something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using m derogatory language or making derogatory jokes or name calling to humiliate or harass.

H37 Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber - bullying) based on an individual's actual or perceived race, weight, religion, religious practices, gender, gender identity, gender expression, sexual orientation, or disability; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, or physical conduct that threatens another with harm; seeking to coerce or compel a student or staff member to do something; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory language n or making derogatory jokes or name calling to humiliate or harass.

H38 Possessing controlled substances or prescription medications without appropriate authorization, illegal drugs, synthetic hallucinogens, drug paraphernalia, and/or alcohol

H39 Falsely activating a fire alarm or other disaster alarm

H40 Making a bomb threat

H41 Taking or attempting to take property belonging to another or belonging to the school without authorization, without using force or intimidating behavior.

H42 Creating a substantial risk of serious injury by either recklessly engaging in behavior, and/or using an object that appears capable no causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)

H43 Causing a serious injury by either recklessly engaging in behavior, and/or using an object that appears capable of causing physical injury (e.g., lighter, belt buckle, umbrella, or laser pointer)

H44 Inciting/causing a riot

H45 **Possessing or selling any weapon as defined in Category II

H46 Using controlled substances or prescription medication without appropriate authorization, or using illegal drugs, synthetic hallucinogens, and/or alcohol

H47 Starting a fire

H48 Threatening to use or using force to take or attempt

to take property belonging to another

H49 Using force against, or inflicting or attempting to inflict serious injury against school personnel or school safety agents

HSO Using extreme force against or inflicting or attempting to inflict serious injury upon students or others

H51 Planning instigating, or participating with another or others, in an incident of group violence

H52 Engaging in threatening, dangerous or violent behavior that is gang-related

H53 Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

H54 Selling or distributing illegal drugs or controlled substances and/or alcohol

H55 Using any weapon, other than a firearm , to threaten or to attempt to inflict injury upon school personnel, students, or others

H56 Possessing or using a firearm

***Note:** In serious cases involving possible criminal behaviors; FRPS referral to appropriate legal authorities will be made, separate from any school disciplinary action. Parents will be notified when such referral takes place.

Supports for Students Transitioning From Suspension

Schools are expected to provide support services to students returning from suspension to maximize their ability to meet social and academic standards within the school community. Support services may include any of the range of guidance interventions or a combination of services as best meets the needs of the individual student. This includes "distance learning" or other online learning programs.

Alternative Education Options: FRPS will place students in alternative schools such as Resiliency Preparatory Academy or other placement options currently under development, if said placement is in the best interest of the student and/or the school system to ensure a safe, orderly school environment conducive to learning and individual student learning/competency progress towards a high school diploma. This could also include home tutoring or distance learning among other options.

*In addition to the Code of Conduct, each school also has school-based rules specific to each school in their student handbooks. The Code of Conduct is subordinate to state law (MGL) and FRPS follows MGL in all disciplinary processes.

Appendix

Education Laws and Regulations

Chapter 71 Section 37H: Policies relative to conduct of teachers or students; student handbooks

Section 37H. The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 370 and shall include the student-related sections of the bullying prevention and intervention plan required by said section 370. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 370. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

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

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

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

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

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

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

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

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models

that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

Chapter 71 Section 37H1/2: Felony complaint or conviction of student; suspension; expulsion; right to appeal

Section 37H1/2. Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon

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

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

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

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the

student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

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

Chapter 71 Section 37H314: Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H112

Section 37H3/4. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

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

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to

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

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

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

Chapter 222, MGL

AN ACT RELATIVE TO STUDENT ACCESS TO EDUCATIONAL SERVICES AND EXCLUSION FROM SCHOOL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 37H of chapter 71 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (e) and inserting in place thereof the following 3 subsections:-

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

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

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

SECTION 2. Section 37H% of said chapter 71, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:-

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

educational services to the student under an education service plan, under section 21 of chapter 76.

SECTION 3. Said chapter 71 is hereby further amended by inserting after section 37H% the following section:-

Section 37H1/4. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H%.

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

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

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

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent.

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

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

SECTION 4. Section 1 of chapter 76 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 2 to 13, inclusive, the words ", except a child between fourteen and sixteen who meets the requirements for the completion of the sixth grade of the public school as established by said board and who holds a permit for employment in private domestic service or service on a farm, under section eighty-six of chapter one hundred and forty-nine, and is regularly employed thereunder for at least six hours per day, or a child between fourteen and sixteen who meets said requirements and has the written permission of the superintendent of schools of the town where he resides to engage in non-wage-earning employment at home, or a child over fourteen who holds a permit for employment in a cooperating employment, as provided in said section eighty-six,".

SECTION 5. Said section 1 of said chapter 76, as so appearing, is hereby further amended by striking out, in line 14, the words "said town" and inserting in place thereof the following words: the town the student resides.

SECTION 6. Said section 1 of said chapter 76, as so appearing, is hereby further amended by striking out the fourth paragraph.

SECTION 7. Said chapter 76 is hereby further amended by inserting after section 1A the following section:-

Section 1B. The school committee of each city, town or regional school district shall have a pupil absence notification program in each of its schools. The program shall be designed to ensure that each school notifies a parent or guardian of the child's absence if the school has not received notification of the absence from the parent or guardian within 3 days of the absence.

Each school committee shall have a policy of notifying the parent or guardian of a student who has at least 5 days in which the student has missed 2 or more periods unexcused in a school year or who has missed 5 or more school days unexcused in a school year. The notification policy shall require that the school principal or headmaster, or a designee, make a reasonable effort to meet with the parent or guardian of a student who has 5 or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or headmaster, or a designee, the student and the student's parent or guardian and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.

SECTION 8. Section 18 of said chapter 76, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 3 paragraphs:-

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

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

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

SECTION 9. Said chapter 76 is hereby further amended by inserting after section 20 the following section:-

Section 21. Principals and headmasters shall ensure that students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, shall have an opportunity

to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed. Principals shall develop a school-wide education service plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school. Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. In developing the education service plan, principals may seek the cooperation or input of relevant health and human service, housing and nonprofit agencies education collaboratives, and other service providers. Any school or school district that expels a student or suspends a student for more than 10 consecutive school days shall provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district shall facilitate and verify enrollment in the service. Students exempt from attending school under section 1 of chapter 76 shall not be subject to this section.

Instructional costs associated with providing alternative educational services under this section shall be eligible for reimbursement under section 5A of chapter 71B, subject to appropriation. The reimbursements shall be in addition to amounts distributed under chapter 70 and shall not be included in the calculation of base aid, as defined in section 2 of said chapter 70, for any subsequent fiscal year. Instructional costs eligible for reimbursement shall include only those costs directly attributable to providing alternative educational services under this section, such as salary of educational personnel, salary of related services personnel, costs for specialized books, materials or equipment, tuition costs, if the student is receiving services from other than the local public school, consultant costs if directly attributable to the student's instructional program and instructional costs of extended day or year services if such services are a part of the education service plan. Such costs shall be prorated as appropriate to reflect group activities or costs for part-time services. Instructional costs shall not include transportation costs, administrative or overhead costs, the costs of adapting classrooms or materials that are used by more than 1 student, the costs of fringe benefits of personnel employed by the school district, nor the costs associated with the development of the education service plan or service coordination for the student. Instructional costs associated with an education service plan shall be reported to and approved by the department and shall be reimbursed according to the formula and procedures in said section 5A of said chapter 71B.

SECTION 10. The department of elementary and secondary education shall submit an annual report to the chairs of the joint committee on education on the cost of providing reimbursement for instructional costs associated with providing alternative educational services under section 21 of chapter 76 of the General Laws that would not otherwise be reimbursed under section 5A of chapter 71B of the General Laws.

SECTION 11. The department of elementary and secondary education shall issue a report on the costs of implementation of this act not later than November 30, 2013. The department of elementary and secondary education shall file a report with the clerks of the senate and house of representatives, who shall forward the report to the chairs of the joint committee on education and the senate and house committees on ways and means.

SECTION 12. Sections 1 to 10, inclusive, shall take effect on July 1, 2014.

Chapter 71 Section 370: School bullying prohibited; bullying prevention and intervention plans; reporting of bullying incident date

Section 370. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meaning:-

"Approved private day or residential school", a school that accepts, through agreement with a school committee, a child requiring special education pursuant to section 10 of chapter 71B. "Bullying", the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying. "Charter school", commonwealth charter schools and Horace Mann charter schools established pursuant to section 89 of chapter 71.

"Cyber-bullying", bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio,

electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Collaborative school", a school operated by an educational collaborative established pursuant to section 4E of chapter 40."Department", the department of elementary and secondary education. "Hostile environment", 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 the student's education. "Plan", a bullying prevention and intervention plan established pursuant to subsection (d). "Perpetrator", a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying or retaliation. "School district", the school department of a city or town, a regional school district or a county agricultural school. "School grounds", property on which a school building or facility is located or property that is owned, leased or used by a school district, charter school, non-public school, approved private day or residential school, or collaborative school for a school-sponsored activity, function, program, instruction or training. "Victim", a student against whom bullying or retaliation has been perpetrated.

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

(c) Each school district, charter school, approved private day or residential school and collaborative school shall provide age-appropriate instruction on bullying prevention in each grade that is incorporated into the curriculum of the school district or school. The curriculum shall be evidence-based.

(d)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall develop, adhere to and update a plan to address bullying prevention and intervention in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. The plan shall apply to students and members of a school staff, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extracurricular activity and paraprofessionals. The consultation shall include, but not be limited to, notice and a public comment period; provided, however, that a non-public school shall only be required to give

notice to and provide a comment period for families that have a child attending the school. The plan shall be updated at least biennially.

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

(3) Each plan shall recognize that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The plan shall include the specific steps that each school district, charter school, non-public school, approved private day or residential school and collaborative school shall take to support vulnerable students and to provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment. A school district, charter school, non-public school, approved private day or residential school or collaborative school may establish separate discrimination or harassment policies that include additional categories of students. Nothing in this section shall alter the obligations of a school district, charter school, non-public school, approved private day or residential school or collaborative school to remediate any

discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law.

(4) The plan for a school district, charter school, approved private day or residential school and collaborative school shall include a provision for ongoing professional development to build the skills of all staff members, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities and paraprofessionals, to prevent, identify and respond to bullying. The content of such professional development shall include, but not be limited to: (i) developmentally appropriate strategies to prevent bullying incidents; (ii) developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents; (iii) information regarding the complex interaction and power differential that can take place between and among a perpetrator, victim and witnesses to the bullying; (iv) research findings on bullying, including information about students who have been shown to be particularly at risk for bullying in the school environment; (v) information on the incidence and nature of cyber-bullying; and (vi) internet safety issues as they relate to cyber-bullying. The department shall identify and offer information on alternative methods for fulfilling the professional development requirements of this section, at least 1 of these alternative methods shall be available at no cost to school districts, charter schools, approved private day or residential schools and collaborative schools.

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

(6) The department shall promulgate rules and regulations on the requirements related to a principal's duties under clause (viii) of the second paragraph of this subsection; provided, however, that school districts, charter schools, approved private day or residential schools and collaborative schools shall be subject to the regulations. A non-public school shall develop procedures for immediate notification by the principal or person who holds a comparable role to the local law enforcement agency when criminal charges may be pursued against the perpetrator.

(e)(1) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to students and parents or guardians, in age-appropriate terms and in the languages which are most prevalent among the students, parents or guardians, annual written notice of the relevant student-related sections of the plan.

(2) Each school district, charter school, non-public school, approved private day or residential school and collaborative school shall provide to all school staff annual written notice of the plan. The faculty and staff at each school shall be trained annually on the plan applicable to the school. Relevant sections of the plan relating to the duties of faculty and staff shall be included in a school district or school employee handbook.

(3) The plan shall be posted on the website of each school district, charter school, non-public school, approved private day or residential school and collaborative school.

(f) Each school principal or the person who holds a comparable position shall be responsible for the implementation and oversight of the plan at his school.

(g) A member of a school staff, including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, shall immediately report any instance of bullying or retaliation the staff member has witnessed or become aware of to the principal or to the school official identified in the plan as responsible for receiving such reports or both. Upon receipt of such a report, the school principal or a designee shall promptly conduct an investigation. If the school principal or a designee determines that bullying or retaliation has occurred, the school principal or designee shall (i) notify the local law enforcement agency if the school principal or designee believes that criminal charges may be pursued against a perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents or guardians of a perpetrator; (iv) notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation; and (v) inform the parents or guardians of the victim about the department's problem resolution system and the process for seeking assistance or filing a claim through the problem resolution system.

(h) If an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action. If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement consistent with the provisions of clause (viii) of the second paragraph of subsection (d).

(i) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.

(j) The department, after consultation with the department of public health, the department of mental health, the attorney general, the Massachusetts District Attorneys Association and experts on bullying shall: (i) publish a model plan for school districts and schools to consider when creating their plans; and (ii) compile a list of bullying prevention and intervention resources, evidence-based curricula, best practices and academic-based research that shall be made available to schools. The model plan shall be consistent with the behavioral health and public schools framework developed by the department in accordance with section 19 of chapter 321 of the acts of 2008. The resources may include, but shall not be limited to, print, audio, video or digital media; subscription based online services; and on-site or technology-enabled professional development and training sessions. The department shall biennially update the model plan and the list of the resources, curricula, best practices and research and shall post them on its website.

(k) Each school district, charter school, approved private day or residential school and collaborative school shall annually report bullying incident data to the department. The data

shall include, but not be limited to: (i) the number of reported allegations of bullying or retaliation; (ii) the number and nature of substantiated incidents of bullying or retaliation; (iii) the number of students disciplined for engaging in bullying or retaliation; and (iv) any other information required by the department. Said incident data shall be reported in the form and manner established by the department, in consultation with the attorney general; provided, that the department shall minimize the costs and resources needed to comply with said reporting requirements; and provided further, that the department may use existing data collection and reporting mechanisms to collect the information from school districts. The department shall analyze the bullying incident data and shall publish an annual report containing aggregate statewide information on the frequency and nature of bullying in schools. The department shall file the annual report with the attorney general and with the clerks of the senate and the house of representatives who shall forward the same to the chairs of the joint committee on education, the joint committee on the judiciary and the house and senate committees on ways and means. (I) The department shall develop a student survey to assess school climate and the prevalence, nature and severity of bullying in schools. The survey shall be administered by each school district, charter school, approved private day or residential school and collaborative school at least once every 4 years. The survey shall be designed to protect student privacy and allow for anonymous participation by students.

The school official identified in the plan as responsible for receiving reports of bullying or retaliation shall verify the completion of the student surveys. All completed surveys shall be forwarded to the department. The department shall use the survey results to help assess the effectiveness of bullying prevention curricula and instruction developed and administered under subsection (c). The department shall collect and analyze the student survey data in order to: compare the survey results with the bullying incident data reported under subsection (k); identify long-term trends and areas of improvement; and monitor bullying prevention efforts in schools over time. The department shall make its findings available to the school official.

(m) Each school district, charter school, approved private day or residential school or collaborative school may adopt an anti-bullying seal to represent the district or school's commitment to bullying prevention and intervention.

(n) The department may investigate certain alleged incidents of bullying. If, upon completion of investigation by the department, a school district, charter school, approved private day or residential school or collaborative school is found to not have properly implemented its prevention plan as outlined in subsection (d), the department may require that school district, charter school, approved private day or residential school or collaborative school to properly implement the plan or take other actions to address the findings of the investigation.

Special Education Students Discipline:

All students are expected to meet the requirements for behavior as set forth in this Code of Conduct. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act ("IDEA") and related regulations as well as state special education law, require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that substantially limits a major life activity, as defined under § 504 of the Rehabilitation Act are generally also entitled to increased procedural protections. The protections are as follows:

(1) Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "disciplinary change of placement", building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team will meet to determine whether the conduct for which the student is subject to discipline was caused by or directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or 504 Plan ("Manifestation Determination"). During days of disciplinary exclusions exceeding ten (10) school days, students on IEPs have the right to receive the services which will allow them to participate in the general education curriculum and to progress toward meeting the goals set out in the child's IEP. Under Section 504, student do not have the right to services during the period of exclusion, except for the services available to all students in accordance with M.G.L. c., 76, §21.

(2) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student's IEP Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan and, where appropriate, conduct a functional behavioral assessment.

(3) If building administrators, the parent(s)/guardian(s) and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary change in placement was a manifestation of the student's disability, the student will not be subjected to further disciplinary removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent(s)/guardian(s) consent to, a new placement or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The student's Team shall

also review, and modify as appropriate, any existing behavior intervention plan or arrange for a functional behavioral assessment.

(4) If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

For a copy of the Massachusetts Department of Elementary and Secondary Education brochure on Special Education Parents' Rights available in many languages visit http://www.doe.mass.edu/sped/prb/

BILL OF STUDENT RIGHTS AND RESPONSIBILITIES, K-12

The Fall River Public Schools seeks to cultivate a sense of mutual respect among students, parents and staff. City schools also aim to involve students in activities and programs, within and outside the school community, that stress a commitment to civic responsibility and community service. With the cooperation of members of our school communities, students can reach educational excellence. This document serves as a guide for students as they strive to become productive citizens in a diverse society.

STUDENT RESPONSIBILITIES

All students are expected to adhere to the following responsibilities. Violation of some of these responsibilities may lead, in accordance with the Discipline Code, to disciplinary measures. Students have a responsibility to:

1. Attend school regularly and punctually and make every effort to achieve in all areas of their education;
2. Be prepared for class with appropriate materials and properly maintain school learning resources;
3. Follow school regulations regarding entering and leaving the classroom and school building;
4. Help maintain a school environment free of weapons, illegal drugs, controlled substances and alcohol;
5. Behave in a manner that contributes to a safe learning environment and which does not violate other students' right to learn;
6. Share information with school officials regarding matters which may endanger the health and welfare of members of the school community;
7. Respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others;
8. Show respect for school property and respect the property of others, both private and public;
9. Be polite, courteous and respectful toward others regardless of actual or perceived age, race, creed, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status and political beliefs, and refrain from making slurs based on these criteria;
10. Behave in a polite, truthful and cooperative manner toward students and school staff;
11. Promote good human relations and build bridges of understanding among the members of the school community;
12. Use non-confrontational methods to resolve conflicts;
13. Participate and vote in student government elections;
14. Provide positive leadership by making student government a meaningful forum to encourage maximum involvement;
15. Work with school staff in developing broad extracurricular programs in order to represent the range of physical, social and cultural interests and needs of students;
16. Observe ethical codes of responsible journalism;
17. Refrain from obscene and defamatory communication in speech, writing and other modes of expression, including electronic expression, in their interactions with the school community;
18. Express themselves in speech, writing and other modes of expression, including electronic expression in a manner which promotes cooperation and does not interfere with the educational process;
19. Assemble in a peaceful manner and respect the decision of students who do not wish to participate;
20. Bring to school only those personal possessions which are safe and do not interfere with the learning environment;
21. Adhere to the guidelines established for dress and activities in the school gymnasium, physical education classes, laboratories and shops;
22. Be familiar with the school Discipline Code and abide by school rules and regulations;
23. Provide leadership to encourage fellow students to follow established school policies and practices; and
24. Keep parents informed of school-related matters, including progress in school, social and educational events, and ensure that parents receive communications that are provided by school staff to students.

THE RIGHT TO A FREE PUBLC SCHOOL EDUCATION

While public schools serve many age groups whose rights may differ according to their levels of maturity, the right to a free public school education is a basic "student right" guaranteed to all children. Students have a right to:

1. Attend school and receive a free public school education from kindergarten to age 22 or receipt of a high school diploma, whichever comes first, as provided by law; students who have been determined to be English Language Learners are entitled to bilingual education or English as a second language program as provided by law; students with disabilities who have been determined to be in need of special education are entitled to a free appropriate public education from age 3 until age 22, as provided by law;
2. Be in a safe and supportive learning environment, free from discrimination, harassment, bullying, and bigotry, and to file a complaint if they feel that they are subject to this behavior
3. Strive to create an environment of courtesy and respect from others regardless of actual or perceived age, race, color, gender, gender identity, gender expression, religion, national origin, citizenship/immigration status, sexual orientation, physical and/or emotional condition, disability, marital status;
4. Receive a written copy of the school's policies and procedures, including the Code of Conduct and the FRPS Bill of Student Rights and Responsibilities, early in the school year or upon admission to the school during the school year;
5. Be informed about required health, cognitive and language screening examinations;
6. Be informed about courses and programs that are available in the school and the opportunity to have input in the selection of elective courses;
7. Know the grading criteria for each subject area and/or course offered by the school and to receive grades for school work completed based on established criteria;
8. Be informed of educational progress and receive periodic evaluations both informally and through formal progress reports;
9. Confidentiality in the handling of student records maintained by the school system;
10. Request or by parental request to have their contact information withheld from institutions of higher learning and/or military recruiters.

ACCEPTABLE USE POLICIES

EXECUTIVE SUMMARY

In response to the growing use of the Internet in our classrooms, the Fall River Public Schools have implemented Acceptable Use Policies (AUPs) to ensure that school computers are being used in a safe and appropriate manner. This policy includes ALL users, students, staff and the community.

At each school throughout the District, an Acceptable Use Policy acts as a written agreement between administrators, teachers, students and parents. It outlines the terms and conditions for Internet use by defining access privileges, rules of online behavior, and the consequences for violating those rules.

Users are responsible for good behavior on school computers just as students are responsible for good behavior in class or school hallways. Communications on the network are often public in nature. General school rules for behavior and communication apply.

The network is provided for staff and students and other users to conduct research or school business and communicate with others. Access to the network services is given to staff, students, and others who agree to act in a considerate, legal and responsible manner. Access is a privilege – not a right.

Although the district will make every effort to promote the proper and safe use of the Internet, individual users are responsible for their behavior and communications over the network. The district has installed a firewall (filter) on the network to restrict access to areas on the Internet that are illegal or inappropriate for students in the school setting.
Although these precautions have been taken, accessing inappropriate material remains a possibility and parents and guardians, as well as staff members, are responsible for setting and conveying standards to our students.

It is presumed that all users will comply with the Fall River Public Schools Network Access Policy and will honor the following rules:

RSPONSIBLE USERS MAY:

- Do school business and send appropriate district reports to municipal, state, and federal agencies.
- Use the Internet to research educational topics and assigned classroom projects.
- Use the E-mail to communicate and send messages related to District or school business
- Use the network to do other school business and/or classroom work.

RSPONSIBLE USERS MAY NOT:

- Use the Internet for any illegal purposes.
- Engage in "cyber-bullying' or use impolite or abusive language.
- Violate the rules of common sense or etiquette.
- Change computer files that do not belong to the user.
- Send or receive copyrighted materials without permission.
- Share a restricted password with anyone.
- Change or tamper with network configurations.
- Place unapproved hardware or software on the network including LAN/WAN or wireless devices

During school, teachers will guide students toward appropriate materials. Network administrator's may review staff and student files and communication to maintain system integrity and insure that users are using the system responsibly. Note these services and resources are not the same as a private home Internet and e-mail accounts and therefore all actions including information stored, accessed, viewed, written, or actions performed are logged, and accessible by the Administration. These actions are also legally discoverable and could be subpoenaed by a court of law.

Therefore, the Fall River Public Schools has the right to monitor, quarantine, backup, move, archive and/or delete, and access all electronic files, local or remote, on systems managed by the Fall River Public Schools. Students should have no expectation of privacy. All actions including, but not limited to, information stored, accessed, viewed or written are logged and accessible by the Administration. FRPS students should have no expectation or guarantee of privacy when using the school's IT resources whether their use takes place during or outside school hours.

In accordance with law, the Fall River Public Schools filter Internet content to prevent access to pornography and material that is otherwise inappropriate for minors. However, it is recognized that this and any filter alone is no guarantee that users will not be able to access Internet resources, which are profane, offensive, obscene, or otherwise objectionable. Students should report accidental or inappropriate sites to a teacher or administrator for blocking. Internet usage is logged and monitored for use consistent with educational mission of the FRPS.

FALL RIVER PUBLIC SCHOOLS INTERNET AND NETWORK ACCEPTABLE USE AGREEMENT

1.0 PURPOSE

1.1 The Fall River Public Schools provide employees and students with access to the Fall River Public Schools Data Network (hereinafter referred to as The Network), which also serves as our gateway to the Internet.

1.2 The Network has been developed for educational purposes. It is intended to assist in preparing students for a successful life in the 21st century. The Network provides access to a wide range of information resources and the ability to communicate with people throughout the world. The term "educational purposes" includes use of The Network for curriculum activities, and professional or career development activities related to education.

1.3 Additionally, The Network will be used to enhance productivity through increased communication within the District and assist its employees in upgrading their skills through greater exchange of information with their peers. The Network will also assist the District in communicating with parents, social service agencies, government agencies, and businesses.

1.4 The Network may not be used for personal commercial purposes, such as, but not limited to, offering, providing, or purchasing goods and/or services for personal use.

2.0 DISTRICT RESPONSIBILITIES

2.1 The Network Manager will oversee access to The Network and will establish processes for establishing the following: individual and class accounts; authorization for installation of all software and hardware; quotas for disk usage on the system; retention and archival schedules; District virus protection process; review of filtering issues, and other necessary activities.

2.2 The principal/supervisor or designee will serve as the site-based coordinator for The Network. The site based coordinator in partnership with the Network Manager and the Director of Technology Integration and Management will approve building-level activities. Together they will ensure employees receive proper training in the use of the network and the requirements of this policy. In addition they will establish a system to ensure that students using The Network receive adequate supervision and network orientation. The building principal/supervisor will post the network policy in appropriate locations, and be responsible for interpreting and enforcing the District Internet/Network Acceptable Use Agreement at the school/building level.

2.3 When using the Internet for class activities, teachers will select material appropriate to the students and relevant to their course objectives. In order to determine the appropriateness of the material contained on, or accessed through web sites, teachers will preview required materials prior to student use. Teachers will provide guidelines and resource lists to assist their students in developing the necessary skills to ascertain the reliability of information. Teachers will also assist their students with skills such as distinguishing fact from opinion, and engaging in discussions about controversial issues, and demonstrating tolerance and respect for those who may hold divergent views.

2.4 The Fall River Public Schools will maintain a web presence and will continue to develop dynamic web pages that will present information about the District and our community.

2.5 With the approval of the Chief Information Officer, the Principal and the Director of Technology Integration and Management, schools and classes may establish web pages on the District web site that present information about the school and/or individual class activities.

2.6 The Fall River Public Schools will continue to use its firewall (filters) and/or contracted sources to block access to inappropriate sites in accordance with the Children's Internet Protection Act (CIPA).

3.0 ACCESS TO THE SYSTEM

3.1 The Internet/Network Acceptable Use Agreement will govern all utilization of The Network. Student use of the system will also be governed by applicable sections of the Administrators Handbook, Staff Notices, and relevant student handbooks.

3.2 All District employees and students will have access to the World Wide Web through the District's networked computers. Parents/Guardians may specifically request that their children not be provided such access by indicating so on a letter to the principal of the school in which the student is enrolled. Upon receipt of such letter, the Fall River Public Schools will make its best effort to restrict all Internet access. However, there can be no guarantee that such a student can be restricted at all times.

3.3 E-mail access will be provided to all staff as necessary.

3.4 A guest, such as a visiting teacher or consultant, may receive an individual account at the discretion of the Chief Information Officer if there is a specific, District-related purpose requiring such access. Use of the system by a guest must be specifically limited to this district-related purpose.

4.0 PARENTS/GUARDIAN NOTIFICATIONS AND RESPONSIBILITY

4.1 The District will publish and make available to all parents/guardians The Network policies governing its use on its web site www.falliverschools.org In addition; prinipals and teachers WILL require staff, students, parents and guardians to sign Internet/Network Acceptable Use Agreements before allowing network access.

4.2 The Fall River Public Schools Acceptable Use Agreement contains restrictions on the access of inappropriate material. There is a wide range of material available on the Internet, some of which may not be in concert with the particular values of the families of students. It is not practically possible for the Fall River Public Schools to monitor and enforce a wide range of social values in student use of the Internet. Further, the District recognizes that parents/guardians bear primary responsibility for transmitting their particular set of family values to their children. The district will encourage parents/guardians to specify to their children what material is and is not acceptable for their children to access through The Network.

4.3 Fall River Public Schools will provide students and parents with guidelines for the student's personal safety while using the Internet. The Fall River Public Schools will utilize the resources of NetSmartz (http://www.netsmartz.org/) and I-Safe (http://www.isafe.org/) as vital components of the technology curriculum at all grade levels.

5.0 DISTRICT LIMITATION OF LIABILITY

5.1 The Fall River Public Schools makes no warranties of any kind, either expressed or implied, that the functions or the services provided by or through its data network will be error-free or without defect. The district will not be responsible for any damages users may suffer, including but not limited to, loss of data or interruptions of service, or personal physical, psychological, or monetary damages.
The district is not responsible for the accuracy or quality of the information obtained through or stored on the system. The district will not be responsible for unauthorized financial obligations arising through the use of the system.

6.0 DUE PROCESS

6.1 Fall River Public Schools will cooperate fully with local, county, state, and federal officials in any investigation concerning or relating to any illegal activities conducted through the Network.

6.2 Violations of the Internet/Network Acceptable Use Agreement will carry serious consequences and may result in the immediate suspension of the user's privileges. Further disciplinary action may be taken by the Administration of the Fall River Public Schools and/or City, County, State or Federal authorities. Disciplinary actions will be tailored to meet specific concerns related to the violation. These disciplinary actions may include termination, suspension, or expulsion.

6.3 The Chief Information Officer, the Network Manager or the Director of Technology Integration Management, may terminate the account privileges of a user by providing notice to the user. Guest accounts not active for more than 30 days may be removed, along with the user's files, without notice to the user.

7.0 SEARCH AND SEIZURE

7.1 The Network is the property of the school department and its storage systems are therefore subject to inspection by the administration at any time. System users have a limited privacy expectation in the contents of their personal files on The Network.

7.2 Routine maintenance and monitoring of the system may lead to discovery that the user has violated or is violating the District Internet/Network Acceptable Use Agreement, the law or the disciplinary code. The nature of the investigation will be in the context of the nature of the alleged violation.

7.3 An individual search will be conducted if there is suspicion that a user has violated the District Internet/Net- work Acceptable Use Agreement, or the law. The nature of the investigation will be in the context of the nature of the alleged violation.

8.0 INTERNET ACCEPTABLE USE AGREEMENT

8.1 Existing copyright law will govern the use of material accessed through The Network. Because the extent of copyright protection of certain works found on the Internet is unclear, users will make a standard practice of requesting permission from the holder of the work and respect copyright law.

8.2 All users shall assume full liability, legal, financial, or otherwise, for their use for The Network.

8.3 Access to the Internet provided by The Network is provided for classroom activities, professional and career development in line with the educational goals of the district.

8.4 The Internet connection is not to be used for any non-educational purposes including, but not limited to, commercial solicitations.

8.5 The user of The Network Internet connection becomes an extension of the Fall River Public Schools and is expected to abide by the rules of conduct set forth by the District. Students should reference the Student Hand-book where applicable. Inappropriate behavior will not be allowed.

8.6 The user will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language or images.

8.7 The user will not engage in any form of "cyber-bullying". This includes, but is not limited to, e-mail, text messages, cell phone calls, or web site postings.

8.8 The user will not engage in personal attacks, including prejudicial or discriminating attacks.

8.9 The user will not post information that could cause damage or disruption to the Network.

8.10 The user will not install unauthorized hardware, software, wireless routers, or download unauthorized software from any remote location.

8.11 Users will not attempt to go beyond their authorized access, make deliberate attempts to disrupt system performance, destroy data (by spreading computer viruses or by any other means), or engage in other illegal activities.

8.12 The user will not disseminate passwords, codes, access telephone numbers, or account numbers to unauthorized persons.

8.13 The user will not use The Network to access material that is profane or obscene (e.g., pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (e.g., hate literature).

Search and Seizure

The Fall River Public Schools recognize that School Administrators are under an obligation to insure that reasonable safety, discipline and good order be maintained by and for all students at all times. It also recognizes, however, that students have certain constitutional rights. It is to balance the sometimes conflicting need of school officials to insure order and safety on the one hand, and the need to insure applicable constitutional rights of students on the other hand that this policy is written.

Search of Student Lockers and Desks

1. Lockers and desks are the property of the Fall River Public Schools. The Fall River Public Schools maintain control of all locks affixed to lockers. No other locks are permitted and such locks will be removed by the school administration.
2. Students shall not have any expectation of privacy in school lockers and desks and should be aware that school lockers and desks may be searched at any time by school officials.
3. It is prohibited to store any illegal items/substances or items/substances in violation of any school rule or Federal, State or Local law in a locker or desk.
4. Items/substances prohibited from being in lockers include but are not limited to: guns/knives/weapons (real or fake), drugs or alcohol, fireworks/explosives, fire/smoke/odor producing products, and any other evidence of a school rule or legal violation.
5. Students should be aware that, at the discretion of a school administrator, a student's locker or desk may be searched at any time and prohibited items/substances will be seized.

Search of Students and Their Belongings

1. Search of a student will only be performed, and seizure of a student's belongings will only take place, if there exists reasonable suspicion that the student has violated or is violating either the law or the rules of the school. The search will be conducted in a manner reasonably related to its objectives and will not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. Whenever a personal search is deemed necessary, the student shall be advised of the reason for the impending search prior to its implementation. Search of a student may extend to articles of clothing such as pockets; and to the removal and search of outer garments such as hats/caps/headgear, jackets, coats, sweaters, sweatshirts, or shoes; and to items such as pocketbooks, lunch bags, book bags, athletic bags, or backpacks.
2. Search of a student or his/her belongings shall be conducted, when possible, with at least two adult school personnel present, one of whom shall be the Principal or his/her designee. A female staff member shall be present when a female student is searched, and a male staff member shall be present when a male student is searched.
3. Search of a student's belongings or of a student's automobile parked on school property will only be performed, and seizure of a student's belongings will only take place, if there exists reasonable suspicion that the student has violated or is violating either the law or the rules of the school. The search will be conducted in a manner reasonably related to its objectives and will not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. When reasonably possible, search of a student's belongings not in the immediate possession of the student or of a student's automobile parked on school property will be in the presence of the student(s) whose conduct is under scrutiny and in the presence of a second school official.
4. "Strip searches" of students come with it a heightened degree of expectation of privacy and require a heightened degree concern for school and student safety, therefore, no school administrator or teacher shall ever conduct a "strip search" of a student without the prior authorization of the superintendent of schools.
5. Should a student refuse to voluntarily comply with a request for a search, the student must be detained until parents, and, if necessary, police, can arrive at school to assist, as appropriate, in the investigation.
6. Should a search uncover any substances or contraband, such shall be turned over to the appropriate

authorities or rightful owner, as appropriate, and suitable disciplinary action shall be taken.

7. Search of a student or his/her belongings in accordance with the above policy may take place at school or at any school sponsored event on or off school property or during the transportation to such event.

RESTRAINT POLICIES AND PROCEDURES

RESTRAINT

The Fall River Public Schools recognizes that on occasion physical restraint is required to protect the safety of school community members from assault or serious, imminent physical harm. Physical restraint may be used only as an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed in appropriate under the circumstances. Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort. Physical restraint shall not be used: (a) as a means of discipline or punishment; (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting; (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or (d) as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior.
Physical restraint is an emergency procedure of last resort. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

Prevention of Physical Restraint Policy

I. OVERVIEW

The Fall River Public Schools ("the District") seeks to ensure that every student is free from the use of physical restraint that is inconsistent with the requirements of 603 C.M.R. 46.00. Physical restraint is an emergency measure of last resort. It may be administered only when necessary to protect a student and/or school community member from assault or imminent, serious physical harm. When, based on this standard, physical restraint is necessary, staff will strive to prevent or minimize any harm to the student as a result of the use of physical restraint. The District will annually review its Restraint Prevention and Behavior Support Policy and Procedures, provide it to all District staff, and make it available to parents of enrolled students.

II. DEFINITIONS

Mechanical Restraint: the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed.

Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication Restraint: the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical Escort: a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Physical Restraint: direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Principal: instructional leader of a public school education program or his or her designee.

Prone Restraint: a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

Seclusion: involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined below.

Time-Out: a behavioral support strategy, developed pursuant to 603 CMR 46.04(1), in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed. DESE's *Technical Assistance Advisory SPED 2016-1*, issued on July 31, 2015, provides the following additional definitions pertaining to time-out:

Inclusionary time-out: when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

Exclusionary time-out: the separation of the student from the rest of the class either through complete visual separation or from actual physical separation.

III. PROHIBITIONS

Chemical restraint, mechanical restraint and seclusion are prohibited in all public school education programs.

IV. SPECIFIC RIGHTS

Neither 603 C.M.R. 46.00 nor this policy prohibits: (1) any teacher, employee or agent of the District from using reasonable force to protect students, others or themselves from imminent, serious, physical harm; (2) any individual from reporting to appropriate authorities a crime committed by a student or other individual; (3) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or person alleged to have committed a crime or posing a security risk; or (4) an individual from reporting neglect or abuse to the appropriate state agency, pursuant to M.G.L. c. 119 § 51A.

V. DESE TECHNICAL ASSISTANCE ON USE OF TIME-OUT

DESE's *Technical Assistance Advisory SPED 2016-1*, issued on July 31, 2015, explains the differences between "Inclusionary time-out" and "exclusionary time-out" as follows:

"Inclusionary time-out": when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom.

The use of "inclusionary time-out" functions well as a behavior support strategy while allowing the student to remain fully aware of the learning activities of the classroom.

"Inclusionary time-out" includes practices used by teachers as part of their classroom behavior support tools, such as "planned ignoring," asking students to put their heads down, or placing a student in a different location within the

classroom. These strategies, used to reduce external stimuli in the student's environment while keeping the student physically present and involved in learning, have proven to be useful tools for classroom management.

If the student is not "separated from the learning activity" or the classroom, the student will be in "inclusionary time-out" and the requirements that accompany the use of "exclusionary time-out," listed below, do not apply.
A student is not "separated from the learning activity" if the student is physically present in the classroom and remains fully aware of the learning activities.

"Inclusionary time-out" does not include walled off "time-out" rooms located within the classroom; use of those is considered to be "exclusionary time-out."

"Exclusionary time-out": the separation of the student from the rest of the class either through complete visual separation or from actual physical separation.

The following requirements apply to the use of "exclusionary time-out":

- "Exclusionary time-out" may be used only for the purpose of calming;
- During "exclusionary time-out," the student must be continuously observed by a staff member;
- The staff member will either be with the student or immediately available to the student at all times;
- The space used for "exclusionary time-out" must be clean, safe, sanitary and appropriate for calming;
- Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time-out setting;
- If it is not safe for the staff member to be present with the student, the student may be left in the time- out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed;
- Students must never be locked in a room;
- For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student;
- An "exclusionary time-out" must be terminated as soon as the student has calmed; and
- An "exclusionary time-out" may not extend beyond thirty (30) minutes without the approval of the Principal. A Principal may grant an extension beyond thirty (30) minutes based only on the individual student's continuing agitation.

VI. REQUIREMENTS FOR USE OF PHYSICAL RESTRAINT

Legal Standard for Use

Physical restraint is considered an emergency procedure of last resort. This means that it may be used only when the student's behavior poses a threat of assault or imminent, serious, physical harm to self and/or others; *and* the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

Physical restraint may never be used for punishment. Physical restraint may not be used as a response to a student's property damage, disruption of school order, refusal to comply with rules/directions, or verbal threats, unless the above harm standard is also met.

Brief physical contact to promote safety is not considered a restraint. DESE's *Question and Answer Guide to Implementation of 603 CMR 46.00, The Regulations for the Prevention of Physical Restraint and Requirements if Used,* issued on July 31, 2015, states that "brief physical contact to promote safety refers to measures taken by school personnel consisting of physical contact with a student for a short period of time solely to prevent imminent harm to a

student, for example, physically redirecting a student about to wander on to a busy road, grabbing a student who is about to fall, or breaking up a fight between students."

Physical restraint may not be used as a standard response for any student. No IEP or written behavioral plan may include physical restraint as a standard response to any behavior.

Safety

To ensure student safety, staff will review and consider a student's medical and psychological limitations, known or suspected trauma history, and/or behavior intervention plans. Physical restraint will not be used when it is medically contraindicated for reasons including, but not limited to, communication-related disorders, asthma, seizures, cardiac condition, obesity, bronchitis, or risk of vomiting.

During a physical restraint, staff will continuously monitor the student's physical status, including skin temperature, color and respiration, and make certain that the student is able to breathe and to speak. Staff will use the safest physical restraint method available and appropriate for the situation, and will use only the amount of force necessary to protect the student or others from physical injury or harm. Whenever possible, another adult who is not a participant in the restraint will witness the administration of the restraint.

Duration

A physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student demonstrates or expresses significant physical distress (e.g., difficulty breathing, sustained or prolonged crying, sustained or prolonged coughing). If a student demonstrates or expresses significant physical distress, staff will release the restraint and seek medical assistance immediately. For any student to be restrained for more than twenty (20) minutes, staff must obtain the Principal's approval. This approval must be based on the student's continued agitation justifying the need for continued restraint.

Follow-up

Follow-up procedures will be implemented after the release of the student from physical restraint. These will include reviewing the incident with the student to address the precipitating behavior, reviewing the incident with staff who administered the restraint to discuss whether proper restraint procedures were followed, and considering whether any follow-up is appropriate for students who witnessed the incident.

Prone and Floor Restraints

Prone restraints are prohibited, except on an individual basis and when all of the following conditions, which require specific documentation, are met: (1) the student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff; (2) all other forms of physical restraint have failed to ensure the safety of the student and/or others; (3) there are no medical contraindications, as documented by a licensed physician; (4) there is psychological or behavioral justification for the use of prone restraint and no psychological or behavioral contraindications, as documented by a licensed mental health professional;
(5) the program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and the use of prone restraint is approved in writing by the Principal; and (6) the program has documented all of the above before using prone restraint and maintains the documentation. The only staff authorized to administer a prone restraint are staff who have received in-depth restraint training in accordance with 603 C.M.R. 46.04(3).

Floor restraints are prohibited unless the staff administering the restraint has received in-depth training in accordance with 603 C.M.R. 46.04(3), and these trained staff members determine that such method of restraint is required to provide safety for the student or others.

VII. REPORTING PHYSICAL RESTRAINT USE

All physical restraints, regardless of duration, will be reported.

Reporting within School and to Parents

The reporting process within the school and to the student's parents is as follows: The staff will immediately verbally inform the Principal, and the Principal will make reasonable efforts to verbally inform the student's parents

within 24 hours of the restraint. The staff will file a detailed written report no later than the next school day, and the Principal will e-mail or mail the written report to the parents within three (3) school days of the restraint. There are no individual waivers permitted for these reporting requirements.

Report Contents

The report will include: names and job titles of those involved, including observers; date and time the restraint began and ended; the name of the administrator who was verbally informed; the name of the Principal or designee who approved extending the restraint beyond twenty (20) minutes, when such approval was obtained; what was happening before the restraint; the efforts staff used to prevent escalation of the student's behavior, including the specific de-escalation strategies that the staff used; the alternatives to restraint that staff attempted; the justification for initiating the restraint; a description of the holds used and why they were necessary; a description of the student's behavior and reaction during the restraint, and any medical care given; information regarding any
further actions the school has taken or may take; and information regarding opportunities for the student's parents to discuss the restraint with the school.

Reporting to the Department of Elementary and Secondary Education

The reporting process to the Department of Elementary and Secondary Education (DESE) is as follows: The District will report to DESE all restraints that result in injury to either a student or a staff member within three (3) working days of the restraint. Additionally, the District will provide DESE with an annual report of its physical restraint use.

VIII. ADMINISTRATIVE REVIEWS OF PHYSICAL RESTRAINT USE

Two types of administrative reviews will be conducted in regards to the use of physical restraint. The Principal will conduct a Weekly Individual Student Review and a Monthly School-Wide Review.

Weekly Individual Student Review

A Weekly Individual Student Review will be conducted in regards to any student who has been restrained multiple times during the week. The Principal will convene a review team to assess the progress and needs of any such student, with the goal of reducing or eliminating future restraint. This team will review and discuss the written restraint reports, analyze the factors that led to the restraint, consider the factors that may have contributed to the escalation of the student's behavior, and develop a written action plan.

Monthly School-Wide Review

A Monthly School-Wide Review will also be conducted by the Principal. In this review, the Principal will consider patterns of restraints, number of restraints, duration of restraints and any injuries caused by restraints. The Principal will assess whether the restraint prevention and management policy needs to be modified and/or whether there is a need for additional staff training on restraint reduction and restraint prevention strategies.

IX. TRAINING REQUIREMENTS

General Training

The Principal will ensure that all staff receives training on the District's Restraint Prevention and Behavior Support Policy and Procedures and the requirements for the use of restraint. This training will comply with the requirements of 603 C.M.R. 46.04(2).

In-Depth Training

The Principal will identify and authorize certain staff to serve as a school-wide resource to assist in ensuring the proper administration of physical restraint. These identified staff will participate in an in-depth training that complies with the requirements of 603 C.M.R. 46.04(3) and 603 C.M.R. 46.04(4).

X. SPECIFIC PROCEDURES

The District has developed and implemented specific procedures regarding appropriate responses to student behavior that may require immediate intervention.

Methods to prevent student violence, self-injurious behavior, and suicide (individual crisis planning, de-escalation techniques)

Alternatives to physical restraint (verbal prompting, physical escort, time-out, de-escalation techniques)

Description of physical restraints used in emergency situations

Restraint complaint procedure (how it is filed, how it is investigated)

Methods to engage parents in discussions about restraint prevention and the use of restraint solely as an emergency measure

Legal Authority:
603 C.M.R. § 46.00
DESE Technical Assistance Advisory SPED 2016-1, July 31, 2015

Effective 1/1/16

EQUAL EDUCATIONAL OPPORTUNITIES

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. The Fall River Public Schools ("District") does not discriminate against students, parents, employees, or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion, or age. Additionally, the Fall River Public Schools does not discriminate against the individuals on the basis of homelessness in a manner consistent with the McKinney-Vento Act.

The individuals listed below have been designated to handle the inquiries regarding the District's non-discrimination policies in education-related activities, including but not limited to inquiries related to Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Age Act and M.G.L. c. 76, Section 5.

Thomas Coogan, Executive Director of Human Resources
Julia Carlson, Chief Academic Officer/Assistant Superintendent
Brad Bustin, Athletic Director

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 and programs.

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. All implementing provisions issued by the Board of Education in compliance with applicable laws will be followed.

DISCRIMINATION AND HARASSMENT/ GRIEVANCE PROCEDURES

The Fall River Public Schools is committed to maintaining a school environment free of discrimination and harassment based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability. Harassment or discrimination by administrators, teachers, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events is unlawful and is strictly prohibited. The Fall River Public Schools requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

Definitions

For the purposes of this procedure:

A. **Complaint:** is defined as an allegation that a student or employee has been discriminated against or harassed on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, disability, or religion.

B. **Discrimination:** means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school.

C. **Harassment:** means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion that is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which rises to the level of a hostile environment.

D. **Sexual Harassment:** means unwelcome, sexually offensive or gender-based conduct which is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Additionally, under M.G.L. c. 151C, § 1, the term "sexual harassment" may also include, but is not limited to, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:— (i) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (ii) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

When determining whether an environment is hostile, the school district examines the context, nature, frequency, and location of the sexual or gender-based incidents, as well as the identity, number and relationships of the persons involved. The school district must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the alleged victim, and under similar circumstances.

Retaliation Prohibited

Harassment and discrimination in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the Fall River Public Schools.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration and/or School Committee, subject to applicable procedural requirements.

How to make a complaint

A. Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal or designee. If the school principal receives the report, he or she will notify the Civil Rights Coordinator of the Complaint. Students or employees who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal.

B. District staff is expected to report allegations of discrimination or harassment of students and fellow employees. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students or employees which have allegedly occurred on school grounds, at school related events, or actions which occurred outside of school but possibly create a hostile environment for a student or employee while he/she is at school.

C. Students and employees will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

D. Students and employees are encouraged to utilize the District's Complaint Procedure. However, students and employees are hereby notified that they also have the right to report complaints to: The United States Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, Massachusetts 02110-1491, Telephone: (617) 289-0111, Fax: 617-289-0150, TDD: 877-521-2172; or to Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906, Telephone: 781-338-3700, TTY: N.E.T. Relay: 1-800-439-2370, FAX: 781-338-3710.

Complaint Handling and Investigation

A. The school principal or designee shall promptly inform the relevant Civil Rights Coordinator and the person(s) who is the subject of the Complaint that a Complaint has been received.

B. After notifying the appropriate Civil Rights Coordinator, the school principal or designee may pursue an informal resolution of the Complaint with the agreement of the parties involved.

Informal resolution is optional, and the Complainant may elect to proceed according to the formal resolution procedureat any time prior to the completion of the informal resolution.

C. Under the formal resolution procedure, the Complaint will be investigated by the school principal or other individual designated by the school principal or Civil Rights Coordinator. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority.

Any Complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the Complaint.

1. The Complainant shall have the opportunity to present witnesses and other relevant evidence to the investigator.
2. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
3. The privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.
4. The investigator will keep a written record of the investigation process.
5. The investigator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.
6. The investigation will be completed within fifteen (15) school days of the date of receipt of the Complaint.
7. The notification of the outcome to the complainant and the subject of the complaint shall be completed within ten (10) school days after the investigation is completed.
8. The investigator may extend the investigation period beyond fifteen (15) school days because of extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If the investigator extends the investigation, he or she will notify the Complainant of the extension.
9. If a complaint or report of discrimination or harassment is received after June 1 of a given school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant of the extension and make reasonable efforts to interview the witnesses during the summer vacation period.
10. Nothing in this procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the fifteen (15) school days described above.

D. If the investigator determines that discrimination or harassment has occurred, he/she shall take steps to eliminate the discriminatory or harassing environment, which may include but is not limited to:

1. Determining what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any;
2. Determining what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and
3. Informing the Complainant and the person(s) who was the subject of the Complaint of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines, unless the investigation is extended under the provision described above.

E. If the Complainant or the student's parents/legal guardians are dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendars days after receiving notice of the outcome of the investigation. Such appeals must be made in writing to the Superintendent, Fall River Public Schools, 417 Rock Street, Fall River, Massachusetts 02720, Telephone: (508) 675-8420.

Civil Rights Coordinators:

For complaints alleging discrimination or harassment on the basis of disability:

Thomas Coogan, Executive Director of Human Resources
Julia Carlson, Assistant Superintendent/Chief Academic Officer
Brad Bustin, Athletic Director

For complaints alleging discrimination on the basis of sex, sexual orientation, gender-identity, race, color, national origin, religion or age:

Thomas Coogan, Executive Director of Human Resources
Julia Carlson, Assistant Superintendent/Chief Academic Officer
Brad Bustin, Athletic Director

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5.

Grievance Procedures for Alleged Discrimination (Including Sexual Harassment) Grievance Procedures for Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendment Act of 1972; Title II of the Americans With Disability Act of 1990; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; M.G.L. c. 76, Sec. 5.

PROCEDURES FOR DEALING WITH SEXUAL HARASSMENT (STUDENT-TO-STUDENT):

1. Each school will designate one or more persons to be the mediator(s) for all such complaints. The identities of these individuals should be disseminated to all students. These mediators will be principals, vice principals, counselors or others who have received training in this area.
2. All students' complaints regarding sexual harassment should be referred to an appropriate mediator who will then inform the building principal before proceeding. The student making such a complaint has the option of including any other person in addition to the mediator at his/her discretion.

INFORMAL RESOLUTION: On the first complaint the mediator will assist the victim in communicating to the harasser, in writing or verbally, a description of the harassing behaviors, how the behavior made, the victim feel, noting any consequences to school performance, and a request to stop the harassment. The mediator will be present when such communication is made and should record the date, time and substance of said communication for later reference. If the victim chooses, the communication to the harasser may be made by the mediator alone. Care should be taken not to place the total onus for this communication on the victim. In either instance the mediator must inform the alleged harasser of the disciplinary consequences should the harassment not cease or if any retaliation follows the communication.

NOTE: When sexual harassment is more than verbal, involving serious sexual behavior, an informal resolution is not desirable. In such cases, after consultation with the principal, a referral should be made for a formal investigation.

4. FORMAL INVESTIGATION: According to prior experience, in most cases an informal resolution will resolve harassment. However, when the victim brings a second complaint, a more formal investigation will be made by the principal or his/her designee (vice-principal) to determine if disciplinary action is now warranted. This investigation, in which witnesses and additional evidence is gathered, should be conducted while maintaining confidentiality and without violating the due process rights of the accused.

5. If the principal or designee finds sufficient cause, the harasser may be suspended from school as outlined in the School Discipline Code. The appropriate suspension forms should be completed and forwarded to the student/parent, with a copy to the Student Services office. In addition, a separate file of all records related to the resolution of a sexual harassment dispute should be kept in the principal's office.

NOTE: If at any time during this process a mediator or school official is made aware of behavior which may constitute a criminal offense, he/she is obliged by law to report such actions to the legal authorities as described in the discipline code.
In addition, any behaviors observed by any school official which detract from the good order of the school or inhibit the educational process may lead directly to disciplinary action as already outlined in the discipline code.

INFORMAL RESOLUTION:
In cases where alleged harassment is of a verbal nature and clearly not suggestive or criminal activity or sexual abuse, the principal or his/her designee will call in the alleged harasser, communicate the complaint, and seek an informal resolution. The date, time, and substance of this meeting will be recorded.

Procedures for Dealing with Sexual Harassment (Adult-to-Student, Adult-to-Adult, Student-to-Adult)
All complaints of sexual harassment involving adults must be reported to the building principal (or in locations where there is not a principal, the immediate supervisor). For the location of individual school buildings, and the work telephone numbers of individual principals and/or supervisors, persons making a complaint may contact the Office of the Superintendent of Schools, 417 Rock Street, Fall River, MA - telephone number: 675-8420.

INFORMAL RESOLUTION:
1. In cases where alleged harassment is of a verbal nature and clearly not suggestive or criminal activity or sexual abuse, the principal or his/her designee will call in the alleged harasser, communicate the complaint, and seek an informal resolution. The date, time, and substance of this meeting will be recorded.

2. When an informal resolution does not resolve the complaint, the principal will notify the superintendent of schools who will make a decision regarding additional action to be taken.

FORMAL ACTION:
1. When a sexual harassment complaint suggests a criminal offense or sexual abuse, a report must be filed with the appropriate legal authorities for an independent investigation. In cases involving adult to student sexual behavior, the principal must file a 51A with the Department of Social Services.

2. After such a report has been filed, the principal will immediately notify the superintendent of schools who will make a decision regarding any interim action while the independent investigation is taking place.

3. Upon completion of the independent investigation, the superintendent will take any additional action deemed necessary based upon the ultimate findings of such investigation. Such action could include (but not be limited to) an oral or written reprimand, a suspension, or in severe cases, termination.

MANDATORY REPORTING:
According to the Massachusetts General Law: Chapter 119-Section 51 A, school department employees are mandated to report all cases of physical or sexual abuse of any child under the age of eighteen to the Department of Social Services should an investigation reveal reasonable cause to so do.

NOTE: The following district and state agencies may also provide assistance in matters pertaining to sexual harassment. Phone numbers are included for your convenience:

Thomas Coogan
Executive Director of Human Resources
417 Rock Street, Fall River, MA 02720
508-675-8420

Commonwealth of Massachusetts
Commission Against Discrimination
1 Ashburton Place
Boston, Mass. (617) 727-3990

Dress Code (For Schools without Spirit wear)

INTRODUCTION

Fall River School Department recognizes that, within certain limits, each student's mode of dress and grooming is a manifestation of personal style and individual preference. It therefore will not interfere with the ability of students and their parents to make decision regarding their appearance except when their choices affect the educational program within the schools or the health and safety of others. For students, school is the time when they acquire skills that will eventually lead to their becoming productive citizens. As such, school is the first "job". It is important that students come to school dressed comfortably so as to be able to fully participate in all lessons and activities. It is equally important that students dress in a respectful fashion and come to school ready to learn. Proper attire can influence behavior in a positive way and set the tone for order and positive school experience. Conservative attire helps students focus on learning because their attention is not drawn away from the work at hand. Clothing should be sturdy and comfortable and be able to accommodate group work and other cooperative learning activities which require the use of many different areas in the classroom.

DRESS CODE

ANY MANNER OF DRESS THAT PRESENTS A HEALTH OR SAFETY HAZARD TO A STUDENT OR OTHERS, IS POTENTIALLY DAMAGING TO SCHOOL PROPERTY, OR DISRUPTIVE TO THE EDUCATIONAL PROCESS IS PROHIBITED.

Students in violation of the above will receive the following sequential consequences:

1. Principal/Student/Parent will attempt an informal resolution to the situation
2. Student may, at the principal's/vice principal's discretion, be sent home to change into more appropriate clothing (with parent notification).
3. A parent conference may be called to discuss the issue.
4. If the problem persists, appropriate disciplinary action will be taken as indicated in the Discipline Code.

The following guideline may be useful in helping parents to determine school attire which may be disruptive to the educational process. Students who wear any of the following may be disruptive to the school environment, and therefore may be found in violation of this dress code:

1. Outdoor clothing during the usual course of the school day except when coming or going out of the building.
2. Clothing which advertises or alludes to drugs, alcohol or tobacco products.
3. Clothing depicting any words or symbols that could in any way be construed as sensual, sexual, or obscene.
5. Clothing or other attire which may be perceived a gang related symbol (for example, hats, bandanas, beads.)
6. Any accessories, devices, objects which may cause or inflict bodily harm. (Example: jewelry that could be used as a weapon, such as chains, or piercing of body parts which may pose a safety hazard).
7. Apparel or other modes of appearance (such as tattoos) which promote hatred regarding another person's race, color, sex, national origin, religion, or sexual orientation
8. Footwear which poses hazard to the student or school such as jelly shoes, flip flops, spikes etc.

Note: According to the Educational Reform Act, individual School Councils have the authority to recommend to the School Committee changes in their codes of student conduct. As such these Councils may decide to augment these guidelines according to the individual needs of their school.

SPIRIT WEAR POLICY

The Fall River School Department recognizes that certain schools have elected to participate in the program known as Spirit Wear. In an effort to promote school pride and spirit, and to encourage a sense of belonging to the school community, schools may opt to participate in the spirit wear program.

The School Committee asks that the school create a representative body including stakeholders from the student, staff and parent elements of the school community. If the group feels that there is sufficient support for the concept, schools may petition the School Committee for authorization to participate in the program.

The School Committee does not wish to create overly restrictive guidelines, and encourages provisions that would assist families that may be determined to be worthy of some form of assistance in obtaining uniforms. Schools should also create a provision for handling the issues of protecting the school from discriminating against the rights of students and parents.

The School Committee also wishes to maintain a level of equity between schools that choose to participate in the program. For that reason, schools will not include provisions that vary significantly from the following general guidelines.

- A choice of shirts should be consistent with other participating school programs, with a minimum of two color options and allowing styles that are available at other schools in the spirit wear program.
- A choice of pants should be consistent with other spirit wear programs, with a minimum of two color options, and allowing styles that are in place at other schools in the program.
- In creating suggested guidelines for shoes, boots, and sneakers, the goal should be to ensure student safety, and to avoid possible issues or distractions.
- Minimal restrictions on color choices should be the guideline, with the goal being to avoid any cost hardship to families, while minimizing possible distractions.
- The guidelines for accessories should simply be to ensure personal safety for all students and avoid any excessive features that would be a distraction to the educational process, as outlined under the district Dress Code policy (File: JICA).

Any appeal of the enforcement or changes of this process will be directed to the office of the Superintendent.

Bring Your Own Technology (BYOT)

BYOT Policy/Agreement

The contents of this policy/agreement may be modified by the administrative team of each school to fit the needs of the particular learning community. However, any changes may not supersede the guidelines provided by the district's Acceptable Use Policy (AUP).

Introduction

As new technologies continue to change the world in which we live, they also provide many new and positive educational benefits for classroom instruction. Therefore, we have decided to implement Bring Your Own Technology (BYOT) at our schools. In this initiative, students are encouraged to bring their own technology devices to school to assist their learning experiences.

This document is a contract which we will adhere to as we establish this program within our schools. Please note that students who cannot bring in outside technology will be able to access and utilize the school's equipment. **No student will be left out of instructional activities.**

Definition of "Technology"

For purposes of BYOT, "Technology" means a privately owned wireless and/or portable electronic hand held equipment that includes, but is not limited to, existing and emerging mobile communication systems and smart technologies, internet capable gaming devices, portable Internet devices, handheld entertainment systems

or portable information technology systems that can be used for word processing, wireless Internet access, image capture/recording, sound recording and information transmitting/receiving/storing, etc.

Internet

Only the Internet gateway provided by the school may be accessed while on campus. Personal Internet connective devices, such as, but not limited to, cell phones /cell network adapters are not permitted to be used to access outside Internet sources at any time.

Security and Damages

Responsibility to keep the device secure rests with the individual owner. FRPS is not liable for any device stolen or damages to it on campus. If a device is stolen or damaged, it will be handled through the administrative office similar to other personal artifacts that are impacted in similar situations. It is recommended that skins (decals) and other custom touches are used to physically identify your device from others. Additionally, protective cases for technology are encouraged.

BYOT Student Agreement

The use of technology to provide educational material is not a necessity but a privilege. A student does not have the right to use his or her laptop, cellphone or other electronic device while at school without the approval of school personnel. When abused, privileges will be taken away. When respected, they will benefit the learning environment as a whole.

- The student takes full responsibility for his or her technology device. The school is not responsible for the security of student owned technology.
- The technology may not be used to cheat on assignments or tests, or for non-instructional purposes.
- The student accesses only files on the computer or Internet sites which are relevant to the classroom curriculum.
- The student complies with a teacher's request to shut down the computer or close the screen.
- The student acknowledges that the school's network filters will be applied to one's connection to the Internet and will not attempt to bypass them
- The student understands that bringing on the school premises or infecting the network with a Virus, Trojan, or program designed to damage, alter, destroy, or provide access to unauthorized data or information is in violation of the AUP policy and will result in disciplinary actions
- The student realizes that processing or accessing information on school property related to "hacking", altering, or bypassing network security policies is in violation of the AUP policy and will result in disciplinary actions.
- The school district has the right to collect and examine any device that is suspected of causing problems or was the source of an attack or virus infection.
- The student will not use any device to take photos or video unless it is required for an assignment.
- The student will not use a personal cellular connection to access the internet. All BYOT devices will be required to connect to our district network.

As a student of the Fall River Public Schools, I understand and will abide by the above policy and guidelines. I further understand that any violation is unethical and may result in the loss of my network and/or laptop privileges as well as other disciplinary action.

SCHOOL BUILDING SAFETY/SECURITY POLICY

The following procedures are to be followed in all school buildings:

1. When school is in session, all doors are to be locked. *Doors may be opened during the day for education purposes (i.e. recess, physical education classes, deliveries, etc.), as long as there is adult supervision or monitoring during this time period.
2. In each school, entrance(s) will be monitored. At the main entrance(s) in the middle schools and the high school, video surveillance cameras will be utilized for this purpose. In all other schools, visitors will be required to ring buzzer to gain entrance. **
3. Appropriate signs must be placed at the entrance of each school to notify visitors and non-school personnel that they must report to the office prior to visiting any classrooms in the building. No one is allowed to wander through the school at any time without an appropriate staff member.
4. No one is allowed in a school building to pick up a child before school is dismissed unless there is an emergency. Parents are requested to provide the building principal with a 24-hour notice whenever an early dismissal will be needed.
5. Any suspicious individuals or activities that are observed in or around the school should be reported to the police department immediately, followed by notification to the Office of the Superintendent.
6. Any activity of a suspicious nature should be immediately investigated by the principal or other appropriate staff member.

*In those schools where video surveillance and/or security staff is present, it may not be necessary to lock main entrances during the school day.

ATHLETICS AND CLUBS

Students in good standing at RPS are not only capable of participating in the sport's program and extra-curricular activities at B.M.C. Durfee High School, and Middle School athletics programs but are also encouraged. Please see the student handbook eligibility and requirements.
Please note that in some circumstances, special permission may need to be granted by the B.M.C. Durfee principal or his/her designee.

AN ACT OF PHOBITING THE PRACTICE 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 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 one thousand dollars 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 in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private, which willfully or recklessly endangers the physical or mental health of any student or other person.

Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance,

or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Section 18: "Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than five hundred dollars."

Section 19: "Each secondary school and each public and private school or college shall issue to every group or organization under its authority opening on or in conjunction with its campus or school, and to every member, plebe, pledge, or applicant for membership in such group or organization, a copy of this section and sections seventeen and eighteen. An officer of each such group or organization or individual has received 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 reports, and shall forthwith report to the attorney general any such institution which fails to make such report."

SERVICE ANIMAL POLICY

The Fall River School District is committed to providing a high quality educational program to all students in a safe and healthy environment.

School principals, in consultation with the Health Services Providers in each building, shall permit service animals (dogs or miniature horses only) in a manner consistent with Title II of the American with Disabilities Act.

GIFTED AND TALENTED EDUCATION

"Gifted and talented" students are those students who demonstrate outstanding performance or the assessed potential for such performance or whose abilities, talents and potential for accomplishment in one or more areas of endeavor are so outstanding that they require special provisions to meet their educational needs. A gifted and talented educational program shall be identified and provided for students in grades four through twelve who are intellectually and creatively gifted. The program shall be flexible, responsive to individual student needs and provide a variety of options for gifted students. These options should include higher level learning activities and experiences, opportunity for independent study, access to multiple resources and intellectual peer interaction. The program shall provide gifted and talented students, families and educators an atmosphere of support and guidance.

ENGLISH LANGUAGE LEARNERS

The District shall provide suitable research-based language instructional programs for all identified English language learners in grades Kindergarten through 12 in accordance with the requirements of state and federal statutes and Massachusetts Dept. of Elementary and Secondary Education regulations and guidance.

The District shall identify students whose dominant language may not be English through home language surveys that identify a primary home language is other than English (PHLOTE), observations, intake assessments, and recommendations of parents, teachers and other persons. Identified students shall be assessed annually to determine their level of proficiency in the English language.

The District shall certify to the Massachusetts Dept. of Elementary and Secondary Education each year those students whose dominant language is not English, including specification of the number of non-English languages identified as dominant languages and the number and percent of students who speak each non-English language as their dominant language.

The District shall provide additional information as required by the Massachusetts Dept. of Elementary and Secondary Education to comply with the No Child Left Behind Act.

LEGAL REFS.: 20 U.S.C. 3001 et seq. (language instruction for limited English proficient and immigrant students contained in No Child Left Behind Act of 2001) 42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964) 603
CMR 14.00

Temporary Home or Hospital Tutoring

A student who, due to documented medical reasons, is confined to a home or a hospital for no fewer than fourteen (14) school days during the school year is entitled to receive home/hospital educational services under 603 CMD 28.03(3)(c). Such services shall be provided with sufficient frequency to allow student to continue his/her educational program, as long as such services do not interfere with the medical needs of student.

To qualify for the program the student needs a written statement from a medical doctor requesting the home bound instruction, stating the reasons why, and estimating the time the student will be out of school.
This statement needs to be sent to the Director of Special Education.
Home or Hospital Tutoring is temporary in nature and is offered in basic elementary subjects and in secondary subjects who do not require laboratories and special equipment, subject in all cases to the availability of qualified teachers. Certified teachers are assigned to homebound instruction by the Director of Special Education with the approval of the Superintendent.

HOME SCHOOLING

The Massachusetts General Law requires the School Committee to determine that a Home Schooling program meet with the minimum standards established for public schools in the Commonwealth prior to approving such a program.

When a parent or guardian of a student below the age of 16 wants to establish a home-based educational program for his/her child, the following procedures shall be followed in accordance with the law:

Prior to removing the child from public school:
The parent/guardian must submit written notification of establishment of the home-based program to the appropriate administrator 14 days before the program is established, and resubmit notification on an annual basis as long as the child or children are being educated in a home-based environment.
The parent/guardian must certify in writing the name, age, place of residence, and number of hours of attendance of each child in the program.

The Superintendent shall give the notice to produce records required by law if there is probable cause to believe the program is not in compliance with the law. Factors to be considered by the Superintendent or School Committee in deciding whether or not to approve a home education proposal may be:

1. The proposed curriculum and the number of hours of instruction in each of the proposed subjects.
2. The competency of the parents/instructor to teach the children,
3. The textbooks, workbooks and other instructional aides to be used by the children and the lesson plans and teaching manuals to be used by the parents.
4. Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards.

A student being educated in a home-based program within the District may have access to public school activities of either a curricular or extracurricular nature upon approval of the Superintendent.

LEGAL REFS: M.G.L. 69:1D; 76:1, Care and Protection of Charles Care and Protections of Charles - MASS. Supreme Judicial Court 399 Mass. 324 (1987)

SPECIAL INSTRUCTION PROGRAMS AND ACCOMMODATIONS

(PROGRAMS FOR STUDENTS WITH DISABILITIES)

Under the Individuals with Disabilities Education Act ("IDEA") and M.G.L. c. 71B, some students with disabilities may be eligible for services if they require specialized instruction and/or supportive services to help them make effective progress in school. These services can include, but are not limited to, speech therapy, physical therapy, occupational therapy, specialized instruction, or placement in a special classroom.
Students may be referred to the Special Education Department for an evaluation of eligibility for special education services. Within five (5) school days of such a referral, a consent form authorizing an evaluation of the student will be forwarded to the parent(s). Within forty-five (45) school days of receipt of the parent(s)' consent, an evaluation will be conducted and a Team meeting will be held to determine if the student is eligible for special education services. If the student is found eligible for special education services, the Team will develop an Individualized Education Program (IEP) identifying the necessary services.
Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance from the U.S. Department of Education.

Section 504 provides: "No otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . ." Title II of the Americans with Disabilities Act of 1990 (Title II) is a federal law that applies to public entities, including the conforming amendment to Section 504 that affects the meaning of a disability under Section 504.

The Section 504 regulations require a school district to provide a "free appropriate public education" (FAPE) to each qualified student with a disability who is in the school district's jurisdiction, regardless of the nature or severity of the disability. Under Section 504, a FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Compliance with the IDEA is one means of complying with Section 504.

Additionally, the Fall River Public Schools provides nonacademic and extracurricular services and activities in such a manner as is necessary to afford students with disabilities an equal opportunity for participation. The Fall River Public Schools is, however, generally permitted to establish and utilize skill-based eligibility criteria for participation in extracurricular programs and activities (e.g., school-sponsored athletics) so long as the criteria are rationally related to the purposes and goals of the specific program or activity.

HEALTH SERVICES (PRE-K –12)

- The Student Health Office is staffed by a full-time registered nurse that provides assistance to those who become ill while at school or requires emergency care.
- Students who need to see the nurse anytime during the school day must obtain a pass from their teacher.
- Any student returning to school after an illness or injury that has a medical permit to return is required to present all paperwork to the school nurse.
- State mandated screenings are performed as follows and parents will be notified if medical follow-up with their child's primary care provider is needed:

  Vision – Grades K, 1, 2, 3, 4, 5, 7, 9
  Hearing – Grades K, 1, 2, 3, 7, 9
  Height, Weight, and BMI (Body Mass Index) – Grades 1, 4, 7, 10
  Scoliosis – Grades 5, 6, 7, 8, 9

HEALTH REQUIREMENTS FOR SCHOOL ENTRY

All students are required by Massachusetts General Law to have a health record on file with the nurse containing a physician's certified immunization record and a copy of a physical examination, and a completed tuberculin questionnaire or, if needed tuberculin test with results, unless the student provides adequate documentation that they fall within one of the limited exemptions provided by law.

Physical exams are required within 1 year prior to entrance to school or within 30 days after school entry and at intervals of 3-4 years thereafter, for grades K, 3, 7, 10. A student transferring from another school system shall be examined as an entering student.

If a homeless student arrives without records, the school district's designated Homeless Education Liaison will assist the family and contact the previously attended school system to obtain the required records

Upon graduation from high school, each student will receive his/her original health record and should then be kept by parents and students as a permanent document.

TAKING MEDICATIONS AT SCHOOL

The Fall River Public School's Health Services Department encourages that medications be administered to your child before or after school, if possible and is subject to the provisions of 105.C.M.R. 210.000.

- When any medication is needed during school hours, including over-the-counter medications such as Tylenol or Ibuprofen, there must be a completed physician's order and completed parental permission form for each medication . Physician order forms and parent consent forms must be renewed at the beginning of each school year.
- Medication must be delivered to the nurse, by an adult, in a sealed pharmacy bag with the original pharmacy label container. Medications are not accepted in such things as plastic bags or unmarked containers.
- Students are responsible to report to the nurse's office at the time medications are scheduled to be given.
- Please contact your school nurse for the proper forms that must accompany all medications.

WHEN SHOULD STUDENT STAY HOME FROM SCHOOL?

1. If your child has a contagious illness such as strep throat, flu or chicken pox.
2. If your child has had a fever over 100.4 within the past 24 hours.
3. If your child has red/pink eyes, with drainage from your eyes.
4. If your child has a suspicious rash that needs to be seen by a physician.

- Please note that the above list is a guideline. The school nurse reserves the right to dismiss students, who are possibly contagious or are too ill to be in school.
- If your child does need to be absent, please call the school to report the reason for the absence. If your child is out for more than 3 consecutive days and/or is under the care of a physician, please be sure to notify your child's school nurse.
- All permits are to be brought to the nurses' office before the beginning of the school day.

FALL RIVER SCHOOL WELLNESS POLICY

The Fall River School District promotes healthy schools and students by supporting comprehensive wellness initiatives as part of the total learning environment. Schools contribute to the basic health status of children through the support and promotion of good nutrition and physical activity based on documented evidence that shows improved health optimizes student academic performance.

District Goals which will provide a comprehensive learning environment for developing and practicing lifelong wellness behaviors for students and staff.

1. To provide a safe, healthy school environment.
2. To support and promote proper dietary habits and healthy food choices.
3. To provide and support opportunities for physical activity
4. To establish and maintain a District Wellness Advisory Council

A. Nutrition Education

- Nutrition education shall be integrated into various areas of classroom learning activities.
- Nutrition education shall be an integral part of food service programs and activities.
- Nutrition education shall be shared with families and the broader community to positively impact students and the overall health of the community.
- Student health services staff shall recognize conditions such as obesity, eating disorders, food allergies and other nutrition-related health problems, and initiate appropriate intervention and/or referral strategies.

B. Nutrition Standards for Foods Items

- All foods made available during the school day shall comply with current USDA Dietary Guidelines.
- All food items provided for classroom or school celebrations shall be arranged through the District's food service department.
- Food items shall not be used as incentives or rewards for individual student behavior or accomplishment.
- School staff shall neither accept nor provide home-baked goods for distribution to students.
- Food items shall not be used as classroom project materials.

- Foods and beverages sold or provided at beyond-the-school-day school sponsored events (i.e. school dances) shall include healthy choices that comply with USDA Dietary Guidelines. (Refer to John C. Stalker Institute Food and Nutrition A-List.)

- Any food item to be sold as a school fundraiser by staff or school support group shall meet USDA Dietary Guidelines or be offered along with either a second food item that does meet those Guidelines, or a non-food item.

C. School Meal Program

- The District shall contract with a food service provider that is properly qualified, certified and/or credentialed according to current professional standards, to administer the school food service program and satisfy reporting requirements.

- The District shall maintain a coordinated and comprehensive outreach, promotion and pricing plan to ensure maximum participation in the school meal program, and ensure that all eligible children receive free or reduced-price meals.

- Students shall be provided adequate time to eat lunch, at least 10 minutes for breakfast and 20 minutes for lunch.

- Lunch periods shall be scheduled as near to the middle of the school day as possible.

- Students shall be encouraged to start each day with a healthy breakfast.

- School staff shall promote participation in all available nutrition programs (e.g. school lunch, school breakfast, after-school snack, and summer food service programs).

D. Physical Activity

- The District's Physical Education Department Head shall ensure that all physical activity goals are continually being met.

- Physical education courses shall create an environment where students learn, practice and are assessed on developmentally-appropriate motor skills, social skills and knowledge.

- All physical education instructors shall be state-certified in physical education.

- Physical education classes shall have a student/teacher ratio that is in compliance with the District's current teacher contract.

- The time allotted for physical education shall be consistent with research, national and state standards.
- *Elementary schools shall provide at least one daily recess period.

- Physical education classes shall not be withheld from students for classroom misbehavior or for such remedial work as interventions, tutoring, instrument lessons or academic make-up work.

- *Recess shall not be withheld from students for classroom misbehavior or for such remedial work as interventions, tutoring, instrument lessons or academic make-up work, except in the case of misbehavior that occurs during recess.

- Physical education courses shall include individual activities as well as competitive and non-competitive team sports to encourage life-long physical activity.

- Adequate equipment shall be available for all students to participate in physical education classes.

- Schools shall provide a physical environment that is safe and meets the needs of all students.

- Information shall be provided to families to help them incorporate physical activity into their children's lives.

- Schools shall provide physical activity programs for students outside of the normal school day.

- Schools shall encourage families and community members to help institute programs that support physical activity.

* Refer also to the District's Student Handbook for more information regarding recess.

E. School-Based Activities

- After-school programs shall encourage physical activity and healthy habit formation.

- Wellness Policy Standards shall be followed when planning all school-based activities such as school events, field trips, dances, and assemblies.

- The District and individual schools shall endorse opportunities to work with families, students and community organizations to provide nutrition education, physical activity and other options for promoting student wellness.

F. Wellness and Staff

- Positive nutritional and physical environments shall be promoted.

- Wellness opportunities shall be provided for all staff.

- Staff shall serve as positive role models for students.

- Staff shall support the health and fitness of students.

G. Wellness Advisory Council

- A District Wellness Advisory Council shall be established to create a Wellness Policy, evaluate progress and make revisions.

- The Council shall meet at a minimum of two times annually with membership including, but not limited to:
  Superintendent or designee
  District Health and Physical Education Director
  District Food Service Director
  Registered dietitian
  Local health practitioner
  District Nursing Supervisor
  Parent representative
  Student representative
  School Committee member
  Community partners

- The Council shall serve as a resource to schools.

H. Policy Compliance/Review

- The Superintendent or designee, in collaboration with school-based administration shall ensure compliance with established district-wide nutrition and physical activity policies.

- Each school principal shall review the Wellness Policy with their staff at the beginning of each school year to ensure awareness and compliance.

- Food service staff shall ensure compliance with nutrition policies within food service areas.

- The superintendent or designee, in collaboration with school-based administration, shall complete an Annual Report on Wellness Policy compliance by June of each year, to be share with the Wellness Advisory Council for review and assessment.

K-8 BUS REGULATIONS

PROCEDURES FOR DRIVERS AND PARENTS

1. Bus drivers and monitors will utilize behavior management strategies taught in the training sessions provided prior to the start of the school year.
2. Verbal warnings and redirection, or preferred seating assignments will be given to students either by the bus company or principal.
3. After verbal warning and redirection, if the behavior continues, the incident and intervention will be reported in written form to the school principal. Principal will report the incident in writing to the parent concerned, with a copy to the Office of Student Transportation.
4. After two documented incidents on completed written forms, parents will be asked to meet with the principal and representative for the bus company and Office of Transportation to review bus regulations and procedures.
5. After three incidents, three completed written forms, student will receive appropriate consequences or discipline from the school.
6. If the same bus expectations continue to be violated, the principal will suspend the student's transportation privileges with immediate written notice to the parent and the Office of Student Transportation.

LOADING AND UNLOADING AT THE BUS STOP

1. Riders must be on time. Bus drivers will wait a maximum of three minutes.
2. Riders will enter/exit bus only after monitor steps off the bus to monitor boarding and ensure safety.
3. Orderly behavior, respect for private property and adherence to safety guidelines by all riders will be required.
4. Riders will enter or leave the bus at their regular scheduled stops only.
5. Instructions of the driver/monitor must be followed by riders when entering or leaving the bus. Bus driver and/or monitor have the right to assign seating.

REQUIRED CONDUCT ABOARD THE BUS

1. Riders must remain in seats with seat belt (if available) fastened at all times.
2. Appropriate language and volume are expected.
3. Smoking is prohibited.
4. Riders are required to respect the personal space of other riders in order to ensure safety.
5. Riders are required to conduct themselves in a manner that ensures the safety of all passengers.
6. Consumption of food and drink are prohibited.

SCHOOLBUS SAFETY PROGRAM

The safety and welfare of student riders will be the first consideration in all matters pertaining to transportation. Safety precautions will include the following:

1. Children will be instructed as to the proper procedure for boarding and exiting for a school bus and in proper and safe conduct while aboard.
2. Emergency evacuation drills will be conducted at least twice a year to acquaint student riders with procedures in emergency situations.
3. All vehicles used to transport children will be inspected periodically for conformance with state and federal safety requirements.

DROP OFF PROCEDURE FOR BUSED STUDENTS

1. Student in Grades Pre-K, K, 1st Grade, and 2nd Grade must be released to an adult at the bus stop in an "adult to adult" exchange from the monitor /driver team to a parent or listed adult. Parents may list those adults that are acceptable for release with the school/Transportation department. When a student leaves a school on the bus, it is the responsibility of the bus driver/monitor to make certain that each student requiring an "adult to adult" exchange is met by an adult who is responsible for the child. Children in 3rd, 4th and 5th grades may walk from the bus stop.

2. During the drop off at a stop, if a child requiring and adult to adult exchange is not met by an adult, the bus driver will keep the child on the bus, and contact his respective dispatcher, who will contact the school to inform them of the return of the student. They will attempt to make contact with the family of the child, and notify Transportation Department.

3. The principal/designee will keep the child in the school until such time as contact can be made with the family or emergency contact.

4. The parent/guardian will be required to come to the school to pick up the child.*

5. Principals must provide the bus driver with a telephone number where he/ she (or in case of emergency, a designee) can be reached at all times.

6. In the event of an emergency dismissal, such as a snow emergency, principals must not leave the building until all children (not only bus children) have been met by an appropriate adult.

7. If an appropriate adult cannot be contacted after a reasonable period of time, the school should call the Fall River Police Department. Office of Student Transportation should also be notified.

8. In the event that a child is returned to their school multiple times, the child will instead be brought to the Police Station by the bus company and met by the Coordinator of Transportation for pickup by the parent. (If there is a pattern where the appropriate listed adults neglect to meet the child at their stop, after three times the child will no longer be returned to the school, and will be brought to the Police Station for pickup by the family.) Calls will be made to parents to notify them with regard to this matter.

** If a parent of a special needs student is unable to pick up his/her child, alternative transportation may be necessary. In such an event, the principal should call the Coordinator of Transportation to make other arrangements.*

PARENT PARTICIPATION POLICY

The Fall River School Committee recognizes the necessity and value of parent involvement to support student success and academic achievement. In order to assure collaborative partnerships among schools, parents and the community, the Fall River School Committee, working through the administration is committed to:

- Involving parents as partners in school governance, including shared decision-making.
- Establishing effective two-way communications with all parents.
- Respecting the diversity and differing needs of families.
- Developing strategies and programmatic structures at schools to empower parents to participate actively in their child's education involvement from preschool through grade twelve
- Utilizing schools to connect students and families with community resources that provide educational enrichment and support. *

*Adapted from the San Diego Schools "Parent Involvement Policy"

THE IMPORTANCE OF PARENT INVOLVEMENT

As stated above, the Fall River School Department believes that parents' participation and involvement in our schools is of utmost importance. Research continues to suggest that student achievement is directly related to such involvement. Moreover, the Fall River District Improvement Plan seeks to foster family and school partnership so that parents are actively involved in their child's learning.

The cornerstone of successful involvement is the quality of communication between teachers, students, administrators and parents. Through effective communication, any concerns can be addressed in a timely manner.

Students always benefit when parents and staff work together, in a spirit of cooperation, to solve problems. Staff is expected to receive parental concerns with courtesy and respect, while parents are asked to exercise patience with our efforts. With this in mind, the following procedure for addressing parental concerns is hereby promulgated.

BEING PROACTIVE

Parents are encouraged to avail themselves of any opportunities offered by the school to meet with teachers to discuss their child's educational progress. Parent teacher conferences are held in all schools for this purpose. In addition, being active in Parent Teacher Organizations or School Parent Councils may also enhance one's understanding of the educational process and provide an important outlet for participation in their child's education.

ADDRESSING PARENTA L CONCERNS

Contacts with those who work directly with a student should always be the first course of action should concerns arise. The following sequence of communication is strongly urged:

1. Parent speaks directly to the staff member to clarify a situation of concern. (Parents must see the building principal, vice principal or department head to arrange a mutually convenient time for meeting with a staff member.)
2. When this is not possible, the parent may contact the building principal, vice principal, or a person designated by the principal to receive complaints.
3. Where applicable, the principal may arrange a meeting of all relevant parties to resolve any outstanding issues.

If the first three steps have not satisfactorily resolved the problem, the parent may wish to contact the Office of the Superintendent. These initial steps must have been taken BEFORE the Superintendent's office becomes involved. The Office of the Superintendent will refer parents back to the Principal, if these initial steps have not been taken.

The Fall River School Committee recognizes the necessity and value of parent involvement to support student success and academic achievement. In order to assure collaborative partnerships among schools, parents and the community, the Fall River School Committee, working through the administration is committed to:

4. If a problem persists, after the initial steps have been taken, the parent may contact the Office of the Superintendent of Schools.
5. The Superintendent of Schools may designate a member of his Central Administrative Team to investigate the parental concern, attempt a resolution and report back to the Superintendent.
6. If the problem remains, the parent may wish to contact a member of the Fall River School Committee.
7. A School Committee Member will NOT attempt to directly resolve a parent's concerns, but will rather refer the parent back to the Superintendent or his designee, for response. (The School Committee person should NOT be the first person contacted. If this process is bypassed, the School Committee person will refer the parent back to the Building Principal or Superintendent, as described in this procedure.)
8. When a parent concern raises a question about school policy, the School Committee person, after consultation with the Superintendent, may wish to raise such questions within the context of a regular Committee or Sub Committee meeting.

FIELD TRIP PARTICIPATION

Most field trips are to locations that are open to the general public. FRPS encourages parent participation in their child's education. Parents may wish to participate in the field trip, either as a chaperone (if needed by the school), or on a volunteer basis by traveling to the location. Parents wishing to attend a field trip (as a non-chaperone) are responsible for their own transportation and admission costs, and are reminded that they must comply with the district policy and

applicable laws on CORI clearance. Depending on the location, some events or facilities may have limited seating or attendance capacity. Parents should inform the school of their intention to attend, and parents are asked to cooperate with school chaperones and avoid interfering in with the planned or scheduled activities.

PARENTAL NOTIFICATION RELATIVE TO SEX EDUCATION

Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each semester, all parents and guardians of students in Fall River Public Schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual education or human sexuality issues. The Superintendent or designee will determine the administrator responsible for sending out the notice to parents. Parents/guardians of students who enroll their children after the start of the school year will be given written notice at the time of enrollment. If the planned curriculum is changed during the school year, parents and guardians will be notified of the fact in a timely manner, in the fastest manner that is practicable. Each notice to parents/guardians will include a brief description of the curriculum covered by this policy, and the notice will inform parents of their rights under the policy.

Parents/guardians will receive a form that will ask them to choose whether or not to exempt their child from that specific portion of the curriculum covered by the policy, involving human sexuality issues or human sexual education. Parents will indicate on the form whether they would like the student to be included or excluded from exposure to that curriculum and any related materials. In the interest of preserving the parents' right to choose for the student, any student who does not return a form indicating permission to participate in this curriculum will be excluded. Any student exempted or excluded from the material will be given an alternative assignment and such alternative assignment will carry no penalty or reduced grade value to the student.

Parents may review program instructional materials for the curriculum, and such materials or copies will be made available and accessible to parents and guardians to the extent practicable. Parents or guardians may arrange to review these materials through a request made to the principal of the school.

A copy of this policy will be included in all student handbooks at the middle and high school level. The Superintendent of Schools will distribute a copy of this policy to each Principal by September 1 of each year.

STUDENT RECORDS REGULATIONS

The Fall River Public Schools complies with applicable federal and state laws and regulations pertaining to Student Records. Those laws and regulations are designed to ensure these regulations are set forth to insure student rights of confidentiality, inspection, amendment, and destruction of student records.

1. The Massachusetts Student Record Regulations and the Family Education Rights and Privacy Act (FERPA) apply to all information kept by a school on a student in a manner such that he or she may be individual identified. The regulations divide the record into the transcript and the temporary record. The transcript includes only the minimum information necessary to reflect the student's educational progress. This information includes name, address, course titles, grades, credits, and grade level completed. The transcript is kept by the school system for at least sixty (60) years after the student leaves the system.

The temporary record contains the majority of the information maintained by the school system about the student. This may include such things as standardized test results, class rank, school sponsored extra-curricular activities,

and evaluations and comments by teachers, counselors, and other persons. The temporary record is destroyed no later than seven (7) years after the student leaves the school system.

The following is a summary of major parent and student rights regarding their student records:

Inspection of Record: A parent, or a student who has entered the ninth grade or is at least fourteen (14) years old, has the right to inspect all portions of the student record upon request. The record must be made available to the parent or student within ten (10) days of the request, unless the parent or student consents to a delay. In the event the parent/student requests copies of a student record, the District may charge the parents/student for said copies at the District rate.

Confidentiality of Record: With a few exceptions, no individuals or organizations but the parent, student, and authorized school personnel are allowed to have access to information in the student record without specific, informed, written consent of the parent or the student.

Amendment of Record: The parent and student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent and student have the right to request that information of the record be amended or deleted. The parent and student have a right to a conference with the school principal to make their objections known. Within a week after the conference, the principal must render a decision in writing. If the parent and student are not satisfied with the decision, the regulations contain provisions through which the decision may be appealed to higher authorities in the school system.

Directory Information: Federal law requires that the District release the names, addresses and telephone listings of students to military recruiters and institutions of higher education upon request for recruitment and scholarship purposes without prior consent. In addition, the District may release the following directory information about a student without prior consent: a student's name, address, telephone listing, date and place of birth, major fields 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, post-high school plans and directory information such as homeroom assignments.

However, in all instances, parents may request that such directory information not be released without prior consent by notifying their school building office in writing by the end of September of each school year.

Destruction of Records: The regulations require that certain parts of the student record, such as the temporary record, be destroyed a certain period of time after the student leaves the school system.
School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. Before any such information may be destroyed, the parent and student must be notified, and have an opportunity to receive a copy of any of the information before its destruction.

Transfer of Records: It is the practice of the Fall River Public Schools to forward the student record of any student who seeks or intends to transfer to another school.

Non-Custodial Parents: Unless there is a court order to the contrary, a non-custodial parent (parent without physical custody of the student) of any public school student has the right, subject to certain procedures, to receive information regarding the student's achievements, involvement, behavior, etc. A non-custodial parent who wishes to have this information shall submit a written request annually to the child's school principal. Upon receipt of such a request, the principal shall send written notification to the custodial parent by certified and first class mail that the records and information will be provided to the non-custodial parent in twenty-one (21) calendar days unless the custodial parent provides documentation of the non-custodial parent's ineligibility to access such information.

In all cases where school records are provided to a non-custodial parent, the electronic and postal address and other contact information for the custodial parent shall be removed from the records provided.

Any such records provided to the non-custodial parent shall be marked to indicate that they may not be used to enroll the student in another school.
Upon receipt of a court order that prohibits the distribution of information pursuant to M.G.L. c. 71, §34H, the school will notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent. M.G.L. c.71, §34H, 603 CMR 23.07.

Third Party Access: Authorized school personnel, to include: (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; (b) administrative office staff and clerical personnel, employed by the school committee or 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; and (c) the Evaluation Team which evaluates a student, shall have access to the student record of students to whomthey are providing services, when such access is required in the performance of their official duties. The consent of the parent or eligible student shall not be necessary.

Complaints: A parent or eligible student has a right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5901, (202) 260-3887 or with the Massachusetts Department of Education, 350 Main Street, Malden, MA 02148, 781-338-3300. If you have any questions regarding this notice, or would like more information and/or a copy of the Massachusetts Department of Education Student Record Regulations, please contact the building principal.

SURVEYS-NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT

SURVEYS-NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT

PPRA affords parents certain rights regarding our conducting of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

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

instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and instructional material used as part of the educational curriculum.

- These rights transfer to from the parents to a student who is 18 years old or an emancipated minor under State law.

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

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

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

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

FALL RIVER PUBLIC SCHOOLS
"The Scholarship City"
417 Rock Street, Fall River, MA 02720

MEMORANDUM

TO: Principals and Central Office Administration

FROM: Matthew H. Malone, Ph.D., Superintendent of Schools

DATE: Tuesday, January 24, 2017

RE: IMPORTANCE OF RECESS

Recess is a vital component in educating the whole child and has been a common practice in the Fall River Public Schools at the elementary level. It is also important and encouraged for students in the middle and secondary levels to get outside for both structured and unstructured learning in addition to their regular physical education classes.

The health and well-being of our students is our top priority, and recess provides opportunities for physical activities which help students stay alert and attentive in class, as well as providing other educational and social-emotional benefits. The district strongly encourages schools which house the elementary grades to provide students with daily supervised recess, preferably outdoors. When outdoor recess is not an option, indoor activity breaks are strongly encouraged. Extended periods of inactivity (two or more hours) should be discouraged or, when necessary, interspersed with some sort of kinesthetic activity. Recess is meant to complement rather than be a substitute for physical education classes.

As our wellness policy states: "recess shall not be withheld from students for classroom misbehavior or for such remedial work as interventions, tutoring, or academic make-up work, except under extreme circumstances" *(Fall River Public Schools Student Handbook pg. 76).*

In the Fall River Public Schools we value recess and believe that:

- Current brain research supports the importance of recess
- Recess improves student focus and student behavior while reducing stress
- Physical activity improves academic performance
- Structured and unstructured play supports social-emotional learning*

*A combination of structured activities such as "Playworks" coupled with unstructured options for play, has been successful in many of our schools.

Approved by FRSC 1/9/17

Receipt of Student's Handbook
2018-2019

I received the Student Handbook on:

Date: _____

Student's Name: _____

Signature:_____

Homeroom: _____

Parent's Name: _____

Parent's Signature: _____