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SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the District is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

"... Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein."

The public educational system of Fall River structurally is a department of the municipality operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Fall River Public Schools is coterminous with the City of Fall River.

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II
M.G.L. 71:1

CROSS REF.: BB, School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

SOURCE: MASC – Updated 2022

NOTE: A statement under this code is usually statutory and informational. This statement presents statutory information relating to Massachusetts school districts. Historical notes on the school district's organization and information on its areas or boundaries might also be included.

The cross reference is to a related policy in this reference manual and is offered as a suggestion for cross-referencing your own statement in this category.

THE PEOPLE AND THEIR SCHOOL DISTRICT

The School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school district, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The Committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

SOURCE: MASC – Updated 2022

NONDISCRIMINATION POLICY INCLUDING HARASSMENT AND RETALIATION

The Fall River School Committee and Fall River Public Schools are committed to maintaining an education and work environment for all school community members. That is free from all forms of discrimination, including harassment and retaliation. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Fall River Public Schools.

Fall River Public Schools does not exclude from participation, deny the benefits of Fall River PS from or otherwise discriminate against, individuals on the basis of race*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities.

This commitment to the community is affirmed by the following statements. The School Committee commits to:

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

The Fall River Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

It shall be a violation of this policy for any member of the school community to engage in any form of discrimination, including harassment and retaliation, or to violate any other civil right of any member of the school community. We recognize that discrimination can take a range of forms and can be targeted or unintentional; however, discrimination in any form, including harassment and retaliation, will not be tolerated.

It shall also be a violation of this policy for any school community member to subject any other member of the school community to any form of retaliation, including, but not limited to, coercion, intimidation, interference, punishment, discrimination, or harassment, for reporting or filing a complaint of discrimination, cooperating in an investigation, aiding or encouraging another member of the school community to report such conduct or file a complaint, or opposing any act or practice reasonably believed to be prohibited by this policy.

*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

LEGAL REFS: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
No Child Left Behind Act of 2001, 20 U.S.C. § 7905 (The Boy Scouts of America Equal Access Act)
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
Acts of 2022, Chapter 117 -
<https://malegislature.gov/Laws/SessionLaws/Acts/2022/Chapter117>

CROSS REF: ACE, Nondiscrimination on the Basis of Disability
ACAB, Sexual Harassment
GBA, Equal Employment Opportunity
IJ, Instructional Materials
JB, Equal Educational Opportunities

SOURCE: MASC August 2022

Civil Rights Grievance Procedure

The Fall River Public Schools is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this procedure 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 district administration, subject to applicable procedural requirements.

Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations

The *Civil Rights Grievance Procedure* shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations (“Title IX”) effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the District’s *Title IX Sexual Harassment Grievance Procedures*. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the *Title IX Sexual Harassment Grievance Procedures*. See **FRPS Policy ACAB-R-A**

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure*.

Definitions

For the purposes of this procedure:

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

environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

- C. Retaliation: retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this procedure or the sexual harassment procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under this procedure and/or the Title IX Sexual Harassment Procedures.
- D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.
- E. Party or Parties: The complainant and/or respondent.
- F. Principal: The Principal or Principal's designee.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this procedure.

Complaint Reporting Procedure

Any school employee, independent contractor, or school volunteer who becomes aware or has a reasonable belief that harassment, bullying, discrimination, retaliation, or a hate crime has occurred or may have occurred on school property or in a school-related activity must promptly report the alleged incident(s) to a designated official. Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by school personnel shall be promptly reported to

B. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the District.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working

the Principal or Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this procedure. In such circumstances, that person is referred to as the “reporter.”

- A. Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.
- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.
- D. Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

- E. **Formal Process:** A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. **Initial Assessments:** The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.
- G. **Interim Measures:** The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. **Timeframes:** The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school

vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

- I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:
 1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
 2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
 3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
 4. The investigator will keep a written record of the investigation process.
 5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
 6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
 7. Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.

K. If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Superintendent, Fall River Public Schools, 417 Rock Street, Fall River, Massachusetts 02720. The Superintendent will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this procedure is:

Insert Name, Title and Contact Information

N. Employment Agency Information: federal employment discrimination enforcement agencies is as follows:

- 1) Federal - United States Equal Employment Opportunity Commission (EEOC)

John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475;
Boston, MA 02203-0506; 1-800-669-4000;
EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>;

2) State:

Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters;
One Ashburton Place; Sixth Floor, Room 601
Boston, MA 02108; (617)-994-6000;

MCAD Website:

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.

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

Adopted by School Committee 05.09.22

NONDISCRIMINATION ON THE BASIS OF SEX

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school district does not and will not discriminate on the basis of sex, sexual orientation or gender identity in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, sexual orientation or gender identity, to all of its students and employees.

The Committee will designate an individual to act as the school district's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

SOURCE: MASC – Updated 2022

LEGAL REFS.: Title IX of the Education Amendments of 1972
45 CFR, Part 86, (Federal Register, 6/4/75)
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
BESE 603 CMR 26:00

REFERENCE: USDOE Notice of Interpretation - <https://www.ed.gov/news/press-releases/us-department-education-confirms-title-ix-protects-students-discrimination-based-sexual-orientation-and-gender-identity>

CROSS REF.: AC, Nondiscrimination Policy Including Harassment and Retaliation

SEXUAL HARASSMENT

The Fall River School Committee and Fall River Public Schools are committed to maintaining an education and work environment for all school community members. that is free from all forms of harassment, including sexual harassment. The members of the school community include the School Committee, employees, administration, faculty, staff, students, volunteers in the schools, and parties contracted to perform work for the Fall River Public Schools.

Sexual harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an

environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

Retaliation against a complainant, because they have filed a harassment or sexual harassment complaint or assisted or participated in a harassment or sexual harassment investigation or proceeding, is also prohibited. A student or employee who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including student suspension and expulsion or employee termination.

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

DUE PROCESS PROTECTIONS

Due process protections include the following:

- 1) A presumption of innocence throughout the grievance process, with the burden of proof on the school;
- 2) A prohibition of the single investigator model, instead requiring a decision-maker separate from the Title IX Coordinator or investigator;
- 3) The clear and convincing evidence or preponderance of the evidence, subject to limitations;

- 4) The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
- 5) Written notice of allegations and an equal opportunity to review the evidence;
- 6) Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
- 7) Equal opportunity for parties to appeal, where schools offer appeals;
- 8) Upon filing a formal complaint the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school’s response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contain the essential policy elements shall be distributed by the **Fall River Public Schools** to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

List the name and phone number of the District’s Title IX Coordinator

List the appropriate party by name and phone number to receive a complaint in each District School

Please note that the following entities have specified time limits for filing a claim.

The Complainant may also file a complaint with:

- The Mass. Commission Against Discrimination,
1 Ashburton Place, Room 601
Boston, MA 02108.
Phone: 617-994-6000.
- Office for Civil Rights (U.S. Department of Education)
5 Post Office Square, 8th Floor
Boston, MA 02109.
Phone: 617-289-0111.
- The United States Equal Employment Opportunity Commission,
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

Note: A summary of the attached Policy, as adopted, must be sent to parents/guardians, students, employees, unions, and prospective employees of the school district including Title IX Coordinator(s), investigator(s) and the decision-maker. The above referenced employees must attend training sessions on the implementation of the Policy.

SOURCE: MASC December 2021

Title IX Sexual Harassment Grievance Procedures

OVERVIEW

The Fall River Public Schools is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The District does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Fall River Public Schools.

SCOPE

The Title IX Sexual Harassment Grievance Procedures have been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedures apply to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. A District education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedures. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the

District's Civil Rights Grievance Procedures. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedures.

The District's Civil Rights Grievance Procedures is available in FRPS Policy AC- R-B at: **FRPS Policy AC-R-B** .

CONFIDENTIALITY

The District will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this procedure the terms "complainant" and "alleged victim" shall have the same meaning.

Formal Complaint: A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the recipient investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Complaint is being filed.

Sexual Harassment: Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim,

including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.

- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term “consent” shall be defined in a manner consistent with Massachusetts laws.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person’s safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal’s designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Superintendent: The Superintendent or Superintendent's designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment.

Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures.

Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

I. REPORTING SEXUAL HARASSMENT

- A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.
- B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any District employee who receives a report of sexual harassment will respond to the report as outlined below.
- C. Internal Reporting: Any District employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any District employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall instead report the allegation to the Superintendent.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure

and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:

- (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
 - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
 - (3) Consider the complainant's wishes with respect to supportive measures;
 - (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
- (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

A. **Who may file a Title IX Formal Complaint:** Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

B. **Processing of a Title IX Formal Complaint:** Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.

- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Step 2: Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(E).

Step 3: Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the District shall provide notice of the additional allegations to the parties whose identities are known.

Step 4: Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
 - a. even if proved, would not meet the definition of sexual harassment under Title IX;
 - b. did not occur in an education program or activity of the District; or
 - c. did not occur against a person in the United States.

- (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
- a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
 - b. the respondent is no longer enrolled or employed by the District; or
 - c. specific circumstances prevent the District from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
- (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedures, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

Step 5: Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- (3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.

- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

Step 7: Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

Step 8: Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

Step 9: Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
 - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
 - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.¹
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

Step 10: Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
- (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility

¹ The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

determinations based on a person's status as a complainant, respondent, or witness.

- (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
 - (5) The written determination must be sent simultaneously to both parties.
 - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.
- B. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(E) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
- C. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this procedure until after this grievance process has been completed.
- D. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this procedure will be facilitated by trained personnel.
- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
 - (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
 - (3) The informal process shall not exceed thirty (30) calendar days.
- Participation in the informal process will stay the timelines of the Formal Complaint process.
- E. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or

safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.

- F. **Anonymous Reports:** The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- G. **Appeals:** The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
- (1) procedural irregularity that affected the outcome of the matter;
 - (2) newly discovered evidence that could affect the outcome of the matter; and/or
 - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Superintendent, Fall River Public Schools, 417 Rock Street, Fall River, Massachusetts 02720.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

- H. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.
- I. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.
- J. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:
- Title IX Coordinator:
Thomas Coogan-HR Director or Michael Losche, Asst. Superintendent
 - Investigator(s):
Principal or Assistant Principal at each site. Title IX Coordinator at Central – possible individual(s) to serve as the investigators would be the Title IX Coordinator, Assistant Principal or Title IX Coordinator's designee. We recommend that both the Principal and Assistant Principal be trained in this role to provide flexibility in conducting the investigation with limited staff. Keep in mind, however, if the Principal is the investigator, he/she cannot then serve as the decision maker.
 - Decision-maker:
Assistant Superintendent- Central, Principal at each site.
possible individual(s) to serve as the decision-maker would be the Principal or Principal's designee (neither the Investigator nor the Title IX Coordinator can serve in this role).
 - Appeal Officer:
For Students, the Assistant Superintendent is the Appeal Officer
For Employees, and Assistant Superintendent or the Superintendent.
possible individual(s) to serve as the appellate review would be the Superintendent or designee. Or Assistant Superintendent
 - Informal Resolution Facilitator:
For Students: Director of Guidance, or an Assistant Superintendent
For Employees: Assistant Superintendent or Superintendent
possible individual(s) to serve to facilitate the informal resolution process would be the Director of Guidance, Assistant Superintendent, or Director of Student

Services. The Title IX Coordinator may serve in this role so long as he/she is free from bias/conflict. If the Title IX Coordinator is serving as the investigator, we do not recommend that he or she serve as Informal Resolution Facilitator.

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator(s). This information will be prominently displayed on the District's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

Adopted by School Committee 05.09.22

HARASSMENT POLICY: PROMOTING DIVERSITY

This country is strong because of its ethnic and cultural diversity. Fall River has a proud tradition of embracing diverse groups and weaving them into the fabric of our community. The Fall River School Department is committed to the advocacy of all students and staff in order to maximize their personal, creative and academic potentials as they move toward becoming lifelong learners and responsible world citizens. Given these beliefs, the Fall River School Department strongly prohibits harassment of any kind related to one's race, color, sex, religion, national origin, sexual orientation, or disability.

Such harassment includes any related comments, behaviors or actions which are unwanted, offensive, or intimidating to others. Adults and students must refuse to engage in speech or other behaviors which demean others. Slurs of an ethnic, racial or sexual nature should never be tolerated. In addition, individuals should refrain from jokes which are insulting to minorities or others who might be perceived in some way as different. Such acts may contribute to a hostile environment. In determining the existence of a hostile environment, school officials must examine the context in which such conduct occurs.

Anyone who witnesses such behavior should intervene, first through discussions with the offending person, or, if such talks are not possible or are unsuccessful, through referral to a person in authority.

Other behaviors which may contribute to a hostile environment, and are also prohibited, include: intimidation or an implied threat, physical acts of aggression, and other criminal offenses which are motivated by race, color, national origin or sexual orientation, including the use of technology in the harassment.

Research suggests that creating a supportive school climate is the most important step in preventing harassment. This policy seeks not only to curtail harassing behavior, but also to promote an atmosphere of mutual respect where learning can be optimized. Differences should not just be tolerated or accepted, but celebrated.

This policy should be disseminated to all students and staff annually. In addition it should be posted in teacher's rooms, principal, vice principal and guidance offices. A copy should also be posted in a well traveled area where it will be-visible to students.

Procedures for dealing with harassment, (student to student).

1. Each school will designate one or more ombudsman for all such complaints. The identities of these individuals should be disseminated to all students and parents, and be posted for all to see. Office staff should be informed of the identities of these individuals and be able to direct parents accordingly. Wherever possible every effort will be made to include individuals who reflect the racial/ethnic background of the school.
2. All complaints regarding harassment should be referred to the ombudsman who will meet initially with the victim and any other person of his/her choice. The ombudsman will then notify the building principal/vice principal before proceeding.
3. Informal Resolution. Informal resolution is the first step for dealing with harassment. This step is reserved for less severe cases in which the student might be unaware that he/she is engaging in conduct or speech that is offensive. It is very important that staff members be diligent in reporting such cases before they can escalate into more severe behavior. Often such cases can be resolved without disciplinary action.

On the first complaint, the ombudsman may 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 ombudsman 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 ombudsman alone. Care should be taken not to place the total onus for this communication on the victim. In either case the ombudsman must inform the alleged harasser of the consequences should the harassment not cease or if retaliation should follow the communication.

Note: When harassment of any kind is judged to be so severe that the potential to incite violence or other physical confrontation is likely, a referral will be made to the principal/vice principal for a formal investigation and appropriate disciplinary action. Such action could result in short term suspension, not to exceed ten days. Repeated violations or violent acts following a suspension could result in a referral for expulsion proceedings.

IF AT ANY TIME DURING THE PROCESS A 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.

4. Formal Investigation. When a person brings a second complaint or in more serious cases as described above, a referral will be made to the principal/vice principal to determine if disciplinary action is warranted. This investigation, in which evidence is gathered and the due process rights of the accused are maintained, will determine if the harasser should be suspended.

5. If the principal/vice principal finds sufficient cause, the harasser may be suspended from school as outlined above.

When a harassment complaint is made regarding a member of the staff, the ombudsman will immediately notify the building principal and superintendent of schools before proceeding.

1. In less severe cases the ombudsman will attempt to resolve the complaint informally as described above.
2. In more severe cases, or in the case of repeated incidents or retaliation after an informal resolution, a meeting will be held with the ombudsman, the harasser, and the building principal. At this meeting the staff member has the right to representation as outlined in the appropriate contractual agreement.
3. After this meeting the superintendent will be notified and a decision will be made regarding any disciplinary action to be taken. Such action could include a formal reprimand (oral or written) a suspension, or in the most severe of cases, termination.

NOTE WELL: SLURS OF AN ETHNIC, RACIAL OR SEXUAL NATURE WILL NOT BE TOLERATED IN OUR SCHOOLS WHETHER OR NOT AN IDENTIFIABLE VICTIM IS PRESENT. ANY STAFF MEMBER WHO WITNESSES SUCH BEHAVIOR IS ENCOURAGED TO INTERVENE APPROPRIATELY. SUCH INTERVENTION MAY INCLUDE AN INFORMAL DISCUSSION WITH THE PERSON MAKING THE INAPPROPRIATE COMMENTS, OR A MORE FORMAL REFERRAL TO THE OMBUDSMAN, PRINCIPAL, OR VICE PRINCIPAL.

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

Commonwealth of Massachusetts
Commission Against Discrimination
1 Ashburton Place, Room 601
Boston, Mass. (617) 727-3990

U.S. Department of Education Office for Civil Rights
J.W. McCormack POCH, Room 701
Boston, Massachusetts 02109 617 223-9662

NONDISCRIMINATION ON THE BASIS OF DISABILITY

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition: A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

Reasonable Modification: The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Communications: The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services: "Auxiliary aids and services" includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification: The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator: The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of disability is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

SOURCE: MASC July 2016

LEGAL REFS.: Rehabilitation Act of 1973, Section 504, as amended

Education for All Disabled Children Act of 1975

M.G.L. [71B:1](#) et seq. (Chapter 766 of the Acts of 1972)

Title II, Americans with Disabilities Act of 1992, as amended

Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: [IGB](#), Support Services Programs

NOTE: Due to federal and state laws, many school committees are adopting policies and extensive regulations pertaining to Nondiscrimination on the Basis of Handicap. At times, policy, regulations, and specific plans for action are combined in one long statement presented as policy. Other school systems present policy and regulatory statements separately.

MISSION AND VISION OF THE FALL RIVER PUBLIC SCHOOLS

Mission

The Fall River School System is committed to providing all students with opportunities for learning that will enable them to reach their maximum potential. As members of a diverse community, we provide rigorous instruction, with high expectations, that embraces the whole child and encourages students to be life-long learners and contributing citizens.

Our Mission requires a true learning community, with a coordinated partnership-between the school community, parents, businesses, and government officials and agencies.

Vision

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.

Approved 4/15/15 by the FRSC

BACKGROUND CHECKS

It shall be the policy of the school district that, as required by law, a state and national fingerprint criminal background check will be conducted to determine the suitability of full or part time current and prospective school employees, who may have direct and unmonitored contact with children. School employees shall include, but not be limited to any apprentice, intern, or student teacher or individuals in similar positions, who may have direct and unmonitored contact with children. The School Committee shall only obtain a fingerprint background check for current and prospective employees for whom the School Committee has direct hiring authority. In the case of an individual directly hired by a school committee, the chair of the School Committee shall review the results of the national criminal history check. The Superintendent shall also obtain a state and national fingerprint background check for any individual who regularly provides school related transportation to children. The School Committee, Superintendent or Principal, as appropriate, may obtain a state and national fingerprint criminal background check for any volunteer, subcontractor or laborer commissioned by the School Committee, school or employed by the city or town to perform work on school grounds, who may have direct and unmonitored contact with children. School volunteers and subcontractors/laborers who may have direct and unmonitored contact with children must continue to submit state CORI checks.

The fee charged by the provider to the employee and educator for national fingerprint background checks will be \$55.00 for school employees subject to licensure by DESE and \$35.00 for other employees, which fee may from time to time be adjusted by the appropriate agency. The employer shall continue to obtain periodically, but not less than every 3 years, from the department of criminal justice information services all available Criminal Offender Record Information (CORI) for any current and prospective employee or volunteer within the school district who may have direct and unmonitored contact with children.

Direct and unmonitored contact with children is defined in DESE regulations as contact with a student when no other employee who has received a suitability determination by the school or district is present. "Contact" refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication.

This policy is applicable to any fingerprint-based state and national criminal history record check made for non-criminal justice purposes and requested under applicable federal authority and/or state statute authorizing such checks for licensing or employment purposes. Where such checks are allowable by law, the following practices and procedures will be followed.

Requesting CHRI (Criminal History Record Information) checks

Fingerprint-based CHRI checks will only be conducted as authorized by state and federal law, in accordance with all applicable state and federal rules and regulations. If an applicant or employee is required to submit to a fingerprint-based state and national criminal history record check, he/she shall be informed of this requirement and instructed on how to comply with the law. Such instruction will include information on the procedure for submitting fingerprints. In addition, the applicant or employee will be provided with all information needed to successfully register for a fingerprinting appointment.

Access to CHRI

All CHRI is subject to strict state and federal rules and regulations in addition to Massachusetts CORI laws and regulations. CHRI cannot be shared with any unauthorized entity for any purpose, including subsequent hiring determinations. All receiving entities are subject to audit by the Massachusetts

TOBACCO PRODUCTS ON SCHOOL PREMISES PROHIBITED

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

SOURCE: MASC - Updated 2022

LEGAL REF: M.G.L. [71:37H](#); [270:6](#)

CROSS REFS.: GBED, Tobacco use on School Property by Staff Members Prohibited
JICH, Alcohol, Tobacco and Drug Use by Students Prohibited

Department of Criminal Justice Information Services (DCJIS) and the FBI, and failure to comply with such rules and regulations could lead to sanctions. Federal law and regulations provide that the exchange of records and information is subject to cancellation if dissemination is made outside of the receiving entity or related entities. Furthermore, an entity can be charged criminally for the unauthorized disclosure of CHRI.

Storage of CHRI

CHRI shall only be stored for extended periods of time when needed for the integrity and/or utility of an individual's personnel file. Administrative, technical, and physical safeguards, which are in compliance with the most recent CJIS Security Policy have been implemented to ensure the security and confidentiality of CHRI. Each individual involved in the handling of CHRI is to familiarize himself/herself with these safeguards.

In addition to the above, each individual involved in the handling of CHRI will strictly adhere to the policy on the storage, retention and destruction of CHRI.

Retention and Destruction of CHRI

Federal law prohibits the repurposing or dissemination of CHRI beyond its initial requested purpose. Once an individual's CHRI is received, it will be securely retained in internal agency documents for the following purposes *only*:

- Historical reference and/or comparison with future CHRI requests,
- Dispute of the accuracy of the record
- Evidence for any subsequent proceedings based on information contained in the CHRI.

CHRI will be kept for the above purposes in a secure location in the office of the superintendent. When no longer needed, CHRI and any summary of CHRI data must be destroyed by shredding paper copies and/or by deleting all electronic copies from the electronic storage location, including any backup copies or files. The shredding of paper copies of CHRI by an outside vendor must be supervised by an employee of the district.

CHRI Training

An informed review of a criminal record requires training. Accordingly, all personnel authorized to receive and/or review CHRI at the district will review and become familiar with the educational and relevant training materials regarding SAFIS and CHRI laws and regulations made available by the appropriate agencies, including the DCJIS.

Determining Suitability

In determining an individual's suitability, the following factors will be considered: these factors may include, but not necessarily be limited to: the nature and gravity of the crime and the underlying conduct, the time that has passed since the offense, conviction and/or completion of the sentence, nature of the position held or sought, age of the individual at the time of the offense, number of offenses, any relevant evidence of rehabilitation or lack thereof and any other factors deemed relevant by the district.

A record of the suitability determination will be retained. The following information will be included in the determination:

- The name and date of birth of the employee or applicant;
- The date on which the school employer received the national criminal history check results; and,
- The suitability determination (either "suitable" or "unsuitable").

A copy of an individual's suitability determination documentation must be provided to another school employer, or to the individual, upon request of the individual for whom the school employer conducted a suitability determination.

Relying on Previous Suitability Determination.

The school employer may obtain and may rely on a favorable suitability determination from a prior employer, if the following criteria are met:

The suitability determination was made within the last seven years; and

The individual has not resided outside of Massachusetts for any period longer than three years since the suitability determination was made; and either

The individual has been employed continuously for one or more school employers or has gaps totaling no more than two years in his or her employment for school employers; or

If the individual works as a substitute employee, the individual is still deemed suitable for employment by the school employer who made a favorable suitability determination. Upon request of another school employer, the initial school employer shall provide documentation that the individual is still deemed suitable for employment by the initial school employer.

Adverse Decisions Based on CHRI

If inclined to make an adverse decision based on an individual's CHRI, the district will take the following steps prior to making a final adverse determination:

- Provide the individual with a copy of his/her CHRI used in making the adverse decision;
- Provide the individual with a copy of this CHRI Policy;
- Provide the individual the opportunity to complete or challenge the accuracy of his/her CHRI;
- and
- Provide the individual with information on the process for updating, changing, or correcting CHRI.

A final adverse decision based on an individual's CHRI will not be made until the individual has been afforded a reasonable time depending on the particular circumstances not to exceed thirty days to correct or complete the CHRI.

If a school employer receives criminal record information from the state or national fingerprint-based background checks that includes no disposition or is otherwise incomplete, the school employer may request that an individual, after providing him a copy of said background check, provide additional information regarding the results of the criminal background checks to assist the school employer in determining the applicant's suitability for direct and unmonitored contact with children, notwithstanding the terms of General Laws chapter 151B, S. 4,(9,9 ½). Furthermore, in exigent circumstances, a school employer may, pursuant to the terms of DESE regulations (see specific regulations in legal

references), hire an employee on a conditional basis without first receiving the results of a national criminal background check. After exhausting several preliminary steps as contained in the above referenced regulation the district may require an individual to provide information regarding the individual's history of criminal convictions; however, the individual cannot be asked to provide information about juvenile adjudications or sealed convictions. The superintendent is advised to confer with legal counsel whenever he/she solicits information from an individual concerning his/her history of criminal convictions.

Secondary Dissemination of CHRI

If an individual's CHRI is released to another authorized entity, a record of that dissemination must be made in the secondary dissemination log. The secondary dissemination log is subject to audit by the DCJIS and the FBI.

The following information will be recorded in the log:

- Subject Name;
- Subject Date of Birth;
- Date and Time of the dissemination;
- Name of the individual to whom the information was provided;
- Name of the agency for which the requestor works;
- Contact information for the requestor; and
- The specific reason for the request.

Reporting to Commissioner of Elementary and Secondary Education

Pursuant to state law and regulation, if the district dismisses, declines to renew the employment of, obtains the resignation of, or declines to hire a licensed educator or an applicant for a Massachusetts educator license because of information discovered through a state or national criminal record check, the district shall report such decision or action to the Commissioner of Elementary and Secondary Education in writing within 30 days of the employer action or educator resignation. The report shall be in a form requested by the Department and shall include the reason for the action or resignation as well as a copy of the criminal record checks results. The superintendent shall notify the employee or applicant that it has made a report pursuant to the regulations to the Commissioner.

Pursuant to state law and regulation, if the district discovers information from a state or national criminal record check about a licensed educator or an applicant for a Massachusetts educator license that implicates grounds for license action pursuant to regulations, the Superintendent shall report to the Commissioner in writing within 30 days of the discovery, regardless of whether the district retains or hires the educator as an employee. The report must include a copy of the criminal record check results. The school employer shall notify the employee or applicant that it has made a report pursuant to regulations to the Commissioner and shall also send a copy of the criminal record check results to the employee or applicant.

C.O.R.I. REQUIREMENTS

It shall be the policy of the district to obtain all available Criminal Offender Record Information (CORI) from the department of criminal justice information services of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain CORI data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the department of criminal justice informational services on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal, or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education regulation, “Direct and unmonitored contact with children” means contact with students when no other employee, for whom the employer has made a suitability determination of the school or district, is present. “Contact” refers to any contact with a student that provides the individual with opportunity for physical touch or personal communication. The school employer may determine when there is potential for direct and unmonitored contact with children by assessing the circumstances and specific factors including but not limited to, whether the individual will be working in proximity with students, the amount of time the individual will spend on school grounds, and whether the individual will be working independently or with others. An individual shall not be considered to have the potential for direct and unmonitored contact with children if he or she has only the potential for incidental unsupervised contact in commonly used areas of the school grounds.”

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign an acknowledgement form authorizing receipt by the district of all available CORI data from the department of criminal justice information services. In the event that a current employee has a question concerning the signing of the acknowledgement form, he/she may meet with the Principal or Superintendent; however, failure to sign the CORI acknowledgement form may result in a referral to local counsel for appropriate action. Completed acknowledgement forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under the policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

CORI is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. CORI shall be shared with the individual to whom it pertains, pursuant to law, regulation and the following model policy, and in the event of an inaccurate report the individual should contact the department of criminal justice informational services.

Access to CORI material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, CORI material should be obtained only where the Superintendent had determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law and the model policy, reserves the exclusive right concerning any employment decision.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of the employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides transportation, or volunteer who may have direct and unmonitored contact with

children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

LEGAL REFS.: M.G.L.6:167-178; 15D:7-8; 71:38R, 151B, 276:100A
P.L. 92-544; Title 28 U.S.C. § 534; Title 28 C.F.R. 20.33(b)
42 U.S.C. § 16962
603 CMR 51.00
803 CMR 2.00
803 CMR 3.05 (Chapter 149 of the Acts of 2004)
[FBI Criminal Justice Information Services Security Policy](#)
[Procedure for correcting a criminal record](#)
[FAQ – Background Checks](#)

SOURCE: MASC October 2014

NOTE: The Department of Criminal Justice Information Services (DCJIS) has adopted regulations requiring that it maintain a model CORI policy and that any written policy must meet the minimum standards as found in the model. Therefore, MASC recommends that school districts retain both the school district specific policy incorporated here and the DCJIS model policy attached as ADDA-R.

DCJIS MODEL CORI POLICY

This policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers and interns, and professional licensing applicants.

Where Criminal Offender Record Information (CORI) and other criminal history checks may be part of a general background check for employment, volunteer work, licensing purposes, the following practices and procedures will be followed.

CONDUCTING CORI SCREENING

CORI checks will only be conducted as authorized by the DCJIS, state law, and regulation, and only after a CORI Acknowledgement Form has been completed.

If a new CORI check is to be made on a subject within a year of his/her signing of the CORI Acknowledgement Form, the subject shall be given seventy two (72) hours notice that a new CORI check will be conducted.

ACCESS TO CORI

All CORI obtained from the DCJIS is confidential, and access to the information must be limited to those individuals who have a "need to know". This may include, but not be limited to, hiring managers, staff submitting the CORI requests, and staff charged with processing job applications. The district must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

CORI TRAINING

An informed review of a criminal record requires training. Accordingly, all district personnel authorized to review or access CORI will review, and will be thoroughly familiar with, the educational and relevant training materials regarding CORI laws and regulations made available by the DCJIS.

USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING

CORI used for employment purposes shall only be accessed for applicants who are otherwise qualified for the position for which they have applied.

Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and any applicable law or regulations.

VERIFYING A SUBJECT'S IDENTITY

If a criminal record is received from the DCJIS, the information is to be closely compared with the information on the CORI Acknowledgement Form and any other identifying information provided by the applicant to ensure the record belongs to the applicant.

INFORMATION CONCERNING THE PROCESS IN CORRECTING A CRIMINAL RECORD

If you have undergone a background check by an agency that has received a criminal record from the CHSB, you may ask the agency to provide you with a copy of the criminal record. You may also request a copy of your adult criminal record from the Criminal History Systems Board, 200 Arlington Street, Suite 2200, Chelsea, MA 02150 by calling (617) 660-4640 or go to www.mass.gov/chsb/cori/cori_forms.html#pers.

The CHSB charges \$25.00 fee to provide an individual with a copy of his/her criminal record. You may complete an affidavit of indigency and request that the CHSB waive the fee.

Upon receipt, review the record. If you need assistance in interpreting the entries or dispositions, please review the disposition code and "how to read a BOP" on the CHSB's website www.mass.gov/chsb/cori/cori_bop.html. The CHSB does not offer "walk-in" service but you may call our Legal Division at (617) 660-4760 for assistance or the CORI Unit of the Office of the Commissioner of Probation at (617) 727-5300.

If you believe that a case is opened on your record that should be marked closed, you may contact the Office of the Commissioner of Probation CORI Unit at (617) 727-5300 for assistance, or you may go to the Probation Department at the court where the charges were brought and request that the case(s) be updated.

If you believe that a disposition is incorrect, contact the Chief Probation Officer at the court where the charges were brought or the CORI Unit at the Office of the Commissioner of Probation and report that the court incorrectly entered a disposition on your criminal record.

If you believe that someone has stolen or improperly used your identity and were arraigned on criminal charges under your name, you may contact the Office of the Commissioner of Probation CORI Unit or the Chief Probation Officer in the court where the charges were brought. For a listing of courthouses and telephone numbers please see www.mass.gov/chsb/cori/cori_codes_court.html.

In some situations of identity theft, you may need to contact the CHSB to arrange to have a fingerprint analysis conducted.

If there is a warrant currently outstanding against you, you need to appear at the court and ask that the warrant be recalled. You cannot do this over the telephone.

If you believe that an employer, volunteer agency, housing agency or municipality has been provided with a criminal record that does not pertain to you, the agency should contact the CORI Unit for assistance at (617) 660-4640.

CROSS REF: ADDA, C.O.R.I. Requirements

If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by an individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

INQUIRING ABOUT CRIMINAL HISTORY

In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record, whether obtained from the DCJIS or from any other source, prior to questioning the subject about his or her criminal history. The source(s) of the criminal history record is also to be disclosed to the subject.

DETERMINING SUITABILITY

If a determination is made, based on the verification of identity information as provided in this policy, that the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position or license will be made. Unless otherwise provided by law, factors considered in determining suitability may include, but not be limited to, the following:

- (a) Relevance of the record to the position sought;
- (b) The nature of the work to be performed;
- (c) Time since the conviction;
- (d) Age of the candidate at the time of the offense;
- (e) Seriousness and specific circumstances of the offense;
- (f) The number of offenses;
- (g) Whether the applicant has pending charges;
- (h) Any relevant evidence of rehabilitation or lack thereof; and
- (i) Any other relevant information, including information submitted by the candidate or requested by the organization.

The applicant is to be notified of the decision and the basis for it in a timely manner.

ADVERSE DECISIONS BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of a criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the organization's CORI policy and a copy of the criminal history. The source(s) of the criminal history will also be revealed. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

SECONDARY DISSEMINATION LOGS

All CORI obtained from the DCJIS is confidential and can only be disseminated as authorized by law and regulation. A central secondary dissemination log shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject.

SOURCE: MASC May 2014

C.O.R.I. REQUIREMENTS

Employers may ask the following series of questions:

1. Have you been convicted of a felony? Yes or no?
2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
4. If the answer to question number 3 above is "yes" please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, § 100A.

It is unlawful for an employer to make any inquiry of an applicant or employee regarding:

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted.
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.
3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefore, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

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.

COMMITMENT TO ACCOMPLISHMENT

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to residents of the District, the School Committee will maintain a program of accountability consisting of the following elements:

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the District.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the District.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the District.

Every effort will be made by the School Committee, Superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

SECTION B

BOARD GOVERNANCE AND OPERATIONS

BAA	EVALUATION OF SCHOOL COMMITTEE OPERATIONAL PROCEDURES
BB	SCHOOL COMMITTEE LEGAL STATUS
BBA	SCHOOL COMMITTEE POWERS AND DUTIES 12/11/17
BBAA	SCHOOL COMMITTEE MEMBER AUTHORITY
BBBA/BBBB	SCHOOL COMMITTEE MEMBER QUALIFICATIONS/OATH OF OFFICE 11/13/17
BBBC	SCHOOL COMMITTEE MEMBER RESIGNATION
BBBE	UNEXPIRED TERM FULFILLMENT
BCA	SCHOOL COMMITTEE MEMBER ETHICS
BDA	SCHOOL COMMITTEE ORGANIZATIONAL MEETING
BDB	SCHOOL COMMITTEE OFFICERS
BDD	SCHOOL COMMITTEE-SUPERINTENDENT RELATIONSHIP 12/11/17
BDE	SUBCOMMITTEES OF THE SCHOOL COMMITTEE (amended 6/13/11)
BDF	ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE 12/11/17
BDFA	SCHOOL COUNCILS
BDFA-E-1	SCHOOL IMPROVEMENT PLAN
BDFA-E-2	SUBMISSION AND APPROVAL OF THE SCHOOL IMPROVEMENT PLAN
BDFA-E-3	CONDUCT OF SCHOOL COUNCIL BUSINESS
BDG	SCHOOL ATTORNEY
BE	SCHOOL COMMITTEE MEETINGS
BEC	EXECUTIVE SESSIONS – 6/8/15
BEDA	NOTIFICATION OF SCHOOL COMMITTEE MEETINGS 11/13/17
BEDB	AGENDA FORMAT (amended 3/25/19)
BEDD	RULES OF ORDER

BEDF	VOTING METHOD
BEDG	MINUTES
BEDH	PUBLIC PARTICIPATION AT SCHOOL COMMITTEE MEETINGS - 9/13/21
BEE	SPECIAL PROCEDURES FOR CONDUCTING HEARINGS
BG	SCHOOL COMMITTEE POLICY DEVELOPMENT
BGB	POLICY ADOPTION
BGC	ANNUAL POLICY REVIEW
BGE	POLICY DISSEMINATION
BGF	SUSPENSION OF POLICIES
BHC	SCHOOL COMMITTEE-STAFF COMMUNICATIONS - 2/22/16
BHE	USE OF ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS 11/13/17
BIA	NEW SCHOOL COMMITTEE MEMBER ORIENTATION 11/13/17
BIBA	SCHOOL COMMITTEE CONFERENCES, CONVENTIONS, AND WORKSHOPS 12/11/17
BJ	SCHOOL COMMITTEE LEGISLATIVE PROGRAM
BK	SCHOOL COMMITTEE MEMBERSHIPS

EVALUATION OF SCHOOL COMMITTEE OPERATIONAL PROCEDURES

The School Committee will periodically establish realistic objectives related to Committee procedures and relationships. At the end of a specified length of time, the Committee will measure its performance against the stated objectives.

The following areas of School Committee operations and relationships are representative of those in which objectives may be set and progress appraised:

1. Communication with the public
2. School Committee - Superintendent relationships
3. School Committee member development and performance
4. Policy development
5. Educational leadership
6. Fiscal management
7. School Committee meetings
8. Performance of subcommittees of the School Committee
9. Interagency and governmental relationships

When the Committee has completed its self-evaluation, the members will discuss the results in detail and formulate a new series of objectives. At the same time, the Committee will set an approximate date on which the next evaluation will be conducted.

Implied in the concept of evaluation is an assumption that individuals and Committees are capable of improvement. The School Committee believes that its performance will be improved if evaluation is carried out systematically in accordance with good planning, conscientious follow-through, and careful assessment of results.

SCHOOL COMMITTEE LEGAL STATUS

Chapter 438

AN ACT ESTABLISHING THE TERM FOR THE OFFICE OF SCHOOL COMMITTEE IN THE CITY OF FALL RIVER TO BE CO-TERMINOUS WITH THAT OF THE MAYOR AND CITY COUNCIL OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section thirty-one of chapter forty-three of the General Laws, beginning in the year nineteen hundred and eighty, members of the school committee in the City of Fall River shall be elected at large at each regular biennial city election to serve terms of two years, said terms to be co-terminus with the terms of the mayor and members of the city council.

SECTION 2. The act shall be submitted to acceptance to the voters of the City of Fall River at the city election to be held in the year nineteen hundred and seventy-nine in the form of the following question which shall be placed in the official ballot to be used for the election of city offices: "Shall an act passed by the General Court in the year nineteen hundred and seventy-nine entitled, 'An act establishing the term for the office of school committee in the City of Fall River to be co-terminus with those of the mayor and city council', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall thereupon take full effect but not otherwise.

Approved July 23, 1979.

State law references: Similar provisions, M.G.L.A. c. 43, § 31.

CROSS REFS.: AA, School District Legal Status
BBA, School Committee Powers and Duties

SCHOOL COMMITTEE POWERS AND DUTIES

The School Committee has all the powers conferred upon it by state law and must perform those duties mandated by the state. These include the responsibility and right to determine policies and practices and to employ a staff to implement its directions for the proper education of the children of the community. The Committee takes a broad view of its functions. It sees them as:

1. **Legislative or policymaking.** The Committee is responsible for the development of policy as guides for administrative action and for employing a Superintendent who will implement its policies.
2. **Appraisal.** The Committee is responsible for evaluating the effectiveness of its policies and their implementation.
3. **Provision of financial resources.** The Committee is responsible for adoption of a budget that will enable the school system to carry out the Committee's policies.
4. **Public relations.** The Committee is responsible for providing adequate and direct means for keeping the local citizenry informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.
5. **Educational planning and evaluation.** The Committee is responsible for establishing educational goals and policies that will guide the Committee and staff for the administration and continuing improvement of the educational programs provided by the School District.

Personnel Matters

The Superintendent shall be appointed by vote of the Committee and shall directly report to the Committee as provided by law and perform all the duties that are prescribed by law and such other duties, not inconsistent there to, as a majority of the Committee may direct.

The School Committee shall appoint, upon the recommendation of the Superintendent, Assistant/Associate/Deputy Superintendent(s), School Business Administrator, Special Education Administrator, School Physician, School Nurses, Supervisor of Attendance, and Administrative Assistant for School Committee Services. Such positions shall not report directly to the School Committee.

SOURCE: MASC July 2016

LEGAL REF.: M.G.L. [71:37](#) specifically, but powers and duties of School Committees are established throughout the Massachusetts General Laws.

CROSS REF.: [BB](#), School Committee Legal Status

[BDG](#), School Attorney

NOTE: In addition to the legal reference cited above, regional school districts should add references to M.G.L. [71:16](#) through [71:16I](#). A reference to an appropriate section(s) of regional agreement could also be added.

SCHOOL COMMITTEE MEMBER AUTHORITY

Authority

Because all powers of the School Committee derived from state laws are granted in terms of action as a group, members of the School Committee have authority only when acting as a Committee legally in session.

The School Committee will not be bound in any way by any statement or action on the part of an individual member except when such statement or action is a result of specific instructions of the Committee.

No member of the Committee, by virtue of his/her office, will exercise any administrative responsibility with respect to the schools or command the services of any school employee.

The School Committee will function as a body and all policy decisions and other matters, as required by law, will be settled by an official vote of the Committee sitting in formal session.

Duties

The duties and obligations of the individual Committee member may be enumerated as follows:

1. To become familiar with the General Laws of the Commonwealth relating to education and School Committee operations, regulations of the Massachusetts Board of Education, policies and procedures of this School Committee and School Department.
2. To keep abreast of new laws and the latest trends in education.
3. To have a general knowledge of the goals, objectives, and programs of the town's public schools.
4. To work effectively with other Committee members without trying either to dominate the Committee or neglect his/her share of the work.
5. To respect the privileged communication that exists in executive sessions by maintaining strict confidentiality on matters discussed in these sessions, except that which becomes part of the public record, once it has been approved for release.
6. To vote and act in Committee impartially for the good of the students.
7. To accept the will of the majority vote in all cases, and to remember that he/she is one of a team and must abide by, and carry out, all Committee decisions once they are made.

8. To represent the Committee and the schools to the public in a way that promotes interest and support.
9. To refer questions and complaints to the proper school authorities.
10. To comply with the accepted code of ethics for School Committee members.

SCHOOL COMMITTEE MEMBER QUALIFICATIONS/OATH OF OFFICE

In order to serve on the School Committee, an individual must be a registered voter in the city from which he/she is elected or appointed and must take an oath of office as required by law.

Each new member will present to the Committee secretary official certification of having sworn the oath before an officer duly qualified to administer oaths prior to entering on his/her official duties as a member of the Committee.

From the Municipal or District Clerk, newly qualified Committee members, by law, receive, and sign a receipt for, a copy of the Massachusetts open meeting law governing the conduct of Committee meetings in general and executive sessions in particular.

Newly qualified Committee members shall, by law, receive and sign a receipt for, within 30 days of taking office, a copy of the Massachusetts Ethics Commission's Summary of the Conflict of Interest laws. As municipal employees, all School Committee members shall receive a copy of said summary annually. All School Committee members shall, within 30 days of taking office, and every 2 years thereafter, complete the Massachusetts Ethics Commission's online training program. Upon completion of the online training program, members shall provide notice of such completion to be retained for 6 years by the Municipal or District Clerk.

Membership on a School Committee is not limited to race, color, sex, religion, national origin, gender identity, sexual orientation, or disability.

SOURCE: MASC July 2016

LEGAL REFS.: M.G.L. [30A:20](#); [41:1](#); [41:107](#); [76:5](#); [268A:27-28](#);

NOTE: A regional school district may want to add references to its regional agreement if portions apply to the qualifications for membership on the regional School Committee.

The coding of this statement indicates that two consecutive codes in the NEPN classification system have been combined to handle statements that relate to both topics. Codes can be combined only when they appear consecutively in the classification system.

SCHOOL COMMITTEE MEMBER RESIGNATION

A current School Committee member who submits a resignation to the appropriate certifying authority terminates school committee duties at the time of such resignation unless a later time is stated in the resignation.

Should a School Committee member move out of the City or District in which he or she holds office, that member shall be deemed to have vacated the office.

Established by law

LEGAL REFS.: M.G.L. 41:2; 41:109

UNEXPIRED TERM FULFILLMENT

Notwithstanding the provisions of section thirty-six of chapter forty-three of the General Laws, if a member of the school committee of the City of Fall River resigns, or if there is a vacancy in said committee by reason of death, imprisonment or any other cause, the committee shall, within fifteen days thereafter, fill such vacancy by electing the person, who at the last biennial election, received the next highest vote to the last of the three persons elected thereat to the committee; and on his refusal to serve, other persons who were candidates for membership in said committee at said election and were defeated shall be elected to fill such vacancy in the order of the respective number of votes received by such candidates at said election. The person so elected shall serve for the balance of the unexpired term of the person whom he succeeds.

Approved April 9, 1951.

LEGAL REFS.: Fall River City Charter Article II, Section 36

SCHOOL COMMITTEE MEMBER ETHICS
(Massachusetts Association of School Committees Code of Ethics)

Preamble

The acceptance of a code of ethics implies the understanding of the basic organization of School Committees under the Laws of the Commonwealth of Massachusetts. The oath of office of a School Committee member binds the individual member to adherence to those state laws which apply to School Committees, since School Committees are agencies of the state.

This code of ethics delineates three areas of responsibility of School Committee members in addition to that implied above:

1. Community responsibility
2. Responsibility to school administration
3. Relationships to fellow Committee members

A School Committee member in his/her relations with his/her community should:

1. Realize that his/her primary responsibility is to the children.
2. Recognize that his/her basic function is to be policy making and not administrative.
3. Remember that he/she is one of a team and must abide by, and carry out, all Committee decisions once they are made.
4. Be well informed concerning the duties of a Committee member on both a local and state level.
5. Remember that he/she represents the entire community at all times.
6. Accept the office as a Committee member as means of unselfish service with no intent to "play politics," in any sense of the word, or to benefit personally from his/her Committee activities.

A School Committee member in his/her relations with his/her school administration should:

1. Endeavor to establish sound, clearly defined policies which will direct and support the administration.
2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
3. Give the chief administrator full responsibility for discharging his/her professional duties and hold him/her responsible for acceptable results.
4. Refer all complaints to the administrative staff for solution and only discuss them at Committee meetings if such solutions fail.

A School Committee in his/her relations with his/her fellow Committee members should:

1. Recognize that action at official meetings is binding and that he/she alone cannot bind the Committee outside of such meetings.
2. Realize that he/she should not make statements or promises of how he/she will vote on matters that will come before the Committee.
3. Uphold the intent of executive sessions and respect the privileged communications that exists in executive sessions.

4. Not withhold pertinent information on school matters or personnel problems, either from members of his/her own Committee or from members of other Committees who may be seeking help or information on school problems
5. Make decisions only after all facts on a question have been presented and discussed.

SOURCE: Massachusetts Association of School Committees, 5/22/64

NOTE: MASC code of ethics is intended to be a guideline for School Committee members.
The code is not binding by law.

SCHOOL COMMITTEE ORGANIZATIONAL MEETING

For the purpose of organizing, the School Committee, at its first regular meeting in January, will elect from its membership a vice-chairperson who will hold his/her respective office for a term of one year or until a successor is elected.

A majority of the members of the School Committee will constitute a quorum. The election will proceed as follows:

1. Nominations for the office of vice-chairperson will be made from the floor. The vice-chairperson will be elected by a majority roll-call vote of the members present and voting. If no nominee receives a majority vote, the election will be declared null and void and nominations will be reopened.

Upon election, the new vice-chairperson will preside in the absence of the chairperson.

Following election of the vice-chairperson at its organizational meeting, the School Committee may proceed into such regular or special business as scheduled on the agenda. The chairperson will announce the appointments to the subcommittees of the School Committee.

SCHOOL COMMITTEE OFFICERS

Duties of the Chairperson

The chairperson of the School Committee has the same powers as any other member of the Committee to vote upon all measures coming before it, to offer resolutions and to discuss questions. He/she will perform those duties that are consistent with his/her office and those required by law, state regulations, and this Committee. In carrying out these responsibilities, the chairperson will:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Committee.
2. Consult with the Superintendent in the planning of the Committee's agendas.
3. Confer with the Superintendent on crucial matters that may occur between Committee meetings.
4. Appoint subcommittees.
5. Call special meetings of the Committee as found necessary.
6. Be public spokesperson for the Committee at all times except as this responsibility is specifically delegated to others.
7. Be responsible for the orderly conduct of all Committee meetings.

As the presiding officer at all meetings of the Committee, the chairperson will:

1. Call the meeting to order at the appointed time.
2. Announce the business to come before the Committee in its proper order.
3. Enforce the Committee's policies relating to the order of business and the conduct of meetings.
4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.
5. Explain what the effect of a motion would be if this is not clear to members.
6. Restrict discussion to the question when a motion is before the Committee.
7. Answer all parliamentary inquiries.
8. Put motions to a vote, stating definitely and clearly the vote and result thereof.

Duties of the Vice-Chairperson

The vice-chairperson of the Committee will act in the absence of the chairperson as presiding officer of the Committee and will perform such other duties as may be delegated or assigned to him/her.

LEGAL REF.: M.G.L. 71:36

SCHOOL COMMITTEE-SUPERINTENDENT RELATIONSHIP

The Committee will leave to the Superintendent all matters of decision and administration that come within his/her scope as executive officer or as professional leader of the school system. While the Committee reserves to itself the ultimate decision of all matters concerning general policy or expenditures of funds, it will normally proceed in these areas after receiving recommendations from its executive officer. Further:

1. The Superintendent may seek guidance from the Committee with respect to matters of operation whenever appropriate. If it is necessary to make exceptions to an established policy, he/she will submit the matter to the Committee for advice and direction.
2. The Superintendent will assist the Committee in reaching sound judgments and establishing policies, and will place before the Committee all relevant facts, information, and reports necessary to keep the Committee adequately informed of situations or business at hand.

SOURCE: MASC July 2016

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

The Committee of the Whole voted, on June 13, 2011, to amend Policy BDE with the following language: To accept the SubCommittees we currently have in place, with the understanding that, if the need arises for additional SubCommittees to dispose of issues that present themselves, the Committee of the Whole will vote to give the charge to that Sub-Committee to dispose of any particular issue at that time.

1. The subcommittee will be established through action of the Committee.
2. The Committee chairperson will appoint the subcommittee chairperson and its members.
3. The subcommittee will be provided with a list of its functions and duties.
4. The subcommittee may make recommendations for Committee action, but it may not act for the School Committee.
5. A subcommittee will be dissolved by the Committee upon completion of its assignment, or it may be dissolved by a vote of the Committee at any time.
6. The Committee of the Whole voted, on June 13, 2011, to add the following language to File BDE: Any School Committee person, not appointed to a respective Sub-Committee, may attend and participate in all discussions; however, the non-SubCommittee Member may not make motions or vote on any issue before the SubCommittee.

A majority of votes is required of the subcommittee in order to refer any recommendations, and/or presentations, out of the respective subcommittee and back to the whole committee for further actions. Without the majority vote of the subcommittee the recommendations. And/or presentations, shall not appear before the whole committee.

If after being discussed in three consecutive subcommittee meetings there is not a majority vote to refer the recommendations, and/or presentations, to the committee as a whole, then the administration and/or the committee person in the minority will have the opportunity to request that the committee as a whole vote to remove the recommendation, and/or presentation, from the subcommittee and have it placed on the agenda for consideration. If a majority of the votes is not obtained, then the recommendation shall be sent back to the subcommittee where the process will begin again.

The process of three consecutive meetings must take place within sixty days.

ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE

The following general policies will govern the appointment and functioning of advisory committees to the School Committee other than the student advisory committee, which is governed by the terms of the Massachusetts General Laws.

1. Advisory committees may be created by the School Committee to serve as task forces for special purposes or to provide continuing consultation in a particular area of activity. However, there will be no standing overall advisory committee to the School Committee.
2. If an advisory committee is required by state or federal law, its composition and appointment will meet all the guidelines established for that particular type of committee.
3. The composition of task forces and any other advisory committees will be broadly representative and take into consideration the specific tasks assigned to the committee. Members of the professional staff may be appointed to the committee as members or consultants, as found desirable.
4. Appointments to such committees will be made by the Committee; appointment of staff members to such committees will be made by the School Committee upon recommendation of the Superintendent.
5. Tenure of committee members will be one year only unless the member is reappointed.
6. Each committee will be clearly instructed as to:
 - a. The length of time each member is being asked to serve.
 - b. The assignment the School Committee wishes the committee to fulfill and the extent and limitations of its responsibilities.
 - c. The resources the School Committee will provide.
 - d. The approximate dates on which the School Committee wishes to receive major reports.
 - e. School Committee policies governing citizens, committees and the relationship of these committees to the School Committee as a whole, individual School Committee members, the Superintendent, and other members of the professional staff.
 - f. Responsibilities for the release of information to the press.

7. Recommendations of committees will be based upon research and fact.
8. The School Committee possesses certain legal powers and prerogatives that cannot be delegated or surrendered to others. Therefore, all recommendations of an advisory committee must be submitted to the School Committee.
9. Advisory committees created under this policy are subject to the provisions of the Open Meeting Law.

The Committee will have the sole power to dissolve any of its advisory committees and will reserve the right to exercise this power at any time during the life of any committee.

SOURCE: MASC

LEGAL REF.: M.G.L. [30A:18-25](#)

CROSS REF.: [JIB](#), Student Involvement in Decision-making

SCHOOL COUNCILS

The School Committee believes that the school is the key unit for educational improvement and change and that successful school improvement is best accomplished through a school-based decision-making process. By involving those directly affected by any action or decision of the school council in the process of determining that action or decision, it helps to strengthen the commitment to those decisions by those most affected by its implementation.

Under this policy, the Principal shall have primary responsibility for the management of the school. Decisions which are made at the school level must be aligned with the budget, policies, curriculum, and long-range and short-range goals adopted by the School Committee. In addition, decisions must comply with any state and federal laws and regulations and with any negotiated agreements of the school District.

As enacted by the state legislature in the Education Reform Act of 1993, a school council shall be established in each school to advise the Principal in specific areas of school operation. The Principal, except as specifically defined in the law, shall have the responsibility for defining the composition of and forming the group pursuant to a representative process approved by the Superintendent and School Committee.

The following guidelines define the role of the school council:

The School Council shall meet regularly with the Principal of the school and shall assist in:

1. Adoption of educational goals for the school that are consistent with state and local policies and standards.
2. Identification of the educational needs of the students attending the school.
3. Review of the school building budget.
4. Formulation of a school improvement plan that may be implemented only after review and approval by the Superintendent.

LEGAL REFS.: M.G.L. 71:38Q, 71:59C

SCHOOL IMPROVEMENT PLAN

The Principal, in conjunction with the school council, shall be responsible for preparing a written school improvement plan annually. This plan shall be written with the advice of the school council and submitted for approval to the Superintendent. The plan should be drafted with the following in mind:

1. The educational goals for the school consistent with the goals and standards, including student performance standards, as adopted by the Massachusetts Board of Education and by the School Committee.
2. An assessment of the needs of the school in light of the proposed educational goals.
3. The means to address student performance.
4. Professional development for the school's professional staff.
5. The enhancement of parental involvement in the life of the school, safety, and discipline.
6. The development of means for meeting the diverse learning needs of every child.
7. Any further subjects as the Principal, in consultation with the school council, shall consider appropriate, except that:
 - a. The council shall have no authority over matters that are subject to Chapter 150E, the collective bargaining law, and
 - b. The council may not expand the scope of its authority beyond that established in law or expressly granted by School Committee policy.

SUBMISSION AND APPROVAL OF THE SCHOOL IMPROVEMENT PLAN

The written school improvement plan shall be submitted by the Principal to the Superintendent for review and approval by February 1st of each year.

While the implementation of the plan is dependent on Superintendent approval, it is important that the school council be aware of certain expectations of the School Committee regarding the school improvement plan. The school improvement plan should:

1. Focus on improvement of student learning.
2. Specify expected student outcomes and measurable/observable results.
3. Align with the mission of the School District and any goals and policies of the School District.
4. Be consistent with state and federal law, School District policy, established curriculum and negotiated agreements.
5. Clearly identify actions to be taken on how changes will be implemented.
6. Include a plan on how to solicit community support for the changes being developed.
7. Indicate anticipated costs and available funding sources.
8. Delineate the method of evaluating and reporting progress and results.

If the school improvement plan is not approved by the Superintendent, it shall be returned to the Principal with specific comments as to the reason(s). The Principal shall revise the plan in cooperation with the school council, and resubmit it for approval. If the Superintendent does not review the school improvement plan within 30 days of its receipt, the plan shall be deemed to have been approved.

CONDUCT OF SCHOOL COUNCIL BUSINESS

The Principal shall, by law, serve as co-chair of the council. The second co-chair will be elected annually by the council members at its first meeting of the school year subsequent to the elections of new council members. The co-chairs will be responsible for the preparation of the agenda for the council meetings.

The school council shall meet at least once monthly during the school year. Meetings will be held outside of school hours. At its first meeting of the school year, the council will set its calendar of regular meetings for the year. Where circumstances warrant, the council may choose to call additional meetings.

School councils shall use consensus as the primary method to resolve issues and to formulate recommendations. Votes by majority may be taken at the discretion of the Principal and Robert's Rules of Order shall prevail if there are questions of procedure.

All meetings of the school council shall conform to the Open Meeting Law which stipulates that all meetings be open to the public, that meetings be posted at least 48 hours in advance, and that minutes of the meeting shall be maintained as required. The scope of the school council does not require, and therefore does not qualify for, executive session.

The Superintendent shall receive agendas and minutes of all school council meetings. The Superintendent shall provide copies of these materials to members of the School Committee upon request.

LEGAL REFS.: M.G.L. 30A:20; 30A:21; 30A:22

SCHOOL ATTORNEY

The School Committee may use the services provided by the City Solicitor. The Committee and the Superintendent may seek his/her services to counsel and represent the school system at various times.

However, because the complexity of school department operations often requires specialized legal services, the Committee may also retain an attorney or law firm to provide additional legal services.

It will be the duty of the counsel for the Committee to advise the School Committee and the Superintendent on the specific legal problems submitted to him. He/she will attend meetings upon request and will be sufficiently familiar with Committee policies, practices, and actions under these policies, and with requirements of the school law to enable him/her to offer the necessary legal advice.

A decision to seek legal advice or assistance on behalf of the school system will be made by the Committee. The Superintendent may also take such action at the direction of the Committee.

Many types of legal assistance are routine and do not require specific Committee approval or prior notice. However, when the Superintendent concludes that unusual types or amounts of professional legal service may be required, he/she will advise the Committee and seek either initial or continuing authorization for such service.

LEGAL REFS.: M.G.L. 71:37E; 71:37F

SCHOOL COMMITTEE MEETINGS

The School Committee will transact all business at official meetings of the Committee. These may be either regular or special meetings, defined as follows:

1. Regular meeting: those that are scheduled and are, typically, a certain day of the week and time
2. Special meeting: anything outside of the regular meeting. The Chairman is the only person empowered to call a Special Meeting. Special Meetings are also posted 48 hours in advance

Every meeting of the School Committee, regular or special, will be open to the public unless an executive session is held in accordance with state law.

LEGAL REFS.: M.G.L. 30A:20; 30A:21; 30A:22

CROSS REFS.: BEC, Executive Sessions
BEDA, Notification of School Committee Meetings

EXECUTIVE SESSIONS

All meetings of the School Committee are open to attendance by the public and media representatives. However, the Committee has the right to convene in a closed executive session when it meets the following procedural conditions imposed by state law:

1. The Committee will first convene in an open session for which due notice has been given.
2. The Chairperson (or, in his/her absence, the presiding member) will state the purpose for the executive session by stating all subjects that may be revealed without compromising the purpose for which the executive session was called.
3. A majority of the members must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
4. The Chairperson or presiding member will state before entering the executive session whether the Committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which executive sessions may be convened. The Committee may enter executive sessions only to deliberate:

1. The reputation, character, physical condition or mental health, rather than the professional competence, of a single individual, or the discipline or dismissal, including the hearing of charges against, a member of the committee, a school department employee or student, or other individual. The individual has certain rights enumerated in the law including requiring the Committee to hold an open session should the individual so request.
2. Strategy with respect to non-union negotiations or to conduct collective bargaining sessions with non-union personnel.
3. Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. Collective bargaining may also be conducted.
4. The deployment of security personnel or devices.
5. Allegations of criminal misconduct or to discuss the filing of criminal complaints.
6. Transactions of real estate, if an open meeting might be detrimental to the negotiating position of the committee or another party.
7. To comply with the provisions of any general or specific law of federal grant-in-aid requirements.

8. And to consider and interview applicants for employment by a preliminary screening committee (The only position that the school committee would be involved in that might qualify would be for the position of Superintendent.) This exemption only applies if it can be determined that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to applicants who have passed a prior preliminary screening.

9. To meet or confer with a mediator with respect to any litigation or public business.

10. To discuss trade secrets or confidential competitively-sensitive or other proprietary information conducted by a governmental body as an energy supplier.

(In the first case, an open meeting will be held if the individual involved so requests.)

Accurate records of the proceedings conducted in executive session will be kept and may remain secret only so long as their publication would defeat the purpose of the session.

The School Committee Chair and the Superintendent will review executive session minutes for possible declassification on, at least, a quarterly basis and, if necessary, will consult with legal counsel. The School Committee Chair will bring minutes recommended for declassification to the School Committee for a vote either as part of a consent agenda or for individual action. In either case, there shall be an announcement of the declassification of minutes.

When a specific set of executive session minutes, not yet declassified, is requested by a member of the public, the School Committee shall render a decision on declassification at its next meeting or within 30 days after the request, whichever occurs first.

All votes taken in executive session will be recorded roll call votes, and will become part of the minutes of executive sessions.

Established by law and Committee policy

SOURCE: MASC

LEGAL REFS. : M.G.L. 30A:21; 30A:22

CROSS REFS. : BDE, Subcommittees of the School Committee
BE, School Committee Meetings
KEB, Public Complaints about School Personnel

NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

As required by law, a minimum of 48 hours' advance notice (excluding Saturdays, Sundays and legal holidays) will be given for any meeting of the School Committee, including all subcommittee meetings. The only exception permitted is in case of emergency, which the law defines as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action."

Notification of the dates, times, and places of regular meetings may be accomplished by periodic publication of the schedule for the ensuing months. However, a minimum of 48 hours prior to each meeting the Committee shall cause to be posted a listing of each subject the Chair reasonably anticipates will be discussed at the meeting (the agenda). Notification of a change in a regular meeting time, place, or agenda and notification, including agenda, of a special meeting will be filed with the town clerk at least 48 hours in advance, as required by law.

SOURCE: MASC July 2016

LEGAL REFS.: M.G.L. [30A:18-25](#)

CROSS REF.: [BE](#), School Committee Meetings

NOTE: Notification to the public as well as to School Committee members can be included under this code.

AGENDA FORMAT

The Superintendent, conferring with the Chair of the School Committee, will arrange the order of items on meetings agendas so that the Committee can accomplish its business as expeditiously as possible. The particular order may vary from meeting to meeting in keeping with the business at hand.

The Committee will follow the order of business established by the agenda except as it votes to rearrange the order for the convenience of visitors, individuals appearing before the Committee, or to expedite Committee business.

Any School Committee member, staff member, or citizen may suggest items of business. The inclusion of such items, however, will be at the discretion of the Chair of the Committee. A staff member who wishes to have a topic scheduled on the agenda should submit the request through the Superintendent.

The agenda will also provide for time when any citizen who wishes may speak briefly before the School Committee.

The agenda, together with supporting materials, will be distributed to School Committee members no less than three business days prior to the meeting to permit adequate time to prepare for the meeting.

Agendas will be posted and made available to the press.

The Chair, upon consultation with the Vice Chair and Superintendent of Schools, shall approve the Agenda for the School Committee Regular Meetings. A School Committee Member may request that any topic within the jurisdiction of the Fall River School Committee be placed on the Agenda of any School Committee Regular Meeting. The School Committee Member shall make his /her request in writing to the Chair, Vice Chair and Superintendent of Schools not later than 5 business days before the date of the scheduled School Committee Regular Meeting. The topic shall be placed on the Agenda of the Regular Meeting of the School Committee. If, for whatever reason, the requested topic is not placed on the Agenda of the School Committee Regular Meeting, any School Committee Member may move under New Business that the requested Agenda topic be placed on the Agenda of the next meeting of the School Committee. If the requested topic must be acted upon prior to the next scheduled School Committee Regular Meeting, then any School Committee Member may introduce the topic under New Business for discussion and /or vote

SOURCE: MASC [July 2016](#)

CROSS REFS: [BEDH](#), Public Comment at School Committee Meetings

NOTE: When a Committee has a policy on agenda format such as the one above, a "customary order of business" or a listing of business to be accomplished at each meeting (regardless of order) is often included in the manual as an informational document.

RULES OF ORDER

Robert's Rules of Order, Newly Revised will govern the proceedings of the Committee, except when those rules are in conflict with the Committee's approved policies and regulations.

In accordance with Robert's Rules, the Committee may suspend parliamentary rules of order by a two-thirds vote.

VOTING METHOD

Except on procedural matters, all votes of the School Committee will be taken by a voice vote and the ayes and nays will be recorded in the minutes; if the vote is unanimous only that fact need be recorded. A roll call vote will be taken if requested by a member of the School Committee.

All actions will require a majority vote of all members present and voting except as state law, Robert's Rules of Order, Newly Revised, or policies of this Committee require a larger majority. A majority of the members of the School Committee will constitute a quorum.

A two-thirds vote will be required to suspend parliamentary rules of order.

LEGAL REFS.: M.G.L. 39:23B; 71:42; 71:50

MINUTES

The minutes of a School Committee meeting constitute the written record of Committee actions; they are legal evidence of what the action was. Therefore, the secretary of the School Committee will be responsible for reporting in the minutes all actions taken by the Committee.

Minutes will include:

1. A statement on the nature of the meeting (regular or special), the time, the place, and the approval of the last regular and each subsequent special meeting.
2. Names of the members present or absent, annotated as to arrival and departure times, if during the meeting.
3. A complete record of official actions taken by the Committee relative to the Superintendent's recommendations, to communications, and to all business transacted. Resolutions and motions will be given in their exact wording, accompanied by the names of members moving and seconding and a record of the results of the vote. Reports and documents relating to a formal motion may be omitted if they are referred to and identified by title and date.
4. Notation of formal adjournment.

Copies of the minutes will be sent to all Committee members at least 48 hours in advance of the meeting at which the minutes are to be approved.

The approved minutes will become permanent records of the Committee. Minutes of public meetings and minutes of executive sessions that have been declassified will be in the custody of the Superintendent who will make them available to interested citizens upon request.

LEGAL REFS.: M.G.L. 30A: 22; 66:10

CROSS REF.: KDB, Public's Right to Know

PUBLIC COMMENT AT SCHOOL COMMITTEE MEETINGS

All regular and special meetings of the School Committee shall be open to the public. Executive sessions will be held only as prescribed by the Statutes of the Commonwealth of Massachusetts.

The School Committee desires individuals to attend its meetings so that they may become better acquainted with the operations and the programs of our local public schools. In addition, the Committee would like the opportunity to hear public comment.

Public comment is not a discussion, debate, or dialogue between individuals and the School Committee. It is an individual's opportunity to express an opinion on issues within the School Committee's authority.

All Speakers are encouraged to present their remarks in a respectful manner.

NOTE: the following procedures are consistent with Section 9-18 of the Fall River City Charter regarding Public Comment Rules or Policy as they pertain to public bodies such as the school committee.

The Charter states: "The School Committee shall develop and adopt rules or policy addressing public comment. The rules or policies shall require that public meeting comment periods appear on meeting agendas for all regular and special meetings. Public comment shall not be limited to items on the agenda for any regular meeting, providing the issues or concerns raised, are within the jurisdiction of the school committee. Public comment at any special meeting shall be limited to items on the meeting agenda.

To ensure the ability of the School Committee to conduct the District's business in an orderly manner, the following rules and procedures are adopted:

1. At the start of each regularly scheduled School Committee meeting, individuals will sign in for an opportunity to speak during public comment. The public comment segment shall not exceed 15 minutes. All speakers are encouraged to present their remarks in a respectful manner
2. Speakers will be allowed up to three (3) minutes to present their material and must begin their comments by stating their name and city/town. The presiding Chair may permit extension of this time limit, in extenuating circumstances. Large groups addressing the same topic are encouraged to consolidate their remarks and/or select a spokesperson to comment at Citizens' Input. Speakers may not assign their time to another speaker.
3. Topics for discussion should be limited to those within the School Committee's scope of authority. The authority of the School Committee primarily concerns the review and approval of the budget of the district's public schools, the performance of the Superintendent, and the educational goals and policies of the district's public schools. Comments and complaints regarding school personnel (apart from the Superintendent) or students are generally prohibited unless those comments and complaints concern matters within the scope of the School Committee authority.

4. The Chair of the meeting, after a warning, reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats that are likely to provoke a violent reaction and cause a breach of the peace, or incitement to imminent lawless conduct, or contains obscenities, or comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests.
5. Written comments longer than three (3) minutes may be presented to the presiding Chair before or after the meeting. Written comments longer than three(3) minutes be adopted and placed on file. The first three(3) minutes of any Public Comment shall be read. All remarks will be addressed through the Chair of the meeting. Comments made during the Citizens' Input portion of the meeting do not necessarily reflect the views or positions of the Fall River School Committee.
6. Sign up instructions will be provided for those who wish to participate in Citizens' Input.
7. Disclaimer: Citizens' Input is not a time for debate or response to comments by the School Committee. Comments made at Citizens' Input may not reflect the views or the positions of the School Committee. Because of constitutional free speech principles, the School Committee does not have the authority to prevent all speech that may be upsetting and/or offensive at Citizens' Input.

LEGAL REFS.: M.G.L. 30A: 18-25

CROSS REFS: BE, SCHOOL COMMITTEE MEETINGS
BEC, EXECUTIVE SESSIONS
BEDA, NOTIFICATION OF SCHOOL COMMITTEE MEETINGS

SOURCE: MASC

Revised January 2020

SPECIAL PROCEDURES FOR CONDUCTING HEARINGS

In conducting all public hearings required by law, and others, as it deems advisable, the School Committee will:

1. Give due and public notice in line with statutory requirements and seek to publicize the meeting in all local media.
2. Make available printed information on the topic of the hearing.
3. Give all persons an equal opportunity to be heard in accordance with the Committee's policy.

The Chairperson of the Committee will preside at the hearing.

The public will be informed at the beginning of the hearing the particular procedure that will be followed in regard to questions, remarks, rebuttals, and any time limitations or other rules that must be followed to give everyone an opportunity to be heard.

In conformance with customary hearing procedures, statements and supporting information will be presented first by the Committee, or by others for the Committee; to comment, citizens must be recognized by the chair, and all remarks must be addressed to the chair and be germane to the topic. To assure that all who wish get a chance to speak, the chair will recognize persons who have not commented previously during the hearing before recognizing persons who wish to remark a second time.

SCHOOL COMMITTEE POLICY DEVELOPMENT

The School Committee will develop policies and put them in writing so that they may serve as guides for the discretionary action of those to whom it delegates authority.

The formulation and adoption of these written policies will constitute the basic method by which the School Committee will exercise its leadership in providing for the successful and efficient functioning of the school system. Through the study and evaluation of reports concerning the execution of its policies, the School Committee will exercise its control over school operation.

The School Committee accepts the definition of policy set forth by the National School Boards Association:

Policies are principles adopted by a School Committee to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting day-to-day problems, yet be specific enough to give clear guidance.

The policies of the School Committee are framed, and are meant to be interpreted, in terms of state law, regulations of the Massachusetts Board of Education, and other regulatory agencies of the various levels of government.

POLICY ADOPTION

Adoption of new policies or changing existing policies is solely the responsibility of the School Committee. Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the School Committee when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as an agenda item to the Committee in the following sequence:

1. Discussion item - first reading of proposed policy or policies; response from Superintendent; report from any advisory Committee assigned responsibility in the area; Committee discussion and directions for any redrafting
2. Action item - discussion, adoption or rejection.

The School Committee can dispense with the above process by a majority vote, thereby making immediate policy.

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Committee so directs.

The School Committee may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the School Committee. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.

ANNUAL POLICY REVIEW

The Fall River School Department, through the office of the Superintendent, will conduct an annual review of all approved policies at the end of each school year. The purpose of this review will be to ascertain the success, relevance and/or need for policies that have been implemented and to recommend any changes that might be necessary.

In addition, this annual review will include an examination of policies that have been written in previous years, so that necessary updates might be considered.

Discussion of potential policy modifications may be referred to the appropriate School Committee Subcommittee, or directly to the committee as a whole. The office of the Superintendent will report to the School Committee on this annual policy review at the beginning of each school year.

Please note that nothing in this policy should be construed to prevent new policy recommendations from being brought forth at any time. Individual school councils, as prescribed in the educational reform law, will continue to review and evaluate school handbooks for submission as required.

Approved 12/11/2006

POLICY DISSEMINATION

The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Committee and the regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school system, to members of the Committee, and, insofar as conveniently possible, to all persons in the community. A policy concerning a particular group or groups in the schools will be distributed to those groups prior to the policy's effective date.

All policy manuals distributed to anyone will remain the property of the Committee and will be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time deemed necessary for purposes of updating.

The School Committee's policy manual will be considered a public record and will be available for inspection at the Superintendent's office.

SUSPENSION OF POLICIES

The operation of any section or sections of School Committee policies not established by law or contract may be temporarily suspended by a two-thirds vote of Committee members present at any regular or special meeting. Any action to suspend policy must be reviewed at the next scheduled meeting and will be so noted on the agenda for that meeting.

SCHOOL COMMITTEE-STAFF COMMUNICATIONS

The School Committee wishes to maintain open channels of communication between itself and the staff. A basic line of communication is through the Superintendent but may also be directly between the School Committee members and individuals in the district.

Staff Communications to the School Committee

All communications or reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee for administrative decisions on important matters, except those matters that are outside of the Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances. Reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee for administrative decisions on important matters, except those matters that are outside of the Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances.

School Committee Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.

Visits to Schools

Individual School Committee members interested in visiting schools or classrooms are encouraged to do so and will contact the Principal to set up a mutually agreed upon time. Principals can contact the Superintendent. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under Committee authorization.

USE OF ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS

As elected public officials, School Committee members shall exercise caution when communicating between and among themselves via electronic messaging services including, but not limited to, electronic mail (e-mail), text messages, social media postings, internet web forums, and internet chat rooms.

Under the Open Meeting Law, deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including, but not limited to, the sharing of an opinion regarding business over which the Committee has supervision, control, or jurisdiction. A quorum may be arrived at sequentially using electronic messaging without knowledge and intent by the author.

School Committee members should use electronic messaging between and among members only for housekeeping purposes such as requesting or communicating agenda items, meeting times, or meeting dates. Electronic messaging should not be used to discuss Committee matters that require public discussion under the Open Meeting Law.

Under the Public Records Law, electronic messages between public officials may be considered public records. Therefore, in order to ensure compliance, the School Committee Chair, in consultation with the Superintendent of Schools, shall annually designate a member of the central office staff who shall be copied on all electronic mail correspondence between and among members of the School Committee, or the district shall provide district e-mail addresses, which are archived. These copies shall be printed and retained in the central office in the same fashion as any other School Committee records. School Committee members who do not have a computer or access to these messages shall be provided copies on a timely basis.

SOURCE: MASC July 2016

LEGAL REF.: M.G.L.4:7; [30A:18-25](#), [23B](#); [66:10](#)

NEW SCHOOL COMMITTEE MEMBER ORIENTATION

In accordance with the requirements of law, each new School Committee member elected to the School Committee is required to complete, within one year of their election or appointment, at least eight hours of orientation training. This orientation shall include, but is not limited to, a review of School Finance, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Special Education Law, Collective Bargaining, School Leadership Standards and Evaluations, and the Roles and Responsibilities of School Committee Members.

The School Committee and Superintendent shall assist each new member to understand the Committee's functions, policies and procedures of the Committee as soon after election as possible. Each new member shall be given or provided direct online access to the following materials:

- A. A copy of the School Committee policy manual
- B. A copy of the Open Meeting Law
- C. A copy of the Ethics/Conflict of Interest Regulations
- D. A copy of the district's budget
- E. Collective bargaining agreements and contracts
- F. Student and staff handbooks

Each new member shall also receive any other materials the Chair and/or the Superintendent determine.

The Chair and/or Superintendent shall also clarify policy:

- A. arranging visits to schools or administrative offices
- B. requesting information regarding school district operations
- C. responding to community requests/complaints concerning staff or programs
- D. handling confidential information

Whether appointed or elected, new members should be advised that they are also members of the Massachusetts Association of School Committees, Inc. and should be encouraged to utilize the services and resources MASC provides by attending meetings or workshops specifically designed for new Committee members. Their expenses at these meetings or workshops will be reimbursed in accordance with established School Committee policy.

SOURCE: MASC July 2016

CROSS REF: [BBBA/BBBB](#) School Committee Member Qualifications/Oath of Office

LEGAL REF.: M.G.L. [71:36A](#)

SCHOOL COMMITTEE CONFERENCES, CONVENTIONS, AND WORKSHOPS

To provide continuing in-service training and development for its members, the School Committee encourages the participation of all members at appropriate School Committee conferences, workshops and conventions. However, in order to control both the investment of time and funds necessary to implement this policy, the Committee establishes these principles and procedures for its guidance:

1. The School Committee shall be made aware of School Committee conferences, conventions and workshops. The Committee will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school system.
2. Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Committee will designate which of its members would be the most appropriate to participate at a given meeting.
3. Reimbursement to Committee members for their travel expenses will be in accordance with the travel reimbursement policy.
4. When a conference, convention, or workshop is not attended by the full Committee, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

SOURCE: MASC July 2016

LEGAL REFS.: M.G.L. [40:5](#)

CROSS REFS.: [BID](#), School Committee Member Compensation and Expenses

[DKC](#), Expense Reimbursements

SCHOOL COMMITTEE LEGISLATIVE PROGRAM

The School Committee, as an agent of the state, must operate within the bounds of state and federal laws affecting public education. If the Committee is to meet its responsibilities to the residents and students of this community, it must work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause.

To this end:

1. The Committee will keep itself informed of pending legislation and actively communicate its concerns and make its position known to elected representatives at both the state and national level.
2. The Committee will work with its legislative representatives (both state and federal), with the Massachusetts Association of School Committees, and other concerned groups in developing an annual, as well as a long-range, legislative program. One of the major objectives of the Committee's legislative program will be to seek full funding for all state and federally mandated programs.
3. The Committee will annually designate a person--who may or may not be a member of the Committee--to serve as its legislative representative. This person will be authorized to speak on the Committee's behalf with respect to legislation being considered by the Massachusetts Legislature or the United States Congress or their respective committees. In all dealings with individual elected representatives, the Legislature or Congress, the Committee's representative will be bound by the official positions taken by the School Committee.

SCHOOL COMMITTEE MEMBERSHIPS

The Committee will maintain memberships in the national, state and regional School Committees (boards) associations and take an active part in the activities of these groups.

It may also maintain institutional memberships in other educational organizations, which the executive officer and Committee find to be of benefit to members and personnel.

The materials and benefits of institutional memberships will be distributed and used to the best advantage of the Committee and the staff.

SECTION C

GENERAL SCHOOL ADMINISTRATION

CA	ADMINISTRATION GOALS
CB	SCHOOL SUPERINTENDENT 11/13/17
CBD	SUPERINTENDENT'S CONTRACT 11/13/17
CBI	EVALUATION OF THE SUPERINTENDENT 12/11/17
CCB	LINE AND STAFF RELATIONS
CE	ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES 11/13/17
CH	POLICY IMPLEMENTATION 11/13/17
CHA	DEVELOPMENT OF PROCEDURES 11/13/17
CHC	PROCEDURES DISSEMINATION 11/13/17
CHCA	APPROVAL OF HANDBOOKS AND DIRECTIVES
CHD	ADMINISTRATION IN POLICY ABSENCE
CL	ADMINISTRATIVE REPORTS

ADMINISTRATION GOALS

It is the intent of the School Committee that the District employs qualified personnel to administer the school system efficiently and to require the Superintendent to organize the administration in a manner that will make clear the functions of each position and the relationships among them.

The Superintendent will establish clear lines of communication, both vertically and horizontally, and will form any staff councils or committees needed to provide for efficient conduct of school business. In order to engage in this process in an orderly and effective fashion, each individual and group will be given particular, clear-cut responsibilities. Channels will be established so that the recommendations and decisions of each group can be heard and reviewed by the chief administrative officer concerned, and, where appropriate, by the Superintendent and School Committee.

The organization and administration of the schools will balance responsibility with commensurate authority, subject to the reserved legal powers of the School Committee. This means that a staff member, when assigned a responsibility or a position, will be given the authority to make the decisions necessary to perform the assigned tasks.

For the schools to operate effectively, each administrative officer will be responsible and accountable for making a plan of development for all staff assigned to his/her area of operation.

File: CB

SCHOOL SUPERINTENDENT

The Committee shall employ a Superintendent of Schools and fix his/her compensation. The Superintendent shall act in accordance with Mass. General Laws and shall perform such other duties consistent with this section as the Committee may determine. He/she shall also prepare such reports as may be required by the State Dept. of Elementary and Secondary Education and shall submit materials for the Committee's annual report to the (Mayor) Selectmen in sufficient time for printing in the annual report.

SOURCE: MASC July 2016

LEGAL REFS: M.G.L. [71:59](#), [72:3](#)

SUPERINTENDENT'S CONTRACT

The Committee, upon the appointment of a candidate to be Superintendent will enter into a written contract with the Superintendent which will meet the requirements of law and will protect the rights of both the Committee and the Superintendent. In accordance with said contract or, in the absence of specific contract language, by vote of the members, the Committee may choose to negotiate a successor contract with an incumbent Superintendent.

SOURCE: MASC July 2016

LEGAL REFS.: M.G.L. [71:41](#); [71:42](#)

NOTE: Under the laws of the Commonwealth, the School Committee may award a contract to a Superintendent of schools for a period not to exceed six years.

EVALUATION OF THE SUPERINTENDENT

Evaluation can serve the purpose of helping educators and educational leaders continually improve their practice.

Through evaluation of the Superintendent, the School Committee will strive to accomplish the following:

1. Ensure the efforts of the Superintendent are focused on district goals and the standards of professional practice established by state regulation are met by the Superintendent.
2. Ensure all Committee members and the Superintendent are in agreement and clear on the role of the Superintendent and the immediate priorities among his/her responsibilities.
3. Provide excellence in administrative leadership of the school district.
4. Develop a respectful and productive working relationship between the School Committee and Superintendent.

The School Committee and Superintendent will periodically develop a set of performance objectives based on the needs of the school district and in keeping with state regulations for evaluation of the Superintendent. The Superintendent's performance will be reviewed in accordance with specified goals and standards. Additional objectives will be established according to the evaluation cycle agreed upon with the Superintendent.

All School Committee discussion and deliberation related to the Superintendent's performance evaluation shall be conducted in open session in accordance with the open meeting law.

SOURCE: MASC July 2016

LEGAL REFS: M.G.L. [30A:18-25](#)

603 CMR [35.00](#)

LINE AND STAFF RELATIONS

The School Committee expects the Superintendent to establish clear understandings on the part of all personnel of the working relationships in the school system.

Personnel will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. The administrator will refer such matters to the next higher administrative authority when necessary.

It is expected that the established lines of authority will serve most purposes. But all personnel will have the right to appeal any decision made by an administrative officer through established grievance procedures.

Additionally, lines of authority do not restrict in any way the cooperative, sensible working together of all staff members at all levels in order to develop the best possible school programs and services. The established lines of authority represent direction of authority and responsibility; when the staff is working together, the lines represent avenues for a two-way flow of ideas to improve the program and operations of the school system.

ADMINISTRATIVE COUNCILS, CABINETS AND COMMITTEES

The Superintendent may establish such permanent or temporary councils, cabinets, and committees as he/she deems necessary for assuring staff participation in decision making, for implementing policies and procedures and for the improvement of the educational program.

Functioning in an advisory capacity, all councils, cabinets and committees created by the Superintendent may make recommendations for submission to the School Committee through the Superintendent. Such groups will exercise no inherent authority. Authority for establishing policy remains with the Committee and authority for implementing policy remains with the Superintendent.

The membership, composition and responsibilities of administrative councils, cabinets and committees will be defined by the Superintendent and may be changed at his/her discretion. However, the School Committee wishes to be kept informed of the establishment and dissolution of these groups as well as their membership and their purpose.

Expenses incurred by such groups for consultative services, materials, and any investigative travel will be paid by the school system, but only within budgetary allotments and when approved in advance by the Superintendent.

SOURCE: MASC July 2016

POLICY IMPLEMENTATION

The Superintendent has responsibility for carrying out, through procedures, the policies established by the School Committee.

The policies developed by the Committee and the procedures developed to implement policy are designed to increase the effectiveness and efficiency of the school system. Consequently, it is expected that all School Committee employees and students will carry them out.

Administrators and supervisors are responsible for informing staff members in their schools, departments, or divisions of existing policies and procedures and for seeing that they are implemented in the spirit intended.

SOURCE: MASC July 2016

NOTE: This policy is one of a coordinated set of policies relating to Policy Implementation adopted by a Massachusetts School Committee. Other statements cover Development of Procedures (code CHA) and Procedures Dissemination (code CHC). However, a policy related to these two subcategories could be included in the more general code CH, Policy Implementation.

DEVELOPMENT OF PROCEDURES

The Superintendent will be responsible for specifying required actions and designing the detailed arrangements under which the school system will be operated in accordance with School Committee policy. These detailed arrangements will be designed to implement policies, goals, and objectives of the Committee and will be one of the means by which the school system will be governed.

In the development of procedures, the Superintendent may involve at the planning stage those who would be affected by the procedures, including staff members, students, parents/guardians, and the public. He/she must weigh with care the counsel given by representatives of staff, student and community organizations. He/she will inform the Committee of such counsel in presenting pertinent reports of procedures and in presenting procedures for Committee approval.

As long as the Superintendent operates within the guidelines of policy adopted by the Committee, he/she may issue procedures without prior Committee approval unless Committee action is required by law, or the Committee has specifically asked that certain types of procedures be given Committee approval, or the Superintendent recommends Committee approval in light of strong community attitudes or probable staff reactions.

SOURCE: MASC July 2016

PROCEDURES DISSEMINATION

It will be the responsibility of the Superintendent to see that the procedures developed to implement Committee policies and administer the school system are appropriately coded and included as procedures in the School Committee's policy manual.

A procedure concerning a particular group or groups in the schools will be distributed to the group(s) prior to the effective date of the procedure.

SOURCE: MASC July 2016

APPROVAL OF HANDBOOKS AND DIRECTIVES

The law directs that in each school building the Principal, in consultation with the school council, shall prepare and distribute to each student a handbook setting forth the rules pertaining to conduct of students. All student handbooks shall be made available in multiple languages. The school council shall review the handbook each spring to consider changes in the disciplinary policy to take effect in September.

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

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

LEGAL REFS.: M.G.L. 71:37H

ADMINISTRATION IN POLICY ABSENCE

When action must be taken within the school system where the Committee has provided no guides for administrative action, the Superintendent will have the power to act. The Superintendent's decisions, however, will be subject to review by the Committee.

ADMINISTRATIVE REPORTS

The School Committee may require reports from the Superintendent concerning conditions of efficiency and needs of the schools.

School building administrators will be required to keep such records and make reports as the Superintendent may direct or require.

Upon receipt of the Superintendent's reports, the Committee will take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system.

Because statistical information often has a time value, each administrator will give careful consideration to all procedures related to reports, accounting, and general business matters that are required for the administration of the school program and will make accurate and prompt return on scheduled dates of all required statistical and other information.

SECTION D

FISCAL MANAGEMENT

DA	FISCAL MANAGEMENT GOALS
DB	ANNUAL BUDGET 05/09/22
DBC	BUDGET DEADLINES AND SCHEDULES 05/09/22
DBD	BUDGET PLANNING 05/09/22
DBG	BUDGET ADOPTION PROCEDURES 05/09/22
DBJ	BUDGET TRANSFER AUTHORITY 05/09/22
DD	FUNDING PROPOSALS AND APPLICATIONS 05/09/22
DEC	FEDERAL FUNDS SUPPLEMENT NOT SUPPLANT POLICY 05/09/22
DGA	AUTHORIZED SIGNATURES 05/09/22
DH	BONDED EMPLOYEES AND OFFICERS 05/09/22
DI	FISCAL ACCOUNTING AND REPORTING 05/09/22
DIE	AUDITS 05/09/22
DJ	PURCHASING 05/09/22
DJA	PURCHASING AUTHORITY 05/09/22
DJE	PROCUREMENT REQUIREMENTS 05/09/22
DK	PAYMENT PROCEDURES 05/09/22
DKC	EXPENSE REIMBURSEMENTS 05/09/22

FISCAL MANAGEMENT GOALS

As the trustee of local, state, and federal funds allocated for use in public education, the Committee will use these funds wisely in pursuit of the district's goals.

The quantity and quality of the district's educational programs are dependent on the effective, efficient management of allocated funds. Achievement of the district's purposes can best be achieved through excellent fiscal management.

It is imperative that the educational program be held of paramount importance. Decisions made due to resource limitations must center on the educational goals of the district.

This prioritization will be incorporated into all aspects of district management and Committee decision making.

Regarding the district's fiscal management, it is the Committee's intent:

1. To allocate public funding, centering equity while achieving the greatest educational returns and the greatest contributions to the educational program in relation to dollars expended.
2. To engage in thorough advance planning, with staff and community involvement, in order to develop budgets
3. To advocate for levels of funding that will provide high quality education for all students.
4. To support the use of the best techniques for budget development and management.
5. To provide timely and appropriate information to the community.

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

ANNUAL BUDGET

The annual budget is the financial expression of the goals of the School Committee in meeting the needs of all students.

The budget then requires an orderly and cooperative effort by the Committee, the staff, and the community to achieve the goals of the district.

Public school budgeting is regulated and controlled by legislation, state regulations, and local School Committee policy. The operating budget for the school district will be prepared and managed in line with the above.

In developing a budget, care shall be taken to make all presentations and documents associated with the budget clear and accessible to the members of the School Committee, to the municipal officials, and to the general public.

The budget shall be in compliance with the foundation budget. It is acknowledged that the foundation budget reflects the minimum recommended spending for a District, and excludes transportation costs, debt service costs, and costs associated with the acquisition of fixed assets. The aforementioned items must, therefore, be budgeted in addition to the foundation budget, and funds to support those expenditures must be raised from the community, after the use of any offsetting revenues received from the state.

The Superintendent will serve as budget officer but may delegate portions of this responsibility to members of their staff, as they deem appropriate. The three general areas of responsibility for the Superintendent as budget officer are budget preparation, budget presentation, and budget administration.

A budget is a spending plan, which is developed well in advance of the fiscal year. Circumstances may occur which necessitate changing spending priorities and redirecting funds within the budget accordingly. Revisions to the budget may be made from time to time by the Committee, upon the recommendation of the Superintendent.

Annual budgets for each school operated by the District shall be developed with input from the School Council and shall reflect the priorities established in the annual school improvement plan.

LEGAL REFS.: M.G.L. 71:34; 71:37 and 71:38N

SOURCE: MASC 2021

NOTE: References to portions of a town or city charter may be appropriate here. The charter should be reviewed.

Adopted by School Committee 05.09.22

BUDGET DEADLINES AND SCHEDULES

Preparation of the annual budget will be scheduled in stages throughout the school year with attention to certain deadlines established by law and charter.

The calendar year for budget preparation will be determined by calculating backwards from the final adoption date.

Whatever dates are assigned, the final date for the submission of the budget to the City Council will be arranged cooperatively with the School Committee and finance committee.

In reaching its decision on the budget amount that it will submit to the City Council, the School Committee will also observe the statutory requirement of holding a public hearing on the proposed budget not less than seven days after the notice for this hearing has been published in a local newspaper.

LEGAL REFS.: M.G.L. [71:38N](#)
 Town Charter (See local reference)

SOURCE: MASC 2021

NOTE: The above references a town process. The above will need to be redrafted for city districts. Regional school districts should also refer to [71:16B](#) for pertinent information. A citation of that section of law should also be added to the legal references.

Adopted by School Committee 05.09.22

BUDGET PLANNING

A sound budget development process must be established to ensure that the annual operating budget accurately reflects the District's goals. The budget is a financial planning tool that grounds itself in careful analysis of student achievement, enrollment, mandated services, and community values to allocate resources towards the goals set by the Committee. The first priority in the development of an annual budget will be the educational welfare of the children in our schools. The Committee also holds in balance the valid interest of the taxpayers.

The budget document shall reflect all sources of revenue. It shall clearly explain how those funds will be used.

In the budget planning process for the school district, the Superintendent will to:

1. Engage in thorough advance planning, with staff and community involvement, in order to develop budgets and guide expenditures in a manner that will achieve the greatest educational returns and contributions to the educational program in relation to dollars expended.
2. Establish levels of funding that will provide high quality education for all students.
3. Use the best available techniques for budget development and management.

The Superintendent will have overall responsibility for budget preparation, including the construction of, and adherence to, a budget calendar which will be shared publicly with the community. Such calendar will take into consideration the requirement that School Councils are to be consulted in developing school budgets.

SOURCE: MASC 2021

NOTE: Include in this category statements on the general plan for budget development and on staff/student/public participation in the process (but not the official hearings). If advisory committees take part, this might be included in the policy, with details on their functioning presented as an accompanying regulation.

Adopted by School Committee 05.09.22

BUDGET ADOPTION PROCEDURES

The district budget is adopted by the School Committee at the cost center level. Cost centers should represent appropriate levels of transparency for the Committee to oversee goal implementation while allowing for administrative day-to-day work. Cost centers will be agreed upon by the Committee and administration.

All revenue sources are subject to adoption by the School Committee. The budget is adopted by a simple majority.

Authority for adoption of the final school budget bottom line lies with the City Council. The school budget is presented as part of the total City budget for action by the City Council.

LEGAL REFS.: M.G.L. [71:34](#)
 Town Charter, (See local reference)

CROSS REF.: DBJ, Budget Transfer Authority

SOURCE: MASC 2021

NOTE: Town and city charters should be checked for specific provisions relating to budget adoption procedures. Appropriate citations should be added as was done on the statement above. The above process is that of towns; changes will be necessary for cities.

Adopted by School Committee 05.09.22

BUDGET TRANSFER AUTHORITY

In keeping with the need for periodic reconciliation of the school department's budget, the School Committee will consider requests for transfers of funds between cost centers as they are recommended by the Superintendent.

The Committee wishes to be kept abreast of the need for these adjustments so that it may act promptly and expedite financial record keeping for the school district.

All requests for transfers between cost centers as approved during the annual budget deliberation must be submitted to the School Committee for approval as part of the Chief Financial Officer's quarterly report at the business meetings of the School Committee.

All funds in the general account not expended by the close of the fiscal year will be returned to the municipality.

LEGAL REF.: DOR 94-660

CROSS REFS.: DBG, Budget Adoption Procedures
DI, Fiscal Accounting and Reporting

NOTE: Certain provisions in a policy in this category maybe established by town or city charter. If so, appropriate citations should be added as legal references.

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

FUNDING PROPOSALS AND APPLICATIONS

In accordance with state law, all grants and gifts to the District shall be reviewed and accepted by the School Committee before expenditure. The School Committee will encourage the administration to seek and secure possible sources of state, federal, and other special funds that will enhance the educational opportunities for the children in alignment with district goals. The superintendent will submit for School Committee approval spending plans at the same cost center level as the district budget.

The Superintendent will be responsible for coordinating the development of proposals for all specially funded projects and for keeping the Committee apprised and updated on all such projects.

LEGAL REF.: M.G.L. 44:53A

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

FEDERAL FUNDS SUPPLEMENT NOT SUPPLANT POLICY

The Fall River School District is committed to utilizing federal grant funds to supplement instructional programs funded by local, state and other sources as required by law and regulation. Federal funds will be used to complement and extend district-funded programs, not to take the place of (supplant) programs previously funded by the district, except as provided by the granting program.

The Superintendent or designee will ensure that federal grant funds are disbursed appropriately and that associated record-keeping and reporting complies with required guidelines and mandates.

LEGAL REF: Elementary and Secondary Education Act, as amended

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

AUTHORIZED SIGNATURES

The Chair of the School Committee or designee and the Superintendent or designee will sign payrolls presented for approval.

The municipal treasurer, who also serves as the school department treasurer, signs all checks drawn against school department funds. No other signature is valid.

LEGAL REFS.: M.G.L. 41:41; 41:52

SOURCE: MASC 2021

NOTE: Town and city charters often address this topic; alignment with charters is necessary. References to appropriate sections of a charter should be added as necessary. The content of policy in this area for a regional school district will be different than the above.

Adopted by School Committee 05.09.22

BONDED EMPLOYEES AND OFFICERS

Each employee of the school district who is assigned the responsibility of receiving and dispensing school funds will be bonded individually or covered by a blanket bond. The municipality will pay the cost of the bond.

LEGAL REF.: M.G.L. 40:5

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

FISCAL ACCOUNTING AND REPORTING

The Superintendent will be ultimately responsible for receiving and properly accounting for all funds of the school district.

The accounting system used will conform with the Uniform Massachusetts Accounting System as well as good accounting practices, providing for the appropriate separation of accounts, funds, and special monies.

The School Committee will receive periodic financial statements from the Superintendent showing the financial condition of the school department. Such other financial statements as may be determined necessary by either the Committee or the administration will be presented as found desirable.

LEGAL REFS.: MGL Ch. 44:38
603 CMR 10:00

CROSS REFS.: DBJ, Budget Transfer Authority
DIE, Audits

SOURCE: MASC 2021

NOTE: References to town or city charters may be appropriate at this category, and the content of the policy should be changed accordingly.

Adopted by School Committee 05.09.22

AUDITS

As a department of Fall River, an audit of the school department's accounts shall be conducted annually by external auditors. This review shall be conducted in accordance with the generally accepted accounting principles and the Government Auditing Standards issued by the U. S. Comptroller General.

Upon completion of the external audit, the superintendent will share the resulting documentation with the Committee. The Committee will consider the recommendations made by the auditor for maintaining an efficient system for recording and safeguarding the school department's assets.

Additionally, the district is also subject to the following:

- End of Year Financial Compliance Report: Every Massachusetts school district must submit the results of this report to the Department. This End of Year report must be submitted to the Department on or before September 30 each year.
- Government Accounting Standards Board 34: The District is covered in these government financial statements of revenue and expenditures of the municipality.
- Federal grant audits: As a district that spends above thresholds required, the district is subject to the Single Audit Act.
- Student Activity Account: As required by state law, student activity accounts are audited annually.

In addition, the Committee may request an additional audit of the school district's accounts at its discretion

LEGAL REFS: M.G.L. 44:38-40; 71:47; 72:3

CROSS REF: DI, Fiscal Accounting and Reporting

SOURCE: MASC 2021

NOTE: References to a town or city charter may be appropriate here. The content of these references may require a change in the content of a policy adopted by a local school Committee in this area.

Adopted by School Committee 05.09.22

PURCHASING

It shall be the responsibility of the Superintendent:

- To procure materials, supplies, equipment, and services at the lowest possible cost consistent with the quality necessary for the proper operation of the District, thereby attaining the maximum value for each public dollar spent;
- To maintain the District's reputation for fairness and integrity and to promote impartial and equal treatment to all who wish to conduct business with the District;
- To encourage a mutually cooperative relationship with requesting departments, recognizing that successful purchasing is a result of team planning and effort;
- To promote social and economic goals such as encouraging local, small, minority, and women-owned businesses to participate in bidding for District purchases.

The acquisition of materials, equipment and services will be centralized in the Superintendent's office of the school district.

The Superintendent will designate the District's purchasing agent. They will develop and administer the purchasing program for the schools in keeping with legal requirements and within the adopted school budget.

School purchases will be made only on official purchase orders approved for issuance by the appropriate unit head and signed by the Superintendent, with such exceptions as may be made by the latter for emergency purchases.

LEGAL REFS.: M.G.L.; 30B; 71:49A

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

PURCHASING AUTHORITY

Authority for the purchase of materials, equipment, supplies, and services is extended to the Superintendent through cost-center appropriation as part of the District budget process.

The purchase of items and services within the cost-center appropriation requires no further Committee approval except when by law or by Committee policy.

LEGAL REFS.: M.G.L. 30B

CROSS REF.: DJE, Bidding Requirements

NOTE: The cross reference is to a closely related policy in this manual. Local town and city charters may have additional purchasing language, which should be referenced as necessary.

SOURCE: MASC 2021

PROCUREMENT REQUIREMENTS

All purchases of materials and equipment and all contracts for construction or maintenance will conform to the requirements of the General Law.

When bidding procedures are used, bids will be advertised appropriately. Suppliers will be invited to have their names placed on distribution lists to receive invitations to bid. When specifications are prepared, they will be distributed to all merchants and firms who have indicated an interest in bidding. All bids will be submitted in sealed envelopes, addressed to the Superintendent and plainly marked with the name of the bid and the time of the bid opening. Bids will be opened in public at the time specified, and all bidders will be invited to be present.

The Committee reserves for the District the right to reject any or all bids and to accept the bid that appears to be in the best interest of the school district. The Committee reserves for the District the right to waive any informality in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of the bids.

Any bid received after the time and date specified will not be considered. All bids will remain firm for a period of 30 days after opening.

The bidder to whom an award is made may be required to enter into a written contract with the school district.

LEGAL REF.: M.G.L.; 30B

CROSS REF.: DJA, Purchasing Authority

SOURCE: MASC 2021

NOTE: The cross reference is to a closely related policy in this manual.

NOTE: Town or city charters may contain related provisions. If so, appropriate citations should be added to the legal references.

Adopted by School Committee 05.09.22

PAYMENT PROCEDURES

All claims for payment from school department funds will be processed in accordance with procedures developed by the Superintendent. Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted vouchers, or in accordance with salaries and salary schedules approved by the School Committee.

As an operating procedure, the Committee will receive monthly lists of bills (warrants) for payment from school department funds. The lists will be certified as correct and approved for payment by the School Committee and then forwarded to the municipal auditor for processing and subsequent payment by the municipal treasurer.

Actual invoices, statements, and vouchers will be available for inspection by the School Committee upon request.

LEGAL REF.: M.G.L. 41:41; 41:52; 41:56

SOURCE: MASC 2021

NOTE: Specific details established by an individual town should be substituted for those required in the policy above, which were established by that city's code of ordinances. Appropriate citations should also be substituted.

Adopted by School Committee 05.09.22

EXPENSE REIMBURSEMENTS

Personnel and school department officials who incur authorized expenses in carrying out their duties will be reimbursed by the school department upon submission of a properly completed and approved voucher and any supporting receipts required by the Superintendent.

When official travel by a personally owned vehicle is authorized, mileage payment will generally be made at the rate currently approved by the Committee, aligned with the Internal Revenue Service standard mileage rate.

To the extent budgeted for such purposes in the school budget, approval of travel requests by School Committee members must have prior approval of the School Committee. Staff travel requests within budgetary limits may be approved by the Superintendent. Staff travel requests that exceed budgetary limits will require the approval of the School Committee and the identification of funding sources by administration. Each request will be judged on the basis of its benefit to the school district.

LEGAL REF.: M.G.L. 40:5; 44:58

SOURCE: MASC 2021

Adopted by School Committee 05.09.22

SECTION E
SUPPORT SERVICES

EB	SAFETY PROGRAM 11/13/17
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EBB	EMERGENCY MEDICAL CARE
EBC	EMERGENCY PLANS
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EBCD	EMERGENCY EARLY DISMISSAL GUIDELINES
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SAFETY PROGRAM

Accidents are undesirable, unplanned occurrences that can result in tragic consequences--bodily harm, loss of school time, property damage, legal action, and even fatality. The School Committee will guard against such occurrences by taking precautions to protect the safety of all students, employees, visitors and others present on school property or at school-sponsored events.

The Committee will comply with safety requirements established by governmental authorities and will insist that its staff adhere to recommended safety practices as these pertain, for example, to the school plant, special areas of instruction, student transportation, school sports and occupational safety.

The practice of safety will also be considered a facet of the instructional program of the schools. Instruction will include accident prevention as well as fire prevention; emergency procedures; traffic, bicycle, and pedestrian safety.

The Superintendent will have overall responsibility for the safety program of the school system. It will be the responsibility of the Superintendent to see that appropriate staff members are kept informed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health, and occupational safety.

Efforts directed toward the prevention of accidents will succeed only to the degree that all staff members recognize that preventing accidents is a daily operational responsibility.

SOURCE: MASC August 2016

LEGAL REF.: M.G.L. [71:55C](#)

603 CMR [36:00](#)

CROSS REFS.: [EEAE](#), School Bus Safety Program

[GBGB](#), Staff Personal Security and Safety

[IHAM](#), Health Education

JLI, Student Safety

NOTE: In addition to the subcategories of code EB (all of these file locations relate to safety) there are several other places in the NEPN classification system where policies pertaining to safety may be filed, as indicated by the cross references above.

PEST MANAGEMENT POLICY

The Fall River Public Schools are committed to providing a safe and properly maintained environment for all staff, students and visitors. To achieve this end, the School District will implement integrated pest management procedures for its buildings and grounds.

The integrated pest management procedures shall include implementation of appropriate prevention and control strategies, notification of certain pesticide and herbicide uses, record keeping, education and evaluation.

Integrated pest management procedures will determine when to control pests and what method of control to choose. Strategies for managing pest populations will be influenced by the pest species, location and whether and at what population level its presence poses a threat to people, property or the environment. The full range of action alternatives, including no action, will always be considered.

I. OVERVIEW AND GOALS

- A. The Fall River Public Schools shall develop and implement an integrated pest management program.
- B. An integrated pest management program is a pest control approach that emphasizes using a balanced combination of tactics (cultural, mechanical, biological, chemical) to reduce pests to a tolerable level while using pesticides and herbicides as a last resort to minimize health, environmental and economic risks.
- C. Pesticides and herbicides will be used only as a last resort, based on a review of all other available options.
- D. The integrated pest management program shall strive to:
 - 1. Reduce any potential human health hazard.
 - 2. Reduce loss or damage to school structures or property.
 - 3. Minimize the risk of pests from spreading in the community.
 - 4. Enhance the quality of facility use for school and community.
 - 5. Minimize health, environmental and economic risks.

II. RESTRICTIONS ON USE OF PESTICIDES AND HERBICIDES

- A. When pesticides or herbicides are used, they must be classified as an EPA Category III or IV. Application of any pesticide or herbicide may be performed only by certified applicators.
- B. Application of pesticides and herbicides may only be accomplished during a school break or when the building will be clear of students for at least 48 hours.

III. NOTIFICATION OF PESTICIDE AND HERBICIDE USE

- A. When pesticides or herbicides are used outdoors, notice of their use will be provided to parent/guardians, staff and students and will also be posted in a common area.
- B. When pesticides and herbicides are used in a building, the site will provide a 48-hour pre-notification in the form of posting the product name, purpose, application date, time and method and the Material Safety Data Sheet on all entrance doors. A contact person will also be listed.
- C. In the event of an EPA registered pesticide or herbicide application in or around a building site during the school year or summer session, a notice (including the product name, purpose, contact person, and application date, time and method), will be sent home in writing with students in the affected building at least 5 days prior to application.

IV. RECORD-KEEPING

- A. The District will keep a record of pesticides and herbicides used, amounts and locations of treatments and will keep any Material Safety Data Sheets, product labels and manufacturer information on ingredients related to the application of the pesticides or herbicides.
- B. All records of pesticides and herbicides used and correspondence will be available for public review upon notice and during normal school hours.

V. STAFF RESPONSIBILITIES AND EDUCATION

- A. Designated staff (School Nutrition, Buildings and Grounds, etc.) will participate in sanitation and pest exclusion procedure appropriate to their roles. For example: keeping doors closed, repairing cracks, removing food waste within 12 hours, keeping lids on garbage receptacles and keeping vegetation properly out.
- B. Ongoing education of all appropriate District staff will be a priority to ensure a safe and clean environment.

LEGAL REF.: Chapter 85 of the Acts of 2000, "An Act to Protect Children and Families from Harmful Pesticides."

EMERGENCY MEDICAL CARE

All school personnel are expected to render first aid to injured or sick students and are protected by Massachusetts General Law Chapter 71, 55A (The Good Samaritan Law). Care beyond first aid is not the responsibility of school personnel. Key personnel (administrators, nurses, and physical education staff) will be trained in emergency medical procedures.

First aid is defined as the immediate and temporary care given in case of an accident or sudden illness, which enables the child to be taken safely home or to a physician.

It includes procedures that can be applied by non-medical persons to save life, to prevent further injury, or to reduce suffering.

1. Emergency accident reports are required of all students and must be filed with the Health and Physical Education Office and at the Nurse's office.
2. The administration of emergency medical care is the responsibility of the school nurse (if on site), the Principal, or the teacher in charge.
3. Adequate first aid supplies must be available.
4. Emergency protocols must be posted.
5. Emergency medical assistance phone numbers must be posted.

LEGAL REFS.: M.G.L. 71:55A; 71:56

CROSS REF.: JLC, Student Health Services and Requirements

EMERGENCY PLANS

Advance planning for emergencies and disasters is essential to provide for the safety of students and staff; it also strengthens the morale of all concerned to know that plans exist and that students and staff have been trained in carrying out the plans.

The Superintendent will develop and maintain plans that meet the requirements of state law for preparedness in case of fire, civil emergencies, and natural disasters.

The Superintendent shall develop, in consultation with school nurses, school physicians, athletic coaches, trainers, and local police, fire and emergency personnel, an Emergency Medical Response Plan for each school in the district. Each Plan shall include:

1. A method establishing a rapid communications system linking all parts of the school campus, including outdoor facilities, to local Emergency Medical Services along with protocols to clarify when EMS and other emergency contacts will be called.
2. A determination of EMS response times to any location on the campus.
3. A list of relevant contacts with telephone numbers and a protocol indicating when each person shall be called, including names of experts to help with post-event support.
4. A method to efficiently direct EMS personnel to any location on campus, including the location of available rescue equipment.
5. Safety precautions to prevent injuries in classrooms and on the school campus.
6. A method of providing access to training in CPR and first aid for teachers, athletic coaches, trainers, and other school staff which may include CPR training for High School students; provided that School Committees may opt out of instruction in CPR pursuant to Section 1 of Chapter 71.
7. In the event the school possesses Automated External Defibrillators (AEDs), the location of all available AEDs, whether the location is fixed or portable, and a list of personnel trained in its use.

The Superintendent shall annually review the response sequence with local police and fire officials. Plans shall be submitted to local police and fire officials and the DESE at least every 3 years by September 1 or when changes occur. Plans must be updated in the case of new construction or other physical changes to the school campus.

Building Principals will meet all requirements for conducting fire drills and Emergency Response drills (at least once per year) to give students practice in moving with orderly dispatch to designated areas under emergency conditions, and the staff practice in carrying out their assigned responsibilities for building evacuation.

LEGAL REF: M.G.L. 69:8A
Section 363 of Chapter 159 of the Acts of 2000
Section 7 of Chapter 284 of the Acts of 2014

CROSS REF.: EBCD, Emergency Closings
JL, Student Welfare
JLC, Student Health Services and Requirements

SOURCE: MASC August 2015

FIRE

Each school building has an alarm system, which automatically rings at the Fire Department.

When the alarm is sounded, the following procedure(s) should be observed.

1. Remove all persons immediately from the building.
2. Each pupil should leave through the designated, or if blocked, alternate exit and go directly to an area outside which has been pre-assigned. Teachers will take attendance outside so that each student under his/her control is accounted for. Any student not accounted for will be immediately reported to the principal and chief firefighter on scene.
3. All persons should remain outside until an authorized person (Principal, fireman) has clearly indicated that pupils may return to their rooms.
4. Principals should provide special plans to clear special areas; i.e. health room, library, gymnasium, cafeteria, insuring all persons are alerted.
5. Alarm is only reset by fire personnel.

NOTE: It is the responsibility of the Principal to conduct fire drills at least once per month.

FIRE DEPARTMENT NUMBER - 675-7411

EMERGENCY - 911

EMERGENCY EARLY DISMISSAL GUIDELINES

1. 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.
2. 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.
3. It is the expectation of the Fall River Public Schools that each parent or guardian will make arrangements for their youngsters to get home safely in the event school is dismissed early.
4. The Fall River Public Schools will make every effort possible to provide the general public with at least one hour notification through local media prior to the dismissal of students for emergency reasons.
5. TV and radio stations will be contacted in the event that school will be dismissed or cancelled during an emergency situation.

FACE COVERINGS

The Fall River Public School District is committed to providing a safe environment in schools during the ongoing COVID-19 pandemic. Maintaining a safe environment is critical to the District's ability to ensure students remain in a full-time classroom learning environment.

According to public health experts, one of the best ways to stop the spread of coronavirus and to keep members of our school community safe is the use of face masks or face coverings. Therefore, in accordance with guidance and recommendations from the Center for Disease Control (CDC), the Department of Elementary and Secondary Education (DESE) and the Massachusetts Department of Public Health (DPH), the following requirements are in place until further notice.

A face covering that covers the nose and mouth is strongly recommended to be worn by individuals who remain unvaccinated or are otherwise immunocompromised in school buildings, and on school grounds, even when social distancing is observed.

Individuals who are vaccinated are not required to wear a mask, but may do so if desired.

Students and staff returning from 5 day quarantine following a positive COVID test must follow strict mask use, other than when eating, drinking, or outside, and conduct active monitoring for symptoms, through day 10 of exposure as required by DPH and DESE regulations.

Masks will be required in all school health offices.

By federal public health order, all students and staff are required to wear a mask on school buses while under federal mandate.

- This policy will sunset if federal mandate is removed and DPH regulations no longer require face coverings.

Guidance Statements: Massachusetts Department of Public Health

[https://www.mass.gov/info-details/covid-19-mask-requirements - mask-requirements-in-certain-locations-https://search.mass.gov/?q=school+health+offices](https://www.mass.gov/info-details/covid-19-mask-requirements-mask-requirements-in-certain-locations-https://search.mass.gov/?q=school+health+offices)

Center for Disease Control and Prevention – Guidance for Covid-19 Prevention in K-12 Schools Updated January 13, 2022.

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

Massachusetts Department of Elementary and Secondary Education – Fall 2021 Covid-19 Guidance Updated February 9, 2022

<https://www.doe.mass.edu/covid19/on-desktop/2022-0209mask-requirement-update.pdf>

SOURCE: MASC – February 10, 2022

Adopted by School Committee 05.09.22

BUILDINGS AND GROUNDS MANAGEMENT

The School Committee's most important function is to provide for the education of children, and it recognizes that the education of children is dependent upon many factors, including a proper physical environment that is safe, clean, sanitary, and as comfortable and convenient as the facilities will permit or the use requires.

The supervision over the care and safekeeping of property used by the school department will be the general responsibility of the Superintendent. He/she will work with other municipal departments, as necessary, to develop a comprehensive and well-defined plan for the proper maintenance, cleanliness, and safekeeping of all school buildings and grounds to ensure that each school is equally well maintained, equipped, and staffed.

The Superintendent will establish procedures and employ such means as may be necessary to provide accurate information in regard to the nature, condition, location, and value of all property used by the school department; to safeguard the property against loss, damage, or undue depreciation; to recover and restore to usefulness any property that may be lost, stolen or damaged; and to do all things necessary to ensure the proper maintenance, cleanliness, and safekeeping of school property.

Within the separate schools, the building administrator will be responsible for proper care, maintenance, and cleanliness of buildings, equipment and grounds.

SOURCE: MASC August 2016

LEGAL REF.: M.G.L. [71:68](#)

NOTE: State law (M.G.L. [71:16](#)) gives regional school districts the power to acquire property and construct buildings. Therefore, the content of this policy might be slightly different for such a district.

BUILDINGS AND GROUNDS SECURITY

Public school buildings and grounds are one of the greatest investments of the city. It is deemed in the best interest of the school department and city to protect the investment adequately.

Security should mean not only maintenance of a secure (locked) building, but protection from fire hazards and faulty equipment, and safe practices in the use of electrical, plumbing, and heating equipment. The School Committee expects close cooperation with fire and law enforcement departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours will be limited to personnel whose work requires it. An adequate key control system will be established, which will limit access to buildings to authorized personnel and will safeguard against the chance of entrance to buildings by unauthorized persons.

Funds and valuable records will be kept in a safe place and under lock and key.

Protective devices designed to be used as safeguards against illegal entry and vandalism will be installed when appropriate to the individual situation. Employment of security personnel may be approved in situations where special risks are involved.

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 school day for educational purposes (for example, recess, physical education classes, deliveries, etc.) as long as there is adult supervision or direct monitoring of doors during this time period.
2. In each school, the 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 a 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. Parents will not be allowed in the building to pick up their children before school is dismissed unless there is an emergency. Parents are requested to provide the building Principal with 24-hours prior notice whenever an early dismissal is 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.

VANDALISM

The School Committee recognizes that acts of vandalism committed against public and private property are costly and require positive action through educational programs. Consequently, the Committee will support various programs aimed at reducing the amount of vandalism.

Every citizen of the town, staff members, students, and members of the police department are urged by the School Committee to cooperate in reporting any incidents of vandalism to property under control of the school department, and the name(s) of the person or persons believed to be responsible. Each employee will report to the Principal of the school every incident of vandalism known to him/her and, if known, the names of those responsible.

The Superintendent or designee is authorized to sign a criminal complaint and to press the charges against perpetrators of vandalism against school property, and is further authorized to delegate, as he/she sees fit, authority to sign such complaints and to press charges.

Parents and students will be made aware of the legal implications involved. Reimbursement will be sought for all or part of any damages.

AUTHORIZED USE OF SCHOOL-OWNED MATERIALS

The School Committee wishes to be of assistance, whenever possible, to other city departments and community organizations. Therefore, permission to use school equipment may be granted by the Superintendent upon request by responsible parties or organizations.

School equipment may be utilized by staff when the use is related to their school employment, and by students when the equipment is to be used in connection with their studies or extracurricular activities.

Proper controls will be established by the Superintendent to assure the user's responsibility for, and return of, all school equipment.

SOURCE: MASC August 2016

Recyclable Materials

In order to conserve natural resources and promote environmental responsibility, Fall River Public Schools will recycle materials that would otherwise become waste. These materials include: paper cardboard, bottles and cans, from throughout the buildings and grounds in support of the Massachusetts Department of Environmental Protection's waste ban. The ban prohibits disposal of recyclable paper, cardboard and paperboard; glass and metal containers; and single resin, narrow necked plastics.

Success in reducing waste through recycling is based on the cooperation of all the individuals in the school community.

To ensure a success in the district's recycling efforts, the following areas will be adopted:

1. All district personnel are expected to support recycling efforts throughout the schools.
2. A system to document recycling amounts will be created and implemented.
3. Teachers are encouraged to include educational lessons on recycling in the curriculum where appropriate.

The School Committee directs the Superintendent and his/her agent to implement the materials recycling program in the schools.

Legal Ref: Massachusetts Regulations, 310CMR 10.017

STUDENT TRANSPORTATION SERVICES

The major purpose of the school system's transportation services is to aid students in getting to and from school in an efficient, safe, and economical manner.

The school system will contract for transportation services. The School Committee will award contracts on a competitive bid basis. Bus contractors and taxi contractors, who will be held responsible for the safe operation of school buses, will comply with all applicable state laws and regulations, including but not limited to:

1. Specifications for school bus design and equipment
2. Inspection of buses
3. Qualifications and examinations of bus drivers
4. Driving regulations
5. Small vehicle requirements, if applicable
6. Insurance coverage
7. Adherence to local regulations and directives as specified in bid contracts

The Superintendent, working with the bus contractor and other appropriate administrators, will be responsible for establishing bus schedules, routes, stops, and all other matters relative to the transportation program.

In all contracts between transportation companies and the Fall River School Department, the following clauses will be included in the contract:

1. All transportation companies that contract with the Fall River School Department will immediately terminate the employment of any driver, monitor, or staff involved in a situation where a Fall River School Department's student(s) is/are left unattended by said employees regardless of said child(ren)'s age. This includes but is not limited to any vehicle used to perform transportation duties (i.e. car, van, or bus) for the School Department per agreement.
2. All transportation companies who violate condition (#1) will also be subject to a fine in the amount of Twenty-Five Thousand Dollars (\$25,000) payable to the Fall River School Department. Said sum will be used by the Superintendent for the sole purpose of providing safety education to elementary age school children. These educational programs will address, but are not limited to bus safety and other safety initiatives.
3. All transportation companies will require the driver/and or the monitor to complete a daily checklist, which requires said employees to document/check the names of all students with each child's face when they board and recheck the students name with each child's face when the child exits the vehicle.

Upon notice of a child being left on the bus, the Superintendent or Assistant Superintendent notify the Fall River Police Department and DSS for future incidents.

LEGAL REFS.: M.G.L. 40:5; 71:7A, B and C; 71:37D; 71:48A; 71:68; 71:71A;
71B:4; 71B:5; 71B:8; 74:8A; 76:1; 76:12Bi; 76:14

CROSS REF.: EEAA, Walkers and Riders

WALKERS AND RIDERS

Students in grades K-5 qualify for transportation if the student lives 1 or more miles from their neighborhood school.

Students in grades 6-8 qualify for transportation if the student lives 1.5 or more miles from their neighborhood school.

Students in Special Programs qualify if the student is attending a program outside their residential school area.

Information regarding transportation services to all students who qualify will be mailed to the families of these students in mid-August. This information will include bus stop assignments and time-lines.

Students on IEPs may have different transportation requirements which are not addressed by this transportation information.

The accommodations made for transportation for a student on an IEP will take precedence.

SCHOOL BUS 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 from 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.

LEGAL REFS.: M.G.L. 90:7b as amended by Ch. 246 Acts of 1986
M.G.L. 90:1 et seq.; 713:2; 713:7L
Highway Safety Program Standard No. 17

CROSS REF.: EB, Safety Program

STUDENT CONDUCT ON SCHOOL BUSES

The School Committee and its staff share with students and parents the responsibility for student safety during transportation to and from school. The authority for enforcing School Committee requirements of student conduct on buses will rest with the Principal.

To ensure the safety of all students who ride in buses, it may occasionally be necessary to revoke the privilege of transportation from a student who abuses this privilege. Parents of children whose behavior and misconduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of transportation privileges in accordance with regulations approved by the School Committee.

Codes of conduct are contained in each school's handbook.

STUDENT TRANSPORTATION IN PRIVATE VEHICLES

School buses will be used for the transportation of students participating in co-curricular or extracurricular activities. However, when buses are not available, private vehicles may be permitted to transport students to or from school activities that fall within the academic day or extend the school day provided all of the following conditions are met:

1. The activity has the approval of the Superintendent of Schools.
2. The owner of the vehicle being used in transporting students must file evidence with the Superintendent of personal liability insurance coverage on the vehicle in the amounts of \$100,000 - \$300,000 or more.
3. The parents of students to be transported in this manner will be fully informed as to this means of transportation and will sign a statement to this effect.

FREE AND REDUCED PRICE FOOD SERVICES

The school system will take part in the National School Lunch Program and other food programs that may become available to assure that all children in the schools receive proper nourishment.

In accordance with guidelines for participation in these programs, and in accordance with the wishes of the Committee, no child who a teacher believes is improperly nourished will be denied a free lunch or other food simply because proper application has not been received from his/her parents or guardians.

As required by state and federal regulations, the School Committee approves this policy statement pertaining to eligibility for free milk, free meals, and reduced price meals.

SOURCE: MASC August 2016

LEGAL REFS.: National School Lunch Act, as amended (42 USC 1751-1760)

Child Nutrition Act of 1966

P.L. 89-642, 80 Stat. 885, as amended

M.G.L. [15:1G](#); [15:1L](#); [69:1C](#); [71:72](#)

SECTION F

FACILITIES DEVELOPMENT

FA FACILITIES DEVELOPMENT GOALS 12/11/17

FCB RETIREMENT OF FACILITIES

FF NAMING NEW FACILITIES

FACILITIES DEVELOPMENT GOALS

The School Committee believes that educational program is influenced greatly by the environment in which it functions. The development of a quality educational program and of school facilities that help implement that program must go hand in hand.

Therefore, it is the Committee's goal to provide the facilities needed for the number and educational requirements of students in the school system and to provide the kind of facilities that will best support the educational program. To best use local resources, it is the Committee's intent, wherever possible, to partner with the Massachusetts School Building Authority.

Recognizing that school facilities are long-term community investments, the Committee will develop projects that reflect cost-effective designs, are consistent with good engineering practice, and use high quality construction, with attention to current and future technological practices for students, faculty, and school staff. Sites will be chosen to meet the educational need, maximize the use of any available community resources, and minimize any possible adverse education, environmental, social, or economic impacts on the community.

SOURCE: MASC August 2016

LEGAL REF.: M.G.L. 70B

963 CMR [2.00](#)

RETIREMENT OF FACILITIES

When a school building becomes inadequate by virtue of age, condition, size of site, lack of need, or other overriding limitations, and cannot reasonably and economically be brought up to the current educational standards, the building should be considered for a comprehensive closing study. The Superintendent will recommend to the School Committee, which facilities appear to justify further analysis.

The School Committee may seek both professional advice and the advice of the community in making its recommendations as to the retirement of any school facility, and the return of the facility back to the city. This will permit the public, which originally acquired the property, to benefit from its recycling or retirement.

A closing study will include direct involvement by those neighborhoods considered in the study and will be concerned with all or some of the following factors:

1. Age and current physical condition of the facilities, its operating systems, and program facilities
2. Adequacy of site, location, access, surrounding development, traffic patterns, and other environmental conditions
3. Reassignment of children, including alternative plans according to Committee policy
4. Transportation factors, including numbers of children bused, time, distance, and safety
5. Alternative uses of the building
6. Cost/Savings
 - a. Personnel
 - b. Plant Operation
 - c. Transportation
 - d. Capital Investment
 - e. Alternative Use
7. Continuity of instructional and community programs

NAMING NEW FACILITIES

Naming a school is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a school name. A name with educational significance or inspiration should be chosen. The Committee also feels that it is appropriate to name schools for physical locations; geographical areas; distinguished local, state, and national leaders whose names will lend dignity and stature to the school; or significant or pertinent events.

The Superintendent will prepare for the approval of the Committee a procedure to follow in recommending names for school buildings. Whenever possible, the wishes of the community, including parents and students, should be considered in naming new facilities.

It is expected that an orderly, announced procedure will lessen the community or factional pressures that so quickly build up when the selection is delayed or seems uncertain. A prompt decision will reduce disappointments and advance community solidarity. Much confusion in accounts, files, and records can be avoided if a new school can be identified by name before the planning starts.

SECTION G

PERSONNEL

GA	PERSONNEL POLICIES GOALS
GBA	EQUAL EMPLOYMENT OPPORTUNITY 12/11/17
GBD	SCHOOL COMMITTEE-STAFF COMMUNICATIONS 2/22/16
GBEA	STAFF ETHICS/CONFLICT OF INTEREST 12/11/17
GBEB	STAFF CONDUCT 12/11/17
GBEBC	GIFTS TO AND SOLICITATIONS BY STAFF 6/8/15
GBEC	EMPLOYEE SUBSTANCE ABUSE POLICY 12/29/15
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GBGB	STAFF PERSONAL SECURITY AND SAFETY
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GBGF	FAMILY AND MEDICAL LEAVE 12/11/17
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GBJ	PERSONNEL RECORDS
GBK	STAFF COMPLAINTS AND GRIEVANCES (reviewed 12/11/17)
GCA	PROFESSIONAL STAFF POSITIONS
GCBA	PROFESSIONAL STAFF SALARY SCHEDULES
GCBB	EMPLOYMENT OF PRINCIPALS
GCBC	PROFESSIONAL STAFF SUPPLEMENTARY PAY PLANS
GCE	PROFESSIONAL STAFF RECRUITING/POSTING OF VACANCIES
GCF	PROFESSIONAL STAFF HIRING
GCG	PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT
GCIA	PHILOSOPHY OF STAFF DEVELOPMENT
GCJ	PROFESSIONAL TEACHER STATUS

GCRD	TUTORING FOR PAY 6/8/15
GDA	SUPPORT STAFF POSITIONS
GDB	SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS
GDBC	SUPPORT STAFF SUPPLEMENTARY PAY PLANS
GDE	SUPPORT STAFF RECRUITING/POSTING OF VACANCIES
GDF	SUPPORT STAFF HIRING

PERSONNEL POLICIES GOALS

The District's specific personnel goals are:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection that will result in the employment and retention of individuals with the highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the system's learning program.
2. To develop a general staff assignment strategy that will contribute to the learning program, and to use it as the primary basis for determining staff assignments.
3. To provide positive programs of staff development that contribute both to improvement of the learning program and to each staff member's career development aspirations.
4. To provide for a genuine team approach to education.
5. To develop and use for personnel evaluation positive processes that contribute to the improvement of both staff capabilities and the learning program.

LEGAL REF.: 603 CMR 26:08 paragraphs 3,7,8,9

EQUAL EMPLOYMENT OPPORTUNITY

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, color, religion, national origin, sex, gender identity, sexual orientation, age, genetic information, ancestry, military status, or disability. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. [151B:4](#); BESE Regulations 603 CMR [26:00](#)

CROSS REF.: [AC](#), Nondiscrimination

SCHOOL COMMITTEE-STAFF COMMUNICATIONS

The School Committee wishes to maintain open channels of communication between itself and the staff. A basic line of communication is through the Superintendent but may also be directly between the School Committee members and individuals in the district.

Staff Communications to the School Committee

All communications or reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee for administrative decisions on important matters, except those matters that are outside of the Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances. Reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee for administrative decisions on important matters, except those matters that are outside of the Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances.

School Committee Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.

Visits to Schools

Individual School Committee members interested in visiting schools or classrooms are encouraged to do so and will contact the Principal to set up a mutually agreed upon time. Principals can contact the Superintendent. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under Committee authorization.

STAFF ETHICS / CONFLICT OF INTEREST

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee of the Committee will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to him/her.

Every 2 years, all current employees, including School Committee members, must complete the State Ethics Commission's online training. New employees must complete this training within 30 days of beginning employment and every 2 years thereafter. Upon completing the program, employees should print out the completion certificate and keep a copy for themselves. Employees will be required to provide a copy of the completion certificate to the municipal or district Clerk through the Superintendent's office.

In order to avoid the appearance of any possible conflict, it is the policy of the School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a School Committee member or district administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the School Committee and the Municipal or District Clerk at least two weeks prior to executing the hiring in accordance with the law.

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. [71:52](#); [268A:1](#) et seq.

STAFF CONDUCT

All staff members have a responsibility to familiarize themselves with and abide by the laws and regulations of the State as these affect their work, the policies of the School Committee, and the procedures designed to implement them.

In the area of personal conduct, the Committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Committee and their implementing procedures and school rules in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

SOURCE: MASC September 2016

LEGAL REFS.: M.G.L. [71:37H](#); [264:11](#); [264:14](#)

GIFTS TO AND SOLICITATIONS BY STAFF

Gifts

The acceptance of gifts worth \$50 or more by school personnel in a calendar year when the gift is given because of the position they hold, or because of some action the recipient could take or has taken in his or her public role, violates the conflict of interest law. Acceptance of gifts worth less than \$50, while not prohibited by the conflict of interest law, may require a written public disclosure to be made.

In keeping with this policy, no employee of the school district will accept a gift worth \$50 or more that is given because of the employee's public position, or anything that the employee could do or has done in his or her public position. Gifts worth less than \$50 may be accepted, but a written disclosure to the employee's appointing authority must be made if the gift and the circumstances in which it was given could cause a reasonable person to think that the employee could be improperly influenced. The value of personal gifts accepted is aggregated over a calendar year (4 gifts of \$20 value is the same as 1 gift of \$80 if given in the same calendar year).

In general, homemade gifts without retail value are permissible because a reasonable person would not expect an employee would unduly show favor to the giver, so no disclosure is required. Such gifts could include homemade food items (cookies, candy, etc), handpicked flowers, and handmade gifts worth less than \$10 (ten) dollars.

Class Gifts

There is a specific exception to the prohibition against accepting gifts worth \$50 or more, when the teacher knows only that the gift is from the class, not from specific donors. A single class gift per calendar year valued up to \$150 or several class gifts in a single year with a total value up to \$150 from parents and students in a class may be accepted provided the gift is identified only as being from the class and the names of the givers and the amounts given are not identified to the recipient. The recipient may not accept an individual gift from someone who contributed to the class gift. It is the responsibility of the employee to confirm that the individual offering such gift did not contribute to the class gift.

Gifts for School Use

Gifts given to a teacher solely for classroom use or to purchase classroom supplies are not considered gifts to an individual employee and are not subject to the \$50 limit. However, an employee who accepts such gifts must keep receipts documenting that money or gift cards were used for classroom supplies.

Solicitations

In spirit, the School Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their support. However, the solicitation of funds from staff members through the use of school personnel and school time is prohibited by the conflict of interest law. Therefore, no solicitations of funds for charitable purposes should be made among staff members. Staff members of course remain free to support charitable causes of their own selection.

SOURCE: MASC December 2012

Legal Ref: M.G.L. 268A:3; 268A:23; 930 CMR 5.00

CROSS REFS.: KHA, Public Solicitations in the Schools
JP, Student Donations and Gifts

EMPLOYEE SUBSTANCE ABUSE POLICY

Rationale: The Fall River School Committee holds high performance expectations for all employees. Our commitment is to a drug-free and alcohol-free workplace, consistent with applicable laws and regulations. Our expectation is that no employee will possess, use, manufacture distribute, or dispense illegal drugs while on duty or off district property. We recognize that substance impaired employees in the school environment may constitute a direct threat to the students they supervise and influence and have an adverse impact on the educational program and school system due to poor performance, absenteeism and tardiness.

However, given the complex personal and legal challenges surrounding substance abuse, we want to recognize the need to provide assistance and support to those dedicated employees who are confronting a substance abuse issue. We expect that the Superintendent of Schools and the school administration will provide the necessary avenues to support our dedicated employees, but at the same time follow-through on any illegal or inappropriate conduct relative to substance abuse, including, if necessary, disciplinary action up to and including termination.

Drug-Free Workplace Policy and Guidelines:

- Policy

It shall be the policy of the Fall River Public Schools that the possession, use, and distribution of illegal drugs and alcohol shall be prohibited on all school department premises at all times. Employees who violate this policy shall be subject to disciplinary as well as, criminal action.

- Guidelines:

This policy hereby establishes the standards of conduct applicable to employees that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol on school premises or as part of any of its activities as required by the Federal guidelines for implementation of the Drug-Free Workplace Act (effective March 18,1989).

All employees, by copy of this policy, are hereby advised that the Fall River Public Schools prohibits the possession, use, or distribution of illegal drugs and alcohol in the workplace. Compliance with these standards is mandatory.

Employees shall abide by this policy as a condition of employment Violations of this policy shall be addressed as follows:

1. Any employee caught acting in disregard of this policy shall be reported to his/her supervisor. The supervisor shall then immediately notify the Superintendent of Schools.. In those cases where an illegal substance is at issue, the Superintendent of his designee will contact the police department for filing of a criminal complaint.
2. Any employee so reported shall be subject to disciplinary action in accordance with applicable state statutes and regulations, and in accordance with the contract with the individual unions and the School Committee. Employees will also be subject to punishment through the criminal process if this involves illegal drugs. The level of disciplinary action shall be decided on a case-by-case basis, based on the severity of the offense.

3. If an employee is convicted for violation of Federal or State criminal drug statutes which occurred in the workplace, the Drug-Free Workplace Act required that he/she must notify his employer within 5 days of conviction. Within 30 days of receiving this notification, the School Department must take appropriate action against the convicted employee, up to and including the initiation of discharge procedures in accordance with applicable statutes. As an alternative, the school department may require the employee to participate in drug abuse assistance or rehabilitation program approved by the Federal, State, or local health authorities; this participation shall be at the employee's expense. Failure to notify the School Department of said drug-related convictions within the time allotted shall result in cause for immediate suspension and shall constitute just cause for termination.

- Training and Education on the Dangers of Drug Abuse in the Workplace:

1. The School Department shall provide training as necessary to (1) all employees on the dangers of drug abuse in the workplace, and (2) supervisors and managers on how to detect drug usage and deal with the employee with a drug problem.
2. The School Department shall maintain a list of community resources, drug rehabilitation and treatment programs. This list shall be made available to any employee or supervisor who requests assistance in dealing with a substance abuse problem.

Failure of any employee to abide by this policy and failure of the Fall River Public Schools to enforce this policy may result in the suspension or termination of payments on existing federal contracts and grants and may further jeopardize eligibility for future contracts or grants.

Other Policy Considerations:

Employee Assistance and Support

If an employee comes forward to the Superintendent of Schools, the Executive Director of Human Resources, or the employee's supervisor and seeks assistance with a substance abuse problem, it is our expectation that the Fall River Public Schools will work to provide the employee access to a confidential employee assistance program or will provide a confidential referral to his/her health care provider. Any such confidential leave that is required for treatment of substance abuse will comply with the regulations of the Family Medical and Leave Act Said employee will only be allowed to return to work upon certification of successful treatment from an appropriate medical professional.

Training

We expect that the Superintendent and the school administration will periodically provide the necessary drug-free and alcohol-free awareness training for all employees, with a focus on the dangers of drug and/or alcohol abuse in the workplace; the importance of the drug-free workplace policy; any available drug or alcohol counseling, rehabilitation, and/or employee assistance programs; and the penalties that may be imposed on employees for drug and/or alcohol abuse violations.

Legal Issues

Any consideration of disciplinary action for a substance abusing public school employee requires consideration of and compliance with several major pieces of federal legislation, including the Drug-Free Workplace Act of 1990, the Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), the Omnibus Transportation Employee Testing Act of 1991 (OTETA), the

Family and Medical Leave Act, and the Civil Rights Act of 1871. Depending on the factual context, these laws and regulations may individually or collectively have a bearing upon the employment rights of an abuser of drugs or alcohol and the prerogative of an employer to terminate employment. We recognize the need for the Fall River Public Schools to adhere to all applicable laws and regulations as we implement this substance abuse policy.

In the case of employees who hold an educator license from the Massachusetts Department of Education, we expect that the Superintendent will comply with the licensure regulations section (603 CMR 7.14, (8)(h)) that obligate the district to notify the Commissioner of Education if any employee is dismissed, non-renewed, or has resigned due to misconduct as specified in 603 CMR 7.14 (8) (a). The Commissioner of Education has the authority to suspend, limit or revoke educator licenses under these regulations.

Off Duty. Off Site Conduct

Fall River Public School employees are expected to conduct themselves professionally at all times. As such, inappropriate, illegal off-duty conduct may affect the employee's ability to perform his/her work duties and, therefore, could result in disciplinary action, if convicted of such illegal activity, up to and including termination. If any employee has been arrested or charged with a felony, misdemeanor or violation that involves drug or alcohol use or abuse outside of the workplace and the matter comes to the attention of the Fall River Public Schools, the Superintendent will determine the appropriate course of action to follow on a case-by-case basis while pending the outcome of trial. It is expected that the Superintendent will follow all appropriate confidential personnel guidelines in this determination.

LEGAL REFS.: The Drug-Free Workplace Act of 1988

CROSS REFS.: JICH, Drug and Alcohol Use by Students

TOBACCO USE ON SCHOOL PROPERTY BY STAFF MEMBERS PROHIBITED

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel, is prohibited at all times.

Staff members who violate this policy will be referred to their immediate supervisor.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. [71:37H](#)

STAFF PERSONAL SECURITY AND SAFETY

Through its overall safety program and various policies pertaining to school personnel, the Committee will seek to assure the safety of employees during their working hours and assist them in the maintenance of good health.

The Superintendent may require an employee to submit to a physical examination by a physician appointed by the school system whenever that employee's health appears to be a hazard to children or others in the school system or when a doctor's certificate is needed to verify need for sick leave.

LEGAL REFS.: M.G.L. 71:54; 71:55B; 71:55C

CROSS REFS.: EB, Safety Program
GCBD, Professional Staff Fringe Benefits
GDBD, Support Staff Fringe Benefits

DOMESTIC VIOLENCE LEAVE POLICY

It shall be the policy of the school district to permit an employee to take up to 15 days of domestic violence leave from work in any 12 month period. In order to be eligible for said leave:

- (i) the employee , or a family member of the employee must be a victim of abusive behavior; (ii) the employee must be using the leave from work to seek or obtain medical attention, counseling , victim services or legal assistance; secure housing; obtain a protective order from court; appear before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- (iii) the employee must not be the perpetrator of the abusive behavior against such employee's family member.

The employer shall have the sole discretion to determine whether this leave shall be paid or unpaid. An employee seeking such leave shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, prior to requesting or taking domestic violence leave, unless the employer waives this requirement.

Except in cases of imminent danger to the health or safety of an employee, advanced notice of domestic violence leave shall be required. If such imminent danger exists the employee shall notify the employer within 3 workdays that the leave was taken. The notification may be communicated to the employer by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior. If an unscheduled absence occurs, an employer shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the employee's last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation found in (1) to (7) below. An employer may require documentation that the employee or employee's family member has been a victim of abusive behavior and that the leave is consistent with clauses (i) to (iii) as above referenced; provided, however, that an employer shall not require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The documentation shall be provided to the employer within a reasonable period after the employer requests it.

An employee shall satisfy this documentation requirement by providing anyone of the following documents to the employer:

- (1) a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;

(2) a document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the employee or family member;

(3) A police report or statement of a victim or witness provided to police documenting the abusive behavior;

(4) documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to support a finding of guilt ; or has been convicted of , or has been adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior;

(5) medical documentation of treatment as a result of the abusive behavior;

(6) a sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, , shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior;

(7) a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been a victim of or is a family member of a victim of abusive behavior.

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- (i) requested or consented to, in writing, by the employee;
- (ii) ordered to be released by a court of competent jurisdiction;
- (iii) otherwise required by applicable federal or state law;
- (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or
- (v) necessary to protect the safety of the employee or others employed at the workplace.

The Superintendent shall ensure that notice is provided to all employees in the next school year and beyond by appropriately amending the district's employee handbooks, by whatever title they may be known, or by direct notice about the Domestic Violence Law and securing the employees signature acknowledging receipt of the handbook/notice. The Superintendent shall be responsible for notifying all current employees, unless they have been notified through the handbook, of this policy in a manner that he/she deems appropriate.

No employer shall coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. No employer shall discharge or in any other manner discriminate against an employee for exercising the employee's rights under law. The taking of domestic violence leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from such leave, he/she shall be entitled to restoration to the employee's original job or to an equivalent position. Definitions of 'abuse', 'abusive behavior', 'domestic violence', 'employees' and 'family members' may be found in the laws referenced below.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. [149:52E](#); Section 10

Chapter 260 of the Acts of 2014

FAMILY AND MEDICAL LEAVE

The School System shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue, and from time to time amend, procedures setting forth the rights and procedures granted by the Act, and shall ensure compliance with those procedures either personally or by delegation, or by some combination of personal oversight and delegation.

SOURCE: MASC September 2016

LEGAL REFS.: P.L. 103-3, "Family and Medical Leave Act of 1993"

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The School Committee recognizes that employees of the school system have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for an elective public office and holding an elective or appointive office.

In connection with campaigning, an employee will not: use school system facilities, equipment or supplies; discuss his/her campaign with school personnel or students during the working day; use any time during the working day for campaigning purposes. Under no circumstances, will students be pressured into campaigning for any staff member.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. [55](#); [71:44](#)

PERSONNEL RECORDS

Information about staff members is required for the daily administration of the school system, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting the School Committee's education reporting requirements. To meet these needs, the Superintendent will implement a comprehensive and efficient system of personnel records maintenance and control under the following guidelines:

1. A personnel folder for each present and former employee will be accurately maintained in the central administrative office. In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.
2. The Superintendent will be the official custodian for personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.
3. Personnel records are considered confidential under the law and will not be open to public inspection. Access to personnel files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above.
4. Each employee will have the right, upon written request, to review the contents of his/her own personnel file and, upon request, be given a copy of all the contents of his/her file
5. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the employee's personnel file. Further, no negative comment will be placed in a staff member's file unless it is signed by the person making the comment and the staff member is informed of the comment and afforded the opportunity to include his/her written response in the file.
6. Lists of school system employees' names and home addresses will be released only to governmental agencies as required for official reports or by the laws.

LEGAL REFS.: Family Educational Rights and Privacy Act, Sec. 438, P.L. 90-247
Title IV, as amended
88 Stat. 571-574 (20 U.S.C. 1232g) and regulations
M.G.L. 4:7; 71:42C
Teachers' Agreement

CONTRACT REF.: All Agreements

CROSS REF.: KDB, Public's Right to Know

STAFF COMPLAINTS AND GRIEVANCES

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a Principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Committee, except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and Committee action would be in conflict with that law.
3. That all hearings of complaints before the Superintendent or Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

LEGAL REFS.: M.G.L. 150E:5 and 8

CONTRACT REFS.: All Contract Agreements

PROFESSIONAL STAFF POSITIONS

All professional staff positions in the school system will be created by the School Committee. It is the Committee's intent to activate a sufficient number of positions to accomplish the school system's goals and objectives and to provide for the equitable staffing of each school building. Although such positions may remain temporarily unfilled, only the Committee may abolish a position it has created.

Each time a new position is established by the Committee, the Superintendent will present for the Committee's approval a job description for the position, which specifies the jobholder's qualifications and the job's performance responsibilities. The Superintendent will maintain a comprehensive set of job descriptions for all positions.

NOTE: Job descriptions for professional staff positions are available for review in the office of the Superintendent.

PROFESSIONAL STAFF SALARY SCHEDULES

Teachers

The School Committee will adopt a salary schedule for regular teaching personnel as part of the contract negotiated with the teachers' bargaining unit. The schedule will be designed to recognize and reward training and experience and encourage additional study for professional advancement.

Principals

Salaries will be reviewed annually prior to July 1. The School Committee, with the advice of the Superintendent, will establish levels of compensation for each position based on the circumstances, dynamics, and requirements of each position.

Administrators

Salaries will be reviewed annually prior to July 1. The Superintendent may, upon the request of the Committee, survey other school systems to determine salaries being paid for comparable positions in each system. The survey will include the effective date of the specified salary.

LEGAL REFS.: M.G.L. 71:40; 71:43

CONTRACT REF.: Teachers' Agreement

EMPLOYMENT OF PRINCIPALS

Principals shall be employed by the Fall River Public Schools under individual contracts of employment. The compensation/benefit levels, ranges for Principals based on the size of the school and approved by the School Committee, may be exceeded only with the approval of the School Committee.

Initial contracts issued to Principals cannot be less than one year or longer than three years. Subsequent contracts cannot be less than three years or longer than five years in length.

As a condition of employment, each Principal must maintain current certification, adhere to the policies and goals of the School Committee and the directives of the Superintendent, and annually before April 1 must submit, with the school council, the educational goals and school improvement plan for the school building(s) under his/her direction.

LEGAL REFS.: 71:41

PROFESSIONAL STAFF SUPPLEMENTARY PAY PLANS

Certain assignments require extra responsibility or extra time over and above that required of other staff members who are on the same position on the basic salary schedule. When such supplemental assignments require extra time and responsibility beyond that regularly expected of teachers, they will be rewarded with extra compensation, as specified in collective bargaining agreements.

Assignments that are to be accorded extra compensation will be designated by the Committee. Appointments to these positions will be made by the Superintendent for District-wide positions or by the Principal with the approval of the Superintendent for building based personnel. The amount of compensation for the position will be established by the Committee at the time the position is created.

A teacher who is offered and undertakes a supplementary pay assignment will receive a supplementary contract specifying the pay, duration and terms of the assignment. If a teacher will not be extended the assignment for the following school year but will remain on the teaching staff, he/she or she will be so notified in writing prior to the expiration of the contract. Upon termination of the assignment, the supplementary pay will cease.

LEGAL REF.: Collective Bargaining Agreement

PROFESSIONAL STAFF RECRUITING/POSTING OF VACANCIES

It is the responsibility of the Superintendent, with the assistance of the administrative staff, to determine the personnel needs of the school system and it is the responsibility of the Principal, in consultation with the Superintendent, to determine the personnel needs of the individual schools. In addition, school councils may review personnel requirements as a means of evaluating the needs of a school. Any recommendations for the creation or elimination of a position must be approved by the School Committee.

The search for good teachers and other professional employees will extend to a wide variety of educational institutions and geographical areas. It will take into consideration the characteristics of the town and the need for a heterogeneous staff from various cultural backgrounds.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the school system. Any current employee may apply for any position for which he or she has certification and meets other stated requirements.

Openings in the schools will be posted in sufficient time, before the position is filled, to permit current employees to submit applications.

LEGAL REFS.: Collective Bargaining Agreements

PROFESSIONAL STAFF HIRING

Through its employment policies, the District will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the approval of the School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to age, sex, creed, race, color, national origin, disability, sexual orientation or place of residence.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision.

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45; 71:55B
Massachusetts Board of Education Requirements for Certification of Teachers,
Principals, Supervisors, Directors, Superintendents and Assistant
Superintendents in the Public Schools of the Commonwealth of
Massachusetts, revised 1994
603 CMR 7:00 and 44:00

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Part-Time Teachers

Teachers may be employed on a part-time basis. The salary of part-time teachers will bear the same ratio to the salary schedule that the teacher would earn if employed full-time as the hours worked bear to the hours the teacher would work if employed full-time (for example, a teacher employed for half the number of hours would receive half the salary of a full-time teacher).

Substitute Teachers

The school system will employ as substitute teachers, to the extent possible, persons who meet the requirements for teacher appointments and will assign teachers substitute-teaching positions on the basis of their areas of competence. When the supply of potential substitutes in a particular subject area is too limited to meet school department needs, there will be active recruitment for substitutes in those areas. All substitute teachers will be expected to provide educational services, rather than to assume merely a student-supervisory role. They will be provided with as much support as possible by building administrators and teachers.

The School Committee will set the daily rate of pay for substitute teachers, including extended-term substitutes. The latter will be granted such additional benefits as approved by the School Committee.

PHILOSOPHY OF STAFF DEVELOPMENT

All staff members will be encouraged in and provided with suitable opportunities for the development of increased competencies beyond those they may attain through the performance of their assigned duties and assistance from supervisors.

Opportunities for professional growth may be provided through such means as the following:

1. Planned in-service programs and workshops offered within the school system from time to time; these may include participation by outside consultants.
2. Membership on curriculum development committees drawing personnel from within and without the school system.
3. Released time for visits to other classrooms and schools and for attendance at conferences, workshops, and other professional meetings.
4. Leaves of absence for graduate study and research.
5. Partial payment of tuition for approved courses as specified in the collective bargaining agreements.

The Superintendent will have authority to approve or deny released time for conferences and visitations and reimbursements for expenses, provided such activities are within budget allocations for the purpose.

PROFESSIONAL TEACHER STATUS

Teachers and certain other professional employees who have served in the School District for three consecutive years shall be entitled to professional teacher status. The Superintendent, upon recommendation of the Principal, may award such status to a teacher who has served in the Principal's school for not less than one year or a teacher who has obtained such status in any other public school district in the Commonwealth. The Superintendent will base his/her decisions on the results of evaluation procedures conducted according to Committee policy.

At the end of each of the first three years of a teacher's employment, it will be the responsibility of the Superintendent to notify each employee promptly in writing of the decision on reappointment. Notification to a teacher not being reappointed must be made by June 15 or at an earlier date if required by a collective bargaining agreement.

A teacher who attains professional teacher status will have continuous employment in the service of the school system. A teacher with professional teacher status whose position is abolished by the School Committee may be continued in the employ of the school system in another position for which he/she is legally qualified.

Nothing in these provisions will be considered as restricting the Superintendent from changing teaching assignments or altering or abolishing supervisory assignments except that, by law, no teacher may be assigned to a position for which he/she is not legally qualified.

Established by law and Committee policy

LEGAL REFS.: M.G.L. 71:38; 71:38G; 71:38H; 71:41; 71:42; 71:43

TUTORING FOR PAY

Definition: "Tutoring" means giving private instruction or help to an individual or group for which the teacher receives remuneration other than through the School Committee.

A teacher cannot recommend that one of his or her own students get tutoring, and then be paid to tutor that same student in a second job.

A teacher may not tutor students who are currently in his/her class. Even if the teacher does not recommend that the current student receive private tutoring, the teacher should not tutor current students.

Teachers and other public employees may not approach a student, or the student's parents, seeking private tutoring work. A teacher may provide tutoring when the relationship is initiated by the parents or a student, but, if the student is, or in the future may be, under the teacher's authority, the teacher will need to provide a written disclosure.

A teacher cannot use school resources such as classrooms or materials in connection with a private tutoring business. A public school employee cannot use a school or district website to advertise private tutoring services. Schools cannot send home brochures for a particular tutoring service with the children.

Tutoring is not to be recommended for a student unless the appropriate teacher of the student involved is consulted and agrees that it will be of real help. If tutoring seems advisable, the Principal may give the parents a list of persons who are willing to tutor. This list may include teachers, but not the student's teacher of the subject in which he or she is to be tutored.

Tutoring for pay is not to be done in the school building.

LEGAL REF: M. G. L. 268A Mass. Ethics Commission FAQs for Public School Teachers

SOURCE: MASC 2013

NOTE: A teacher cannot tutor in their own district if the district is going to pay for the tutoring unless the district has included a provision in the teachers' collective bargaining agreement providing a set amount of extra pay for tutoring by teachers that will be included in the teachers' regular paychecks.

SUPPORT STAFF POSITIONS

Education is a cooperative enterprise in which all employees of the school system must participate intelligently and effectively for the benefit of the children. This school system will employ support staff members in positions that function to support the education program.

All support staff positions will be established initially by the Committee. In each case, the Superintendent will submit for the Committee's consideration and action a job description or job specifications for the position.

Although positions may remain temporarily unfilled or the number of persons holding the same type of position reduced in event of de-staffing requirements, only the Committee may abolish a position it has created.

NOTE: Support staff job descriptions and job specifications are available for review in the Superintendent's office.

SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS

In establishing salaries and salary schedules for support staff personnel, the School Committee will take into account the responsibilities of the position, the qualifications needed, past experience of the individual, and years of service in the school department.

Compensation plans will be reviewed annually for all categories of staff. Such review, where applicable, will be carried out in connection with negotiations with representatives of recognized bargaining units. The master agreements with these units will be considered appendices to this manual and will have the full force of School Committee policy.

The School Committee will set the rates of pay for personnel not covered by collective bargaining agreements.

LEGAL REF.: M.G.L. 71:38

CROSS REFS.: GDB sub codes (all relate to compensation)

CONTRACT REFS.: All Contracts

SUPPORT STAFF SUPPLEMENTARY PAY PLANS

Support staff employees will be paid overtime wages for work performed in excess of 40 hours in a work week.

In counting hours for the purpose of allowing overtime work and pay, supervisors will consider sick leave, vacation time, and holidays as time worked.

Every effort must be made to minimize overtime by scheduling duties during the regular workday. Overtime will be authorized only by the Superintendent and only to cover emergency situations. All such work will be assigned on a fair and equitable basis.

CROSS REF.: GDB, Support Staff Contracts and Compensation Plans

SUPPORT STAFF RECRUITING/POSTING OF VACANCIES

The School Committee will establish, and budget for, support staff positions in the school system on the basis of need.

The recruitment and selection of candidates for such positions will be the responsibility of the Principal for building based positions, and the Superintendent for District-wide positions, who will confer with Principals and other supervisory personnel, as appropriate, in making a selection.

All support staff vacancies will be made known to all support staff personnel.

SUPPORT STAFF HIRING

All candidates will be considered on the basis of their merits, qualifications, and the needs of the school system. In each instance, the Superintendent and others playing a role in the selection process will seek to employ the best qualified person for the job.

Vacancies in positions will be filled by the Superintendent and/or the Principal in accordance with the law and with the applicable regulations.

LEGAL REFS.: M.G.L. 71:55B; 71:59B

SECTION H
NEGOTIATIONS

- HA** **NEGOTIATIONS GOALS**
- HB** **NEGOTIATIONS LEGAL STATUS**
- HF** **SCHOOL COMMITTEE NEGOTIATING AGENTS**

NEGOTIATIONS GOALS

The School Committee recognizes that education is a public trust; it therefore is dedicated to providing the best possible educational opportunities for the young people of this community. In negotiations, this objective may be best attained if there is a climate of mutual trust and understanding between the negotiating parties.

The School Committee believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the School Committee and representatives of the staff to discuss matters of common concern.

It is further recognized that nothing in negotiations will compromise the School Committee's legal responsibilities nor will any employee's statutory rights and privileges be impaired.

NEGOTIATIONS LEGAL STATUS

All negotiations between the School Committee and recognized employee groups are conducted subject to Chapter 150E of the Massachusetts General Laws. The legal status of negotiations is defined in part by Section 2 of that chapter, as follows:

Employees shall have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or all of such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve.

Basic to all employer/employee negotiations is the concept of "bargaining in good faith." It is the legal responsibility of both the School Committee and employee organizations to bargain in good faith as they conduct negotiations. However, such obligation does not compel either party to agree to a proposal or make a concession.

Established by law

LEGAL REF.: M.G.L. 150E:1 et seq.

SCHOOL COMMITTEE NEGOTIATING AGENTS

The School Committee is responsible for negotiations with recognized employee bargaining units. However, because of the expertise and time required for negotiations, the Committee may hire a negotiator to bargain in good faith with recognized bargaining units to help assure that mutually satisfactory agreements on wages, hours, and other terms and conditions of employment will be developed.

The School Committee will appoint the negotiator and the fee or salary for his services will be established in accordance with the law at the time of appointment.

The duties of the negotiator will be as follows:

1. To negotiate in good faith with recognized bargaining units to arrive at a mutually satisfactory agreement on wages, hours, and working conditions of employees represented by the units.
 - a. The negotiator may recommend members of the administration to serve on the negotiation team. They will not be members of any unit that negotiates with the Committee, and their participation in negotiations must be recommended by the Superintendent and approved by the Committee.
 - b. He/she will direct accumulation of necessary data needed for negotiations, such as comparative information.
 - c. He/she will follow guidelines set forth by the Committee as to acceptable agreements and will report on the progress of negotiations.
 - d. He/she will make recommendations to the Committee as to acceptable agreements.
2. The negotiator will interpret the signed negotiated contracts to administrators and may be called upon to offer advice on various aspects of contract administration during the terms of the contracts with employee organizations.

LEGAL REF.: M.G.L. 71:37E

SECTION I
INSTRUCTION

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ACADEMIC FREEDOM

The School Committee seeks to educate students in the democratic tradition, to foster recognition of individual freedom and social responsibility, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Fairness in procedures will be observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate example the basic objectives of a democratic society as set forth in the Constitutions of the United States and the State.

LEGAL REF.: Constitution of the Commonwealth of Massachusetts

SCHOOL YEAR/SCHOOL CALENDAR

The school calendar for the ensuing year will be prepared by the Superintendent and submitted to the School Committee for approval annually. The number of days or instructional hours scheduled for the school year will be determined in accordance with the following standards set by the Massachusetts Board of Elementary and Secondary Education:

1. The School Committee shall schedule a school year which includes at least 185 school days for each school in the District.
2. Elementary school will operate for a minimum of 180 days. Schools shall ensure that every elementary school student is scheduled to receive a minimum of 900 hours per school year of structured learning time, as defined in regulation. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.
3. Secondary schools will operate for a minimum of 180 days. Schools shall ensure that every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time, as defined in regulation. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

For the information of staff, students, and parents/guardians, the calendar will set forth the days schools will be in session; holidays and vacation periods; in service days; and parent conferences.

SOURCE: MASC April 2019

LEGAL REFS.: M.G.L. 4:7; 69:1G; 71:1; 71:4; 71:4A; 71:73; 136:12
603 CMR 27.00

NOTE: When a policy covers two topics that appear consecutively in the classification system, the codes and headings can be combined, as shown at the top of this page.

The category "School Year" is designed for policies about the year for students, rather than the working year for teachers and other staff members.

SCHOOL DAY

The length of the school day is established in the collective bargaining agreements with the various school unions. The specific opening and closing times of the schools will be recommended by the Superintendent and set by the Committee.

The Superintendent is authorized to make minor changes in opening and closing times to simplify transportation scheduling; however, major changes in schedules will be subject to Committee approval.

Parents and guardians will be informed of the opening and closing times set by the Committee. To help insure the safety of all children, parents/guardians will also be notified that students will not be admitted into the school building until the start of the official day unless circumstances require earlier admittance.

SOURCE: MASC April 2019

LEGAL REFS.: M.G.L. 15:1G; 69:1G; 71:59
603 CMR 27.00

NOTE: Each Committee should verify the specific times set in the handbook for allowing students into the school building. In some cases, this may be established in the collective bargaining agreements.

ORGANIZATION OF INSTRUCTION

The District offers a diversified educational program compatible with the needs of the community and state standards.

The organizational plan is designed to facilitate the philosophy of educating every student, each to their fullest potential.

The structure will consist of multiple levels (for example, Primary/Elementary, Middle and Secondary levels).

The Primary/Elementary level includes schools with kindergarten through grade five. The Middle level consists of schools for grades six, seven and eight. The Secondary level consists of schools with grades nine, ten, eleven, and twelve. *

Special education services are integrated across each grade level in all schools.

The organization is designed to meet the standards established by the Department of Elementary and Secondary Education's Curriculum Frameworks, by Time and Learning regulations, and in order to serve the needs of all students.

***NOTE: District to reflect local configuration.**

CROSS REFS: IC/ICA School Year / School Calendar

LEGAL REFS: 603 CMR 27.00

SOURCE: MASC April 2019

CURRICULUM DEVELOPMENT

Constant adaptation and development of the curriculum is necessary if the District is to meet the needs of the students in its schools. To be successful, curriculum development must be a collaborative enterprise involving staff and administrators utilizing their professional expertise.

The Committee expects the faculty and administration to regularly evaluate the education program and to recommend modifications of practice, changes in curriculum content, and the addition or deletion of courses to the instructional program.

SOURCE: MASC April 2019

LEGAL REF.: M.G.L. 69:1E
603 CMR 26:05

Approved by FRSC 10.19.20

STUDENT SERVICES PROGRAMS

The Student Services staff will work in cooperation with District building staff and administration to coordinate and supervise the implementation of curriculum, the instructional program, and support services to meet the needs of all students.

The *Assistant Superintendent** shall be responsible for all services for students who are not eligible for special education assistance, such as psychological services, speech correction, homebound and hospital teaching and such other programs as may be assigned.

SOURCE: MASC April 2019

***NOTE: District to reflect local configuration**

CROSS REF.: ACE, Nondiscrimination on the Basis of Disability

Approved by FRSC 10.19.20

CURRICULUM ADOPTION

The School Committee will rely on the professional staff to design and implement instructional programs and courses of study that will forward the educational goals of the school district.

The Superintendent will have authority to approve new programs and courses of study after they have been thoroughly studied and found to support educational goals. The Committee itself will consider, and officially adopt, new programs and courses when they constitute an extensive alteration in instructional content or approach.

The Committee wishes to be informed of all new courses and substantive revisions in curriculum. It will receive reports on changes under consideration. Its acceptance of these reports, including a listing of the high school program of studies, will constitute its adoption of the curriculum for official purposes.

SOURCE: MASC April 2019

LEGAL REF.: M.G.L. 15:1G; 71:1; 69:1E

Approved by FRSC 10.19.20

BASIC INSTRUCTIONAL PROGRAM

State law requires that schools:

. . . shall give instruction and training in orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and Constitution of the United States, the duties of citizenship, health education, physical education and good behavior...

The law further states that American history and civics, including the Constitution of the United States, the Declaration of Independence, the Bill of Rights, local history and government will be taught as required subjects in the public schools.

Physical education is compulsory for all students, except that no student will be required to take part in physical education exercises if a physician certifies in writing that such exercises would be injurious to the student.

The Fundamental Skills

The business of the schools is to equip all children with the skills, tools, and attitudes that will lay the basis for learning now and in the future. This means giving highest priority to developing skills in reading, writing, speaking, listening, and solving numerical problems.

The first claim of the community's and School Committee's resources will be made for the realization of these priorities. School dollars, school talent, school time, and whatever innovation in program is required must be concentrated on these top-ranking goals. No student should be bypassed or left out of the school's efforts to teach the fundamental skills. Schooling for basic literacy must reach all students, in all neighborhoods, and from all homes.

SOURCE: MASC October 2016

CROSS REFS: ADF, School District Wellness Program

LEGAL REFS.: M.G.L. [71:1,2,3](#); [71:13](#)

603 CMR [26:05](#)

BASIC INSTRUCTIONAL PROGRAM

Curricula

- (1) The curricula of all public school systems shall present in fair perspective the culture, history, activities, and contributions of persons and groups of different races, nationalities, gender, and colors.
- (2) All school books, instructional and educational materials shall be reviewed for sex-role and minority group stereotyping. Appropriate activities, discussions and/or supplementary materials shall be used to counteract the stereotypes depicted in such materials.
- (3) School books, instructional and educational materials purchased after the date of 603 CMR 26.00 shall in the aggregate, include characterizations and situations which depict individuals of both sexes and of minority groups in a broad variety of positive roles.
- (4) Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex nor designed to have an adverse impact on members of either sex.

LEGAL REFS.: M.G.L. 71:1, 2, 3; 71:13
603 CMR 26:05

CAREER - TECHNICAL EDUCATION

The School Committee recognizes that students in kindergarten through grade 12 should:

1. Be afforded the opportunity to be informed about the world of work.
2. Be aware of the many vocations available to them.
3. Develop a respect for the dignity of work.
4. Be allowed the opportunity to develop an understanding regarding the technical, consumer, occupational, recreational and cultural aspects of industry and technology; they should also be afforded the opportunity to develop skills related to such aspects through formal programs and creative problem solving experiences.

LEGAL REFS.: M.G.L. 71:37K; 71:38A through 71:38F; 74:1 et seq.
Board of Education Chapter 74 Regulations, adopted 6/28/77, effective 9/1/77

HEALTH EDUCATION

The School Committee believes that the greatest opportunity for effective health education lies within the public schools because of their potential to reach children at the age when positive, lifelong health habits are best engendered and because the schools are equipped to provide qualified personnel to conduct health education programs.

The School Committee is committed to a sound, comprehensive, research-based health education program as an integral part of each student's general education. **Health education will be taught as a separate academic discipline in grades K through 6 and as a separate class in other grades.***

The health education program will emphasize a contemporary approach to the presentation of health information, skills, and the knowledge necessary for students to understand and appreciate the functioning and proper care of the human body. Students also will be presented with information regarding complex social, physical and mental health problems, which they might encounter in society. In an effort to help students make intelligent choices on alternative behavior of serious personal consequence, health education will examine the potential health hazards of social, physical and mental problems existing in the larger school-community environment.

In order to promote a relevant, dynamic approach to the instruction of health education, the School Committee will continue to stress the need for curricular, personnel, and financial commitments that are necessary to assure the high quality of the district's health education program.

***NOTE: Highlighted sentence should be changed to reflect district practice.**

SOURCE: MASC April 2019

LEGAL REF.: M.G.L. 71:1

Approved by FRSC 10.19.20

HEALTH EDUCATION
(Exemption Procedure)

Exemption will be granted from a specific portion of health education curriculum on the grounds that the material taught is contrary to the religious beliefs and/or teachings of the student or the student's parent/guardian.

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.

The Principal will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternative activity for which the student will receive credit.

The Principal will inform the parent/guardian of disposition of the request within a reasonable number of school days of receipt of the request.

LEGAL REF.: M.G.L. 71:1

PARENTAL NOTIFICATION RELATIVE TO SEX EDUCATION

In accordance with General Laws Chapter 71, Section 32A, the Fall River School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each 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.

REF.: Dept. of Elementary and Secondary Education

TEACHING ABOUT ALCOHOL, TOBACCO, AND DRUGS

In accordance with state and federal law, the District shall provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug prevention education programs in grades K-12.

The alcohol, tobacco, and drug prevention program shall address the health, legal, social, and health consequences of alcohol, tobacco, and drug use, with emphasis on nonuse by school-age children. The program also shall include information about effective techniques and skill development for delaying and abstaining from using, as well as skills for addressing peer pressure to use, alcohol tobacco, or drugs.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of children and youth on healthy decision-making:

- To prevent, delay, and/or reduce alcohol, tobacco, and drug use among children and youth.
- To increase students' understanding of the health, legal, economic and social consequences of alcohol, tobacco, and drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, and drug use.

The curriculum, instructional materials, and outcomes used in this program shall be recommended by the Superintendent and approved by the School Committee.

This policy shall be posted on the district's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC March 2016

LEGAL REFS.: M.G.L. 71:1 ;71:96

CROSS REFS: GBEC, Drug Free Workplace Policy

JICH, Drug and Alcohol Use by Students

**SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS
(PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS)**

The goals of this school district's special education program are to allow each child to grow and achieve at their own level, to gain independence and self-reliance, and to return to the mainstream of school society as soon as possible.

The requirements of law and regulation will be followed in the identification of children with special needs, in referrals for their evaluation, in prescribing for them suitable programs and in assessing their educational progress. In keeping with state requirements, all children with special needs between the ages of three to twenty-two who have not attained a high school diploma or its equivalent will be eligible for special education.

The School Committee believes that most children with special needs can be educated in the regular school program if they are given special instruction, accommodations and the support they need. These children should also be given the opportunity to participate in the school district's non-academic and extracurricular activities.

The Committee recognizes that the needs of certain children are so great that special programs, special classes or special schools may be necessary. When appropriate programs, services, or facilities are not available within the public schools, the Committee will provide these children with access to schools where such instruction and accommodations are available.

It is the desire of the Committee that the schools work closely with parents/guardians in designing and providing programs and services to children with special needs. Parents/guardians will be informed, and conferred with, whenever a child is referred for evaluation. In event of any disagreement concerning diagnosis, program plan, special placement, or evaluation, the parents/guardians will be accorded the right of due process.

The Committee will secure properly trained personnel to work with the children with special needs. Since the financial commitment necessary to meet the needs of all of these children is extensive, the Committee will make every effort to obtain financial assistance.

SOURCE: MASC April 2019

LEGAL REFS.: The Individuals with Disabilities Ed. Act (PL 108-446, adopted 12/03/04)
 Rehabilitation Act of 1973
 M.G.L. 71B:1 et seq.
 603 CMR 28:00 inclusive

NOTE: A school district's procedures for implementing Special Education laws and regulations are often too extensive to include in a policy manual. In such instances, a note can be added to the policy to point out the existence and availability of a document containing current procedures.

PROGRAMS FOR STUDENTS WITH DISABILITIES

In keeping with the intention of the state of Massachusetts to offer educational opportunities to all students that will enable them to lead fulfilling and productive lives, the District shall provide appropriate educational opportunities to all resident students in accordance with the requirements of state and federal statutes.

OBSERVATIONS OF SPECIAL EDUCATION PROGRAMS

1. Parents' request to observe their child(ren), current program, or a potential placement must be made at least five days in advance with the Special Education Director or designee and/or Principal.
2. The Special Education Director or designee shall contact the parent(s) for initial scheduling conversation within five (5) days of receipt of the parents' request.
3. When a parent requests an observation of a special needs student or program, the Special Education Director or designee will coordinate with the building Principal to approve and arrange the observation. Such approval may only be withheld for those reasons outlined within law and DESE regulation.
4. The Special Education Director or designee and/or Principal will work with the classroom teacher and the observer to set up the specifics of the observation (including, but not limited to, scheduling and placement of the observer in the classroom).
5. The number, frequency, and duration of observation periods will be determined on an individual student basis in accordance with law and regulation. The start and end time of observation periods and a schedule of observation periods will be stated in advance. In order to minimize classroom or student disruption, the length of individual observation periods may be limited.
6. If the observer is not the parent, the parent must sign a release for the individual to observe.
7. The number of observers at any one time may be limited.
8. The observer will be informed that he/she is not to interfere with the educational environment of the classroom. If his/her presence presents a problem, he/she will be asked to leave. This notice is particularly important, since the presence of parents can influence both the performance of their child(ren) and those of others.
9. The observer will be asked to submit his/her report of the observation in advance of any follow-up TEAM meeting.
10. The observer will be informed that he/she is there to evaluate the appropriateness of a specific educational program to meet the needs of an individual child. He/she is not there to evaluate a teacher's ability to perform his or her contractual job duties.
11. The observer will be instructed regarding the disclosure of confidential or personally identifiable information relating to other children. Staff must be mindful of removing materials which may be part of students' records from plain view. In the event that removal is not possible the observer may be asked to sign a non-disclosure agreement.

12. A school administrator, or designee, also will observe at the same time and take notes as to what is observed, paying particular attention to note anything that is non-typical concerning the period. This observation summary will be placed in the student's file and provided to the parent(s) prior to any follow-up TEAM meeting. .

LEGAL REF.: MGL 71B:3
Massachusetts Department of Elementary and Secondary Education Technical Assistance Advisory SPED 2009-2 dated January 8, 2009

CROSS REF.: KI, Visitors to Schools

NOTE: The following quotes from the DESE Advisory are important points of understanding to the implementation of this policy.

“School districts and parents have reported that, typically, observations are between one and four hours. While useful as a general rule, the Department recommends that district policies and practices specify that the duration and extent of observations will be determined on an individual basis. Districts should avoid rigid adherence to defined time limits regardless of the student's needs and settings to be observed. The complexities of the child's needs, as well as the program or programs to be observed, should determine what the observation will entail and what amount of time is needed to complete it. Discussion between school staff and the parent or designee is a good starting point for resolving the issue.”

“The observation law states that districts may not condition or restrict program observations except when necessary to protect:

the safety of children in the program during the observation;

the integrity of the program during the observation;

and children in the program from disclosure by an observer of confidential or personally identifiable information he or she may obtain while observing the program.”

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.

COMPENSATORY EDUCATION
(Title 1)

Title 1 funds shall be used to provide educational services that are in addition to the regular services provided for District students. By adoption of this policy, the School Committee ensures equivalence in the provision of curriculum materials and supplies.

ENGLISH LEARNER EDUCATION

The District shall provide suitable research-based language instructional programs for all identified English learners in grades Kindergarten through 12 in accordance with the requirements of state and federal statutes and Massachusetts Department of Elementary and Secondary Education (DESE) 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
- observations
- intake assessments
- recommendations of parents/guardians, 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 DESE 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 DESE to comply with federal law.

SOURCE: MASC April 2019

LEGAL REFS.: Elementary and Secondary Education Act, as amended
42 U.S.C. 2000d (Title VI of the Civil Rights Act of 1964)
603 CMR 14.00

HOMEBOUND INSTRUCTION

The schools may furnish homebound instruction to those students who are unable to attend classes due to a physical injury, medical situation, or a severe emotional problem. The instruction is designed to provide maintenance in the basic academic courses so that when a student returns to school he/she will not be at a disadvantage because of the illness or the hospitalization.

To qualify for the program the student needs a written statement from a medical doctor requesting the homebound 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 Needs.

Homebound instruction is offered in basic elementary subjects and in secondary subjects which 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 Needs with the approval of the Superintendent.

- File: IC/ICA - SCHOOL YEA
- File: ID - SCHOOL DAY
- File: IGA/IGD - CURRICULL
- File: IGB - SUPPORT SERVI
- File: IHAM - HEALTH EDUC
- File: IHAM-R - HEALTH EDU
- File: IHAMA - PARENTAL N
- File: IHAMB - TEACHING A
- File: IHB - SPECIAL INSTRU
- File: IHBA - STUDENT SER
- File: IHBA - OBSERVATIO
- File: IHBD - COMPENSATO
- File: IHBEA - ENGLISH LEA
- File: IHBF - HOMEBOUND I
- File: **IHBG - HOME SCHO**
- File: IHBH - ALTERNATIVE
- File: IHBHE - REMOTE LEA
- File: IHCA - SUMMER SCH
- File: IJ - INSTRUCTIONAL I
- File: IJ-R - RECONSIDERAT
- File: IJL - LIBRARY MATER
- File: IJLA - LIBRARY RESOL
- File: IJND - ACCESS TO DI
- File: IJNDB - EMPOWERED
- File: IJNDC - INTERNET PU
- File: IJNDD - POLICY ON S
- File: IJOA - FIELD TRIPS
- File: IJOB - COMMUNITY R
- File: IJOC - SCHOOL VOLU
- File: IKAB - STUDENT PRO
- File: IKE - PROMOTION AN
- File: IKF - GRADUATION RE
- File: ILD - STUDENT SUBM
- File: IMB - TEACHING ABO
- File: IMD - SCHOOL CEREM
- File: IMG - ANIMALS IN SC
- File: IMGA - SERVICE ANIM

File: IHBG - 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 their 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, on a form provided by the District, 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/guardian to teach the children,
3. The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents/guardian.
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.*

SOURCE: MASC - Updated 2023

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)

***Note: The highlighted final paragraph is an option for the district, not a requirement.**

- ▶ SECTION J - STUDENTS
- ▶ SECTION K - COMMUNITY R
- ▶ SECTION L - EDUCATION AG

ALTERNATIVE SCHOOL PROGRAMS

Some children have great difficulty coping with the conventional school program and as a result will drop out of school. Some children require more support and direct supervision than is reasonably available in conventional school settings. And, some children, along with a highly structured academic experience, require a special focus on life skills and an appropriate vocational involvement.

The School Committee will provide alternative education programs where these needs have been identified, where establishment of such programs is feasible, and where the proposed programs fall within the function normally associated with the public school system.

These alternative educational programs will seek to provide an appropriate academic, social, and vocational experience to aid these young people either to reenter the regular school system, move into another educational setting, or prepare them for successful employment.

SOURCE: MASC October 2016

LEGAL REFS.: M.G.L. [71:37I](#); [71:37J](#)

603 CMR [17.00](#)

REMOTE LEARNING

In the event of a district-specific emergency requiring the use of remote learning, the superintendent of schools may declare such emergency and must; within 48 hours, obtain the approval of the school committee. The remote learning plan below will be applicable in cases of disease, weather emergencies, destruction or damage to schools rendering them inaccessible, or other extraordinary circumstances, including emergencies declared by government officials, the school committee, or the superintendent.

When it becomes necessary for the school district to provide support to students who are unable to attend classes or access appropriate services due to an extended closure, the superintendent shall establish a plan and procedures to ensure that such services are provided. The provision of educational services may include the use of technology and devices, and strategies designed to support student learning away from school.

The remote learning plan will, to the extent possible:

- Ensure the safety of all students and faculty in coordination with appropriate local and state departments and agencies;
- Provide support for student social and emotional wellbeing and address the implications of trauma experienced by students or faculty as a result of the emergency;
- Identify goals and strategies for maintaining standards of student achievement and school improvement plans;
- Ensure instruction and services are delivered by district educators and personnel as much as practicable;
- Utilize the most effective tools and resources available for students and faculty, including the skills and talents of district personnel, in the delivery of instruction and services and share resources as needed;
- Provide resources and services equitably to meet the needs and circumstances of all students;
- Identify remedial strategies necessary after the emergency to advance student achievement (i.e. after-school, extended day, summer school, and contingency scheduling to cancel vacations.);
- Gather information both during and after the period of emergency regarding the most effective means of remote learning to implement as appropriate.

In developing a remote learning plan, the superintendent will:

- Identify and prepare effective means for communicating with faculty, students, parents and community stakeholders.
- Collaborate with municipal agencies that support the schools and community.
- Consult with the school committee to identify any extraordinary actions necessary or authority required to administer emergency and remote learning plans. This includes any changes to district policies on the school calendar, grading, promotions and retentions, local graduation requirements, testing, and standards and accountability.
- Consult with administrators and principals to ensure the continuing education of students at all levels, including:

- Data gathered remotely or on-line (who gathers, aggregates, or analyzes).

SOURCE: MASC – May 2020

REMOTE LEARNING ADDENDUM

Issues to consider when developing remote learning plans:

- Which of these issues requires policy or policy changes?
- What are the policy implications and what should school committees delegate to the superintendent for operating protocols?
- Do we learn anything from earlier experiences in emergencies?
- What can we learn from our current services to students who are unable to attend school because of illness or other disability or for disciplinary reasons?

Specific items to consider in developing a plan:

- When is remote learning appropriate?
- Designating a remote learning point person
- Reviewing the various models for remote learning
- Equity – how to ensure that students have access to tools to learn remotely.
- Internal vs. external resources.
- Collective bargaining implications
- Responsibilities of remote educators
 - Evaluating remote educators and programs
 - Who may observe remote instruction
 - Teacher professional development to incorporate various elements of remote learning
 - Common planning time
- Identifying cost implications and approving spending
- Special constituencies:
 - Special education students
 - English Language Learners
 - Physically challenged students
 - Homeless students
 - Students in foster care
 - Students of military families
 - Pregnant and parenting students
- Facilitating collaboration/removing barriers to collaboration.
- Protecting privacy rights of students and parents
 - FERPA (Federal Educational Rights and Privacy Act and COPPA (Children’s On Line Privacy Protection Act)
 - What privacy protections do vendors and districts/schools have in place.
- Health and nutrition issues that may impact student wellness and/or privacy
- Internet security for students and faculty.
- Protecting educators and others who identify threats to student wellbeing via remote learning.
- Engaging district partners including companies, consultants, media (i.e., public television).
- Impact on decisions to retain or grant professional status educators.
- Academic implications (testing, grading, educator accountability, curriculum adaptations)
- Parental rights (opting in or opting out)

- use of the most appropriate resources, tools and strategies to deliver the curricula given local circumstances and conditions;
- equitable access to appropriate content for all students;
- specific accommodations for students at high risk, including clients of special education, students with disabilities, English learners, students at economic disadvantage, homeless students, students in foster care and students of military families.
- Utilize available technological resources suitable for serving students at all levels. This inventory will be prepared in advance in anticipation of an emergency.
- Ensure the privacy rights of students, faculty and families are protected, including assessing the security of district technology.
- Consult with bargaining units to determine if modifications to collective bargaining agreements need to be established for the period of the emergency.
- Identify the financial implications of the emergency plan and recommend transfer of funds as may be necessary.

Attendance

Remote

- Attendance for the remote instruction will be taken daily as students are required to login to the remote learning platform and attend all scheduled classes, including video conferencing. Also, attendance will be taken at the beginning of each class and will be monitored through completion of assignments and participation in lessons.
- Students who are unable to attend school due to illness or quarantine will be counted absent unless they are actively accessing the remote learning platform and participate in remote instruction as set forth above.

Camera Use

- Students will be asked to turn their cameras on briefly while teachers take attendance at the beginning of the school day and at the beginning of each class period or content time. Students will not be mandated to keep their cameras on once attendance is taken.

LEGAL REFS.: 20 U.S.C. §1232g Family Education Rights and Privacy Act (FERPA)
15 U.S.C. §§ 6501–6506 Children’s Online Privacy Protection Act (COPPA)

CROSS REFS.: EBCD – Emergency Closings
IGA – Curriculum Development
IGB – Support Services Programs
IHBEA – English Learner Education
IJND – Access to Digital Resources
IJNDB – Empowered Digital Use
IJNDC – Internet Publication
IJNDD – Policy on Social Media
IHBEA – English Language Learners
JB – Equal Educational Opportunities
JBB – Educational Equity

SUMMER SCHOOLS

The school system will conduct summer sessions as a supplement to the instruction offered during the school year, when funding for such programs is available. The focus of the program will be remedial work in literacy and mathematics.

To attend tuition-free remedial summer school at the middle school level, students must have the approval of their Principal.

Students at all instructional levels may attend approved summer schools for remedial, enrichment, or make-up purposes. Credit for summer school courses must have the prior approval of the Office of Instruction. Credit towards graduation requirements may be granted high school students in line with regulations of the School District.

All summer programs will be subject to annual approval by the School Committee.

LEGAL REF.: M.G.L. 71:28

AP POLICY SPECIAL REQUIREMENTS

Students who elect to take an AP course are required to take the AP test at the end of the course.

Students who refuse to take the AP test will NOT receive the extra weighting as described in the AP policy. In addition, the student's transcript will indicate that the student has taken an "Honors" level course, (NOT AP) with quality points given appropriate to an Honors level course.

INSTRUCTIONAL MATERIALS

The School Committee believes that materials appropriate to the needs of the school program must be available to each student and teacher. These will be furnished by the School Committee subject to budgetary constraints.

The task of selecting instructional materials for programs will be delegated to the professional staff of the school system. Because instructional programs and materials are of great importance, only those that meet the following criteria will be approved by the Committee:

1. They must present balanced views of international, national, and local issues and problems of the past, present and future.
2. They must provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic and ethical values.
3. They must help students develop abilities in critical reading and thinking.
4. They must help develop and foster an appreciation of cultural diversity and development in the United States and throughout the world.
5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, color, religion, national origin, sex, gender identity, physical disabilities or sexual orientation.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.

SOURCE: MASC October 2016

LEGAL REFS.: M.G.L. [30B:7](#); [71:48](#); [71:49](#); [71:50](#)

BESE regulations 603 CMR [26.00](#)

CROSS REF.: KEC, Public Complaints about the Curriculum or Instructional Materials

RECONSIDERATION OF INSTRUCTIONAL RESOURCES

Material that is challenged usually belongs to one of the three basic categories: religion, ideology, or profanity/obscenity. Board policies regarding these areas shall be as follows:

Religion -- Factual, unbiased material on religions has a place in school libraries.

Ideologies -- Libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics, education and other phases of life.

Profanity/obscenity -- Materials shall be subjected to a test of literary merit and reality in context using the criteria established.

When a problem concerning instructional resources in a school arises, the disposition of the problem will be made in a reasonable period of time using District adopted procedures.

In accordance with the statement of philosophy, no questioned materials shall be removed from the school pending a final decision. Pending the outcome of the request for reconsideration, however, access to questioned materials can be denied to the students of the parents making the complaint, if they so desire.

If the decision of the School Committee is that the questioned instructional resource be retained, the District will not convene a Review Committee relative to the same complaint for a period of three years. If a substantially different point of view is advanced, it will be investigated. (The period of three years does not apply in this instance).

If an individual or a group undertakes action to keep material from the shelves by checking it out and failing to return it, or by taking turns in keeping it checked out so that it is not available for student use, the Superintendent shall request, in writing, the return of the material. If it is not returned within thirty (30) days, a bill for the current replacement cost of the item shall be rendered to the party holding the item.

After the School Committee has adopted new materials or approved certain methods, that decision will not be reconsidered for a period of three years beginning with the end of the school year when the adoption is made.

LIBRARY MATERIALS SELECTION AND ADOPTION

The School Committee endorses the School Library Bill of Rights, as adopted by the American Library Association, which asserts that the responsibility of the school library is to:

1. Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served.
2. Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
3. Provide a background of information that will enable students to make intelligent judgments in their daily lives.
4. Provide materials on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking.
5. Provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
6. Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

Initial purchase suggestions for library materials may come from all personnel--teachers and administrators. Students will also be encouraged to make suggestions. The Principal will recommend materials to be included in the school library. Final approval and authority for distribution of funds will rest with the building Principal subject to the approval of the Superintendent.

Gifts of library books will be accepted in keeping with the above policy on selection. Complaints about library books will be handled in line with Committee policy on complaints about instructional materials.

LEGAL REF.: 603 CMR 26:05

CROSS REF.: KEC, Public Complaints about the Curriculum or Instructional Materials

LIBRARY MATERIALS SELECTION AND ADOPTION

The continuous review of integrated learning center (library) materials is necessary as a means of maintaining a useful and active collection. As new materials are selected and added, some older materials are withdrawn. The responsibility for determining which materials shall be withdrawn shall rest with the professional staff.

Among the other reasons for withdrawing an item shall be the following:

- Curricular changes have rendered as superfluous materials (or multiple copies of materials) formerly used but no longer in demand.
- Materials contain information which is no longer accurate or current.
- Materials intended for recreational reading have become dated or unattractive and are no longer in demand. Some books which are deemed standards or classics shall be retained even though they rarely circulate.
- Materials have worn out, been damaged or physically deteriorated, and have lost utility, and/or appeal.
- Materials have been superseded by newer items, which present the same information, but in superior format.

LEGAL REF.: 603 CMR 26:05

LIBRARY RESOURCES

The primary objective of the library/media center is to implement its resources to enrich and to support the educational program of the school.

Definition of Library Resources

Library resources are those print, non-print, and digital materials found in school libraries which support curricular and personal information needs.

Criteria for Selection of Library Resources

The criteria for selection of library resources in the District are:

- Needs of the individual student

Based on knowledge of students
Based on requests of parents and students

- Needs of the individual school

Based on knowledge of the curriculum of the school
Based on requests from the professional staff

- Provision of a wide range of materials on many levels of difficulty with a diversity of appeal and the presentation of different points of view.
- Provision of materials of high artistic quality.
- Provision of materials with superior format.
- Reputable, unbiased, professionally prepared selection aids are consulted as guides.

In accordance with the District's policy of providing instructional materials on opposing sides of controversial issues, it should be noted that neither the media centers nor the District serve as advocates for the ideas expressed in any materials, nor does the presence of any material indicate automatic endorsement of the ideas expressed therein.

Disclosure of Information/Privacy of Circulation Records

Circulation records shall not be made available to anyone except pursuant to such process, order, or subpoena as may be authorized by law.

Re-evaluation (Weeding) of Library Resources

The continuous review of library/media center materials is necessary as a means of maintaining a useful and active collection. As new materials are selected and added, some older materials are withdrawn. The responsibility for determining which materials are to be withdrawn rests with the professional staff.

Among the reasons for withdrawing an item are the following:

- Curricular changes have rendered superfluous some materials (or multiple copies of materials) formerly used but no longer in demand.
- Some materials contain factual material that is no longer accurate nor current.
- Some materials intended for recreational reading have become dated or unattractive and are no longer in demand. (Some such books, which are deemed "standards" or "classics", will be retained even though they rarely circulate).
- Some materials have become worn out, damaged or physically deteriorated and have lost utility and/or appeal.
- Some materials have been superseded by newer items, which present the same information, but in superior format.

Withdrawn library/media center materials are processed in one or more of the following ways:

- Made available to be used as resource or supplementary material by teachers.
- Offered to other media centers in the District, as it is possible that a material, which lacks utility in one building, may have some usefulness in another.
- Contributed to appropriate charitable or educational agencies.
- Discarded, when warranted.

Continuing evaluation is closely related to the goals and responsibilities of library/media centers and is a valuable tool of collection development. This procedure is not to be used as a convenient or expedient means to remove materials presumed to be controversial or likely to be disapproved by segments of the community. Materials are not to be proscribed or removed because of actual or potential partisan or doctrinal disapproval, nor because of the origin, background or views of those contributing to their creation.

SOURCE: MASC October 2016



ACCESS TO DIGITAL RESOURCES POLICY

The School Committee supports the right of students, employees, and community members to have reasonable access to various information formats and believes it is incumbent upon users to utilize this privilege in an appropriate manner.

Safety Procedures and Guidelines

The Superintendent of Schools, in conjunction with the Chief Information Officer, shall develop and implement appropriate procedures to provide guidance for access to digital resources. Guidelines shall address teacher supervision of student computer or tablet use, ethical use of digital resources and issues of privacy versus an administrative review of electronic files and communications. In addition, guidelines shall prohibit the utilization of digital resources for prohibited or illegal activities and for the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet as defined by the Children's Internet Protection Act (CIPA) and the Children's Online Privacy Protection Act (COPPA);
- Safety and security of minors when they are using e-mail, instant messaging applications, and other forms of direct electronic communications;
- Preventing unauthorized access, including hacking, viruses, and other unlawful activities by minors online;
- Unauthorized disclosure use and dissemination of personal information regarding minors.

The School District shall provide a reasonable public notice to address and communicate its internet safety measures.

Empowered Digital Use

All students and faculty must agree to and sign an Empowered Digital Use form prior to the student or staff member being granted independent access to digital resources and district networks. The required form, which specifies guidelines for using digital resources and district networks, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Chief Information Officer with a written request.

Employee Use

Employees shall use district email, district devices, and district networks only for purposes directly related to educational and instructional purposes.

Community Use

On the recommendation of the Superintendent of Schools in conjunction with the Chief Information Officer, the district shall determine when and which computer equipment, software, and information access systems will be available to the community. All guests will be prompted to and must accept the district's Access to Digital Resources Policy before accessing the district network.

Disregard of Rules and Responsibility for Damages

Individuals who refuse to sign required Empowered Digital Use documents or who violate district rules governing the use of district technology or networks shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, and network.

Individuals shall reimburse the district for repair or replacement of district property lost, stolen, damaged, or vandalized while under their care in accordance with the following fee schedule:

Screen Repair	\$50.00
Case Replacement	\$35.00
Chromebook Frame	\$30.00
Hinge Repair	\$35.00
Chromebook Base	\$25.00
Keyboard Repair	\$35.00
Chromebook Ports	\$20.00
Charging Cable	\$30.00
Chromebook Replacement	\$250.00

EMPOWERED DIGITAL USE POLICY

Purpose

The School Committee recognizes the need for students to be prepared to contribute to and excel in a connected, global community. To that end, the district provides ongoing student instruction that develops digital citizenship skill sets for using technology as a tool. Information and communication technology are an integrated part of our curriculum across subjects and grades in developmentally appropriate ways and are aligned with the Massachusetts Curriculum Frameworks and standards, including seeking knowledge and understanding; thinking critically and solving problems; listening, communicating, and interacting effectively; and engaging and competing in a global environment.

Availability

The Chief Information Officer or designee shall implement, monitor, and evaluate the district's system/network for instructional and administrative purposes.

All users shall acknowledge that they understand that using digital devices, whether personal or school-owned, and the school district network is a privilege and when using them in accordance with School District guidelines they will retain that privilege.

The Chief Information Officer or designee shall develop and implement administrative guidelines, regulations, procedures, and user agreements, consistent with law and policy, which shall include but not be limited to the following:

- Digital devices, software, and networks shall be used in school for educational purposes and activities.
- An individual's personal information (including home/mobile phone numbers, mailing addresses, and passwords) and that of others shall be kept private.
- Individuals will show respect for themselves and others when using technology including social media.
- Users shall give acknowledgment to others for their ideas and work
- Users shall report inappropriate use of technology immediately

These procedures shall be reviewed annually by district administration together with students and teachers and shall provide a springboard for teaching and learning around topics such as internet safety, digital citizenship, and ethical use of technology.

CHROMEBOOK POLICY AND PROCEDURES:

FRPS teachers and administrators believe that excellence in education requires a seamless integration of technology into the curriculum and instruction and that Chromebooks constitute an innovative and powerful tool to increase students' access to technology and prepare them for college and the 21st century workplace.

Chromebook Goals: a) to support the implementation of the local curriculum and common core learning standards, b) to enhance learning opportunities by focusing on the application of skills in information retrieval, searching strategies, research skills, and critical thinking, and c) to promote life-long learning.

Acceptable Usage:

In the interest of consistency and proper management of Chromebooks, students using Chromebooks and other authorized digital learning devices at FRPS must accept the Chromebook Usage Policy. The use of FRPS technology resources is a privilege, not a right. The privilege of using the technology resources provided by FRPS is not transferable or extendable by students to people or groups outside the district and terminates when a student is no longer enrolled in FRPS. This policy is provided to make all users aware of the responsibilities associated with efficient, ethical, and lawful use of technology resources. If a person violates any of the user terms and conditions outlined in this policy, privileges may be terminated, access to the school district technology resources may be denied, and the appropriate disciplinary action shall be applied. The FRPS Student Code of Conduct shall be applied to student infractions. Teachers have the prerogative of setting additional requirements for Chromebook and other digital device usage in their classrooms.

Note: Violations may result in disciplinary actions up to and including suspension/expulsion for students. When applicable, law enforcement agencies may be involved.

Parent/Guardian Responsibilities:

1. Talk to your child about values and the standards that your child should follow on the use of the internet, just as you do on other social media information sources (e.g., television, telephones, movies, and radio).
2. You may opt out of having a Chromebook. However, bear in mind that this action may prevent your child from benefiting from learning opportunities that the Chromebook offers. Should you opt out, your child will still be responsible for completing his/her Chromebook assignment, which could take him/her longer.

School Responsibilities:

1. Provide internet and email access to your child.
2. Filter or block inappropriate or harmful materials transmitted via the internet.
3. Provide network data storage areas. FRPS reserves the rights to review, monitor, and restrict information stored on or transmitted via FRPS-owned equipment and to investigate inappropriate use of resources.
4. Provide staff guidance to aid students in doing research and help assure student compliance of the acceptable use policy.

Students are Responsible for:

1. Using computers/devices in a responsible and ethical manner.
2. Obeying general school rules concerning behavior and communication that apply to Chromebook/related digital learning devices.

3. Using all technology resources in an appropriate manner so as to not damage school equipment. This “damage” includes, but is not limited to, loss of data resulting from delays, non-deliveries, misdeliveries or service interruptions caused by the student’s own negligence, errors, or omissions.
4. Contacting school administrators about any security problems they may encounter.
5. Turning off and securing their Chromebook after finishing with their work to protect their work and information.
6. If a student should receive an email containing inappropriate or abusive language or if the subject matter is questionable, he/she is asked to print a copy and turn it into the Office.
7. Returning their Chromebooks to the Learning Commons at the end of each school year. Students who graduate early, withdraw, are suspended or expelled, or terminate enrollment at FRPS for any other reason must return their individual school Chromebook computer on the date of termination.

Note: Unreturned Chromebooks will be treated as unreturned books and related instructional materials to school, which means that students will be put on social probation. Students on social probation will be precluded from participating in school functions, activities, social events, including graduation. Grades, transcripts, diplomas or any other records will be withheld until the Chromebook is returned to school.

Student Activities Strictly Prohibited:

1. Illegal installation or transmission of copyrighted materials.
2. Taking any action that violates existing school policy or public law.
3. Sending, accessing, uploading, downloading, or distributing offensive, profane, threatening, pornographic, obscene, or sexually explicit materials.
4. Using chat rooms, sites selling term papers, book reports, and other forms of student work.
5. Using messaging services, for example: MSN Messenger, ICQ, and playing internet/computer games
6. Using outside data disks or external attachments without prior approval from the administration.
7. Changing Chromebook settings (exceptions include personal settings, such as font size, brightness, etc.)
8. Spamming-Sending mass or inappropriate emails.
9. Gaining access to other students’ accounts, files, and/or data.
10. Using the school’s internet/email accounts for financial or commercial gain or for any illegal activity.
11. Using anonymous and/or false communications, such as MSN Messenger, Yahoo Messenger.
12. Giving out personal information, for any reason, over the internet. This includes, but is not limited to, setting up Internet accounts including those necessary for chat rooms, Ebay, email, etc.
13. Participating in credit card fraud, electronic forgery, or other forms of illegal behavior.
14. Vandalizing (any malicious attempt to harm or destroy hardware, software, or data including, but not limited to, the uploading or creation of computer viruses or computer programs that can infiltrate computer systems and/or damage software components) school equipment.
15. Transmitting or accessing materials that are obscene, offensive, threatening, or otherwise intended to harass or demean recipients.
16. Bypassing the FRPS Web filter through a Web proxy.

Chromebook Care:

Students are responsible for maintaining their individual Chromebooks and keeping them in good working order.

1. Chromebook batteries must be charged and ready for school each day.
2. Only labels or stickers approved by FRPS may be applied to the Chromebooks
3. Students will use mandatory school provided cases (or cases officially approved by the school) or face progressive discipline measures.

4. Chromebooks that malfunction or are damaged must be reported to the Learning Commons. The school district will be responsible for repairing malfunctioning Chromebooks.
5. Students will be responsible for the entire cost of repairs to Chromebooks that are damaged intentionally.
6. Chromebooks that are stolen must be reported immediately to the Office and the Police Department.

Legal Propriety:

1. Comply with trademark and copyright laws and all license agreements. Ignorance of the law is not immunity. If you are unsure, ask a teacher or parent.
2. Plagiarism is a violation of the FRPS Code of Conduct. Give credit to all sources used, whether quoted or summarized. This includes all forms of media on the internet, such as graphics, movies, music, and text.
3. Use or possession of hacking software is strictly prohibited and violators will be subject to penalties in the FRPS Student/Parent Handbook. Violation of applicable state or federal law will result in criminal prosecution or disciplinary action by the District.

Adopted by School Committee 05.09.22

4/9/2020 10:08 AM

Parents' Guide to General Student Internet Use

Fall River Public Schools, recognizes that with new technologies come new challenges to both educators and parents. Below is a series of suggestions drawn from a wide variety of professional sources that may aid you, the parent, in effectively guiding your child's use of the Chromebook.

EMPHASIZE THE CONCEPT THAT "CYBERSPACE" IS NOT "PRIVATE SPACE"

Parents/Guardians should talk to their children about what they are doing in Cyberspace. Talk openly and honestly about online and cell phone activity. Make sure that your children fully understand that messages or pictures they send over the Internet or their cell phones are not private or anonymous. Also make sure they know that others might forward their pictures or messages to people they do not know. It is essential that students grasp the potential short-term and long-term consequences of their actions on the Internet and while using their cell phone or other electronic devices.

KNOW WITH WHOM YOUR CHILD IS COMMUNICATING ELECTRONICALLY

- **ENCOURAGE** your child to use and store the Chromebook in an open area. *The kitchen or family room is a great area for your child to work on and store the Chromebook. Open areas will help you monitor what your child is doing online.*
- **LEARN** who your children are spending time with online and on the phone. *Supervising and monitoring your child's whereabouts in cyberspace is now part of conscientious parenting today.*
- **LIMIT** electronic communication. *You can limit the time your children spend online and on the phone. Do not permit access to phones and computers at inappropriate times such as after bedtime.*
- **MONITOR** your child's public online profiles. *Be aware of what your child is posting publicly on the Internet. Go where your child goes online!*

Adopted by School Committee 05.09.22

4/9/2020 10:08 AM

Chromebook Student Pledge

I will:

1. Take good care of the Chromebook.
2. Never leave the Chromebook unattended.
3. Never loan out my Chromebook to other individuals.
4. Know where the Chromebook is at all times.
5. Charge the Chromebook's battery daily.
6. Keep food and beverages away from the Chromebook.
7. Not disassemble any part of the Chromebook or attempt any repairs.
8. protect the Chromebook by only carrying it while in a case.
9. Not place decorations (stickers, drawings, marks, etc.) on the Chromebook or case.
10. Understand that the Chromebook is subject to inspection at any time without notice and remains the property of the Fall River Public Schools.
11. Follow the policies outlined in the Chromebook Handbook and the Acceptable Use Policy.
12. File a report in the Principal's Office in case of theft, vandalism, and other acts covered by insurance.
13. Be responsible for all damage or loss caused intentionally or by neglect or abuse.
14. I agree to return the District Chromebook and accessories in good working condition.

Individual school Chromebooks and accessories must be returned to administration or homeroom teachers at the end of the year. Chromebooks must be returned immediately when a student transfers out of Fall River Public Schools, is expelled, or terminates enrollment for any reason (Any Chromebook not returned will be considered as stolen property and law enforcement agencies will be notified).

I agree to the stipulations set forth in the above documents including the Chromebook Procedures Handbook and Information: the Acceptable Use Policy; and the Student Pledge for Chromebook Use.

My signature below represents my commitment to the terms and conditions listed in these policies and guidelines.

Student Name (Please Print): _____

Student Signature: _____ Date: _____

Adopted by School Committee 05.09.22

4/9/2020 10:08 AM

Chromebook Handbook Parent/Guardian Acknowledgement Form

My student will:

1. Take good care of the Chromebook.
2. Never leave the Chromebook unattended.
3. Never loan out my Chromebook to other individuals.
4. Know where the Chromebook is at all times.
5. Charge the Chromebook's battery daily.
6. Keep food and beverages away from the Chromebook.
7. Not disassemble any part of the Chromebook or attempt any repairs.
8. Protect the Chromebook by only carrying it while in a case.
9. Not place decorations (stickers, drawings, marks, etc.) on the Chromebook or case.
10. Understand that the Chromebook is subject to inspection at any time without notice and remains the property of the Fall River Public Schools.
11. Follow the policies outlined in the Chromebook Handbook and the Acceptable Use Policy.
12. File a report in the Principal's Office in case of theft, vandalism, and other acts covered by insurance.
13. Be responsible for all damage or loss caused intentionally or by neglect or abuse.
14. I agree to return the District Chromebook and accessories in good working condition.

Individual school Chromebooks and accessories must be returned to administration or homeroom teachers at the end of the year. Chromebooks must be returned immediately when a student transfers out of the Fall River Public Schools, is expelled, or terminates enrollment for any reason (Any Chromebook not returned will be considered as stolen property and law enforcement agencies will be notified).

I agree to the stipulations set forth in the above documents including the Chromebook Procedures Handbook and Information: the Acceptable Use Policy; and the Student Pledge for Chromebook Use.

My signature below represents my commitment to the terms and conditions listed in these policies and guidelines.

Parent/Guardian Name (Please Print): _____

Parent/Guardian Signature: _____ Date: _____

Adopted by School Committee 05.09.22

4/9/2020 10:08 AM

CHROMEBOOK FAQs

CHROMEBOOK FAQs

Q. What is a Chromebook?

A. "Chromebooks are mobile devices designed specifically for people who work on the web. With a comfortable, full-sized keyboard, large display and clickable trackpad, all-day battery life, lightweight and built-in ability to connect to Wi-Fi and mobile broadband networks, the Chromebook is ideal for anytime, anywhere access to the web. They provide a faster, safer, more secure online experience for people who work on the web, without all the time-consuming, often confusing, high level of maintenance required by typical computers." ("Google")

Q. What are my responsibilities as a parent/guardian in terms of replacement of the Chromebook if it is damaged, lost or stolen?

A. FRPS will be responsible for the repair of the Chromebook for normal wear of the unit. If the Chromebook is damaged, stolen, or lost, the student/parent/guardian is responsible for replacing the unit.

Q. What are the replacement costs of the Chromebook and accessories?

Screen Repair	\$50.00
Case Replacement	\$35.00
Chromebook Frame	\$30.00
Hinge Repair	\$35.00
Chromebook Base	\$25.00
Keyboard Repair	\$35.00
Chromebook Ports	\$20.00
Charging Cable	\$30.00
Chromebook Replacement	\$250.00

Q. Can the Chromebook be used anywhere at any time?

A. Yes, as long as you have a WiFi signal to access the web.

B. Chrome offers the ability through Apps so users can work in an "offline" mode.

Q. Will our Chromebook have 3G?

A. No. The district Chromebooks will not have 3G broadband, they will need to be connected to wi-fi. Fall River Public Schools Middle School locations under the VILS program will have 3G access.

Q. Battery life?

A. Chromebooks have a rated battery life of 6.5 hours. However, we do expect that students charge them each evening to ensure maximum performance during the school day.

Adopted by School Committee 05.09.22

4/9/2020 10:08 AM

INTERNET AND NETWORK ACCEPTABLE USE POLICY

Purpose

The Fall River Public Schools provide employees and students with access to the Fall River Public Schools Data Network (also referred to as the FRPS network), which also serves as our gateway to the Internet. Access to the FRPS Network and the internet has been developed for educational purposes. It is intended to assist in preparing students for a successful life in the 21st century. The FRPS 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.

Additionally, the FRPS 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.

The School Committee recognizes the need for students to be prepared to contribute to and excel in a connected, global community. To that end, the district provides ongoing student instruction that develops digital citizenship skill sets for using technology as a tool. Information and communication technology are an integrated part of our curriculum across subjects and grades in developmentally appropriate ways and are aligned with the Massachusetts Curriculum Frameworks and Standards, including seeking knowledge and understanding; thinking critically and solving problems; listening, communicating, and interacting effectively; and engaging and competing in a global environment.

Scope of Acceptable Use and Technology Policies

This policy and all FRPS technology policies, guidelines, and rules refer to all computing and electronic devices (including but not limited to: computers, mobile web enabled devices, Chromebooks, iPads, MP3 players, portable memory storage devices, calculators with interfacing capability, cell phones, digital cameras, etc.) peripheral devices (including but not limited to devices for printing, storing, duplicating and receiving information), technology infrastructure, and/or software.

Further, this policy and all FRPS technology policies, guidelines, and rules apply to any and all computing or electronic communication devices owned by, leased by, in the possession of, or being used by students and/or staff that are operated on the grounds of any district facility or connected to any equipment at any district facility by means of web connection, direct connection, or any other type of connection.

This policy and all FRPS technology policies, guidelines and rules apply to all computing, network access, and network infrastructure, regardless of whether it is accessed from school or off-campus and regardless of whether it is accessed during or after school hours. All FRPS email and files, either downloaded or copied from the FRPS system, that are accessed through a user’s home computer or any other non-FRPS computer or device, are Fall River Public Schools’ property and should be used and protected according to this policy and

other applicable policies and laws governing information confidentiality and security. Records of electronic device use may be subject to public records law and may be discoverable in criminal or civil proceedings.

This policy and the Acceptable Use Policy Agreement also applies to any online service provided directly or indirectly by the Fall River Public Schools for student and/or staff use, including but not limited to: Google Apps for Education accounts, Email, Calendar, Clever, and Aspen.

The privilege of using FRPS technology resources is not transferable or extendable by students to people to groups outside the district and terminates when a student is no longer enrolled in FRPS or employee is no longer employed by FRPS.

Due to the changing nature of information technology, not all circumstances may be anticipated or addressed in this policy and the associated Acceptable Use Agreement. All users are expected to comply with both this policy as written and the spirit of this policy and show good judgment in their use of technology resources.

Implementation of this Policy The Superintendent or designee(s) may develop and implement administrative regulations, procedures, terms and conditions for use, and user agreements consistent with the purposes and mission of the Fall River Public Schools as well as with applicable laws and this policy. If any portion of this policy is inconsistent with either an applicable collective bargaining agreement or any statute, the applicable collective bargaining agreement or statute shall take precedence in defining the Fall River Public Schools rights and obligation with regard to that portion. The invalidity or modification of a portion of the policy, however, shall not affect the validity and/or applicability of the policy as a whole.

District Responsibilities

The Director of Technology Integration/Management or designee will oversee access to the FRPS network and will establish processes for establishing the following: individual and class accounts; authorization for installation of all software; quotas for disk usage on the system; retention and archival schedules; District virus protection process; review of filtering issues, and other necessary activities.

The principal/supervisor or designee will serve as the site based coordinator for each school for the FRPS network. The site based coordinator in partnership with the Director of Technology Integration/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 FRPS network receive adequate supervision and network orientation. The building principal/supervisor or designee 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.

When using the Internet for class activities, teachers will select material appropriate to the students and relevant to the course objectives. In order to determine the appropriateness of the material contained on, or accessed through websites, 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, distinguish fact from opinion, and engage in discussions about controversial issues while demonstrating tolerance and respect for those who may hold divergent views.

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. With the approval of the Chief

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

The Fall River Public Schools uses filters and/or software designed to block access to inappropriate sites in accordance with the Children's Internet Protection Act (CIPA).

Access to the System

All District employees and students will have Internet access through the District's network. 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.

E-mail access will be provided to all staff as necessary. Student accounts, including email, may be assigned to students for educational purposes only to access educational services, including remote learning services. Student email accounts are restricted such that they can only be used to communicate within the Fall River Public Schools network.

A guest, such as a visiting teacher or student, may receive an individual account at the discretion of the Chief Information Officer or designee if there is a specific, District-related purpose requiring such access. Use of the system by a guest must be specifically limited to district-related purposes. An account agreement, including agreement to this Acceptable Use Policy and all Fall River technology policies will be required and a parent/guardian signature will be required if the guest is a minor.

Parent/Guardian Notification and Responsibility

The District will publish and make available to all parents/guardians this Acceptable Use Policy and all FRPS technology policies governing use of the FRPS network and/or FRPS-owned or -leased mobile electronic devices on its website. In addition, staff, students, parents and guardians are required to sign an Internet/Network Acceptable Use Agreement before they are allowed network access.

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 FRPS Network.

Fall River Public Schools will provide students and parents with guidelines for the student's personal safety while using the Internet.

Use of 1:1 Fall River Public Schools' Technology/Devices

FRPS teachers and administrators believe that excellence in education requires a seamless integration of technology into the curriculum and instruction and that Chromebooks, laptops, or other mobile electronic

devices constitute an innovative and powerful tool to increase students' access to technology and prepare them for college and the 21st century workplace.

In order to support the implementation of the local curriculum and common core learning standards, enhance learning opportunities by focusing on the application of skills in information retrieval, searching strategies, research skills, and critical thinking, and promote life-long learning, the Fall River Public Schools may provide students and/or staff with a 1:1 digital learning device, such as a Chromebook, laptop, or other mobile electronic device.

Students and staff provided with a 1:1 digital learning device must abide by all terms of the FRPS Acceptable Use Policy at all times, including before and after school hours, regardless of the user's physical location. All students issued a 1:1 device for educational purposes must abide by the specific device loan agreements set forth by the Fall River Public Schools and/or the device provider.

Students provided with a 1:1 device are responsible for ensuring the device is charged and ready for school each day. Only labels or stickers approved by FRPS may be applied to a FRPS-owned or leased device. Students must use mandatory FRPS-provided cases for their 1:1 device. Devices that malfunction or are damaged must be reported to FRPS. FRPS will be responsible for repairing malfunctioning 1:1 devices. Students/parents/guardians are responsible for the entire cost of repairs to FRPs owned or leased devices that are damaged intentionally. Students are responsible for regularly syncing with the FRPS network prior to submitting any mobile device claims; any unsaved data may be deleted/removed. 1:1 devices that are stolen must be immediately reported to the FRPS and the School Resource Officer.

Use of Personal Devices within FRPS (Bring Your Own Technology)

The administrative team of each school may choose to allow students to bring their own technology devices to school to assist their learning experiences. Each school's administrative team may set forth rules and guidelines to fit the needs of their particular learning community; however, any changes may not supersede the guidelines set forth in this Acceptable Use Policy.

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. 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. For purposes of this section, "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.

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

Responsibility to keep the personal device secure rests with the individual owner. The student takes full responsibility for his or her technology device. The school is not responsible for the security of student owned technology. 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 a student's personal device from others. Protective cases for technology are encouraged.

District Limitation of Liability

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 network, network infrastructure, or FRPS-owned or -leased mobile electronic devices 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 caused by any reason, 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. Parents or guardians agree to accept financial responsibility for any expenses or damages incurred as a result of their student's inappropriate or illegal activities on the FRPS network, and the Fall River Public Schools will not be responsible for financial obligations arising through the use of technology, including but not limited to the computer network.

Parents and guardians agree to reimburse the Fall River Public Schools for any expenses of damages incurred in the use of district-owned or -leased devices such as Chromebooks, mobile computing devices, or other devices provided to the student.

Due Process and Consequences for Violations of the Acceptable Use Policy, Technology Policies, Acceptable Use Agreement, Device Loan Agreement, Bring Your Own Technology Agreement, or other school rules violations.

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 FRPS Network or on FRPS-owned or -leased mobile electronic devices.

Violations of the Internet/Network Acceptable Use Policy and Agreement may 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, and will reflect appropriate procedures as designated in the student handbook, employee handbook, or applicable collective bargaining agreement. These disciplinary actions may include termination, suspension, or expulsion.

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.

Monitoring and Privacy

- Users of the FRPS network become an extension of the Fall River Public Schools and are expected to abide by the rules of conduct set forth by the District. Students and staff should reference the applicable Student or Staff Handbook. Inappropriate behavior will not be allowed.
- Users will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language or images.
- If a student or staff member should receive communication containing inappropriate or abusive language or if the subject matter is questionable, he/she must report it to a teacher or appropriate administrator.
- Users will not participate in credit card fraud, electronic forgery, or other forms of illegal behavior.
- Users will not post information that could cause damage or disruption. This includes, but is not limited to, the posting of broadcast messages or other actions that cause congestion of the network or interfere with the work of others.
- Users will not engage in any form of cyber-bullying, as defined in M.G.L. c. 71 §37O This includes, but is not limited to, email, text messages, cell phone calls, or website postings.
- Users will not engage in personal attacks, including prejudicial or discriminating attacks.
- Users will not knowingly or recklessly post false or defamatory information about a person or organization.
- Users will not install unauthorized hardware, software, wireless routers, or download unauthorized software from any remote location.
- 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.
- The user will not disseminate passwords, codes, access telephone numbers, or account information to unauthorized persons.
- Users will not give out personal information, for any reason, over the internet. This includes, but is not limited to, setting up Internet accounts including those necessary for chat rooms, Ebay, email, etc.
- The user will not access or disseminate 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).
- Technology may not be used to cheat on assignments or tests; sites selling term papers, book reports, or other forms of student work may not be accessed.
- Use of anonymous messaging services such as MSN Messenger, ICQ, Yahoo Messenger, and WhatsApp are prohibited.
- Students may only access files on the computer or Internet sites which are relevant to the classroom curriculum.
- Students must comply with a teacher's request to shut down the computer or electronic device.
- Users acknowledge that the school's network filters will be applied to one's connection to the Internet and will not attempt to bypass them through any means.
- Bringing on the school premises or infecting the FRPS network with a Virus, Trojan, or program designed to damage, alter, destroy, or provide access to unauthorized data or information is a violation of this policy and may result in disciplinary action.

- Processing or accessing information on school property related to “hacking,” altering, or bypassing network security policies is in violation of this policy.
- 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.
- Students will not use a personal cellular connection to access the internet. All BYOT devices will be required to connect to the FRPS district network.

Modification

The Fall River Public Schools School Committee reserves the right to modify or change this policy and related implementation procedures at any time.

Approved by FRS11.09.20

The FRPS 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 stored on the FRPS network and any information transmitted over the FRPS network.

Information on the FRPS network, including email and chats, is not private and is subject to review by the technology department at the request of FRPS administration to substantiate inappropriate activity, violation(s) of the Acceptable Use Policy and Agreement, FRPS school rules, or the law. The nature of the investigation will be in the context of the nature of the alleged violation.

Routine maintenance and monitoring of the system may lead to discovery that a user has violated or is violating the District Internet/Network Acceptable Use Policy or Agreement, other school committee policies, school rules, or the law. In such circumstances, the nature of the investigation will be in the context of the nature of the alleged violation.

The Fall River Public Schools will cooperate with copyright protection agencies investigating copyright infringement by users of the computer systems and network of the Fall River Public Schools.

Technicians and computer system administrators maintain full access rights to all storage devices, and may need to access/manage such storage devices as part of their duties.

The Fall River Public Schools prohibits the use of camera and audio recording functions on any equipment, including but not limited to personal cameras, personal camera telephones, and/or school-issued devices, at school or school-sponsored events, except when specifically authorized by school administration or staff and with knowledge and consent of the participants. In no event should any photographs or video be taken of confidential information, nor should photographs, audio, or video recordings be made without knowledge of the subjects. Audio recording without the consent of the individuals recorded may result in criminal felony charges. M.G.L. c. 272 § 99.

Acceptable Uses of Technology Resources and the FRPS network

The FRPS network may not be used for personal commercial purposes, including but not limited to, offering, providing, or purchasing goods and/or services for personal use.

Existing copyright law will govern the use of material accessed through the FRPS Network, and/or FRPS mobile electronic devices of any kind. 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.

When using the FRPS network or FRPS technology devices, the user agrees to take full responsibility for his or her own connecting to the Internet through this network. Therefore, all users shall assume full liability, legal, financial, or otherwise, for their use of the FRPS network.

Guidelines and Rules for acceptable use of the FRPS network include, but are not limited to:

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



Fall River Public Schools 1-1 Device Loan Agreement

Students enrolled in the Fall River Public Schools (FRPS) Device Loan Initiative are issued a Device and charger. The Device and charger are on loan and remain the property of the FRPS.

STUDENT: I have read this Fall River Public Schools Device Loan Agreement. I understand and will abide by the Student Technology and Online Acceptable Use Guidelines. I further understand that with any violation of the guidelines outlined below, school disciplinary or legal action may be taken.

PARENT/GUARDIAN: As the parent or guardian of this student, I have read this Fall River Public Schools Laptop Loan Agreement. I understand that the laptop access is designed for educational purposes. I recognize it is impossible for FRPS District to restrict access to all controversial materials and I will not hold FRPS responsible for materials acquired on the internet. Further, I accept full responsibility for supervision when my child's use is not in a school setting. I hereby give permission to issue a device intended for my child and certify that the information contained on this form is correct.

BOTH STUDENT & PARENT/GUARDIAN: Damage/Repairs: If a device is damaged beyond repair and needs to be replaced, FRPS will evaluate replacement options on a case by case basis. A student may be held responsible for some or all of the replacement costs and possible disciplinary action. In the case of intentional damage to the device, student will be responsible for the replacement cost.

Theft/Vandalism/Fire: In cases of issues due to theft, vandalism, fire and other criminal acts; parents/guardians should report to the FRPS and the School Resource Officer (SRO). The SRO will connect with the family to file a police, or fire report. This report **MUST** be filed by the parent/guardian in order for a replacement device to be requested.

Student Pledge for FRPS Laptop Use:

1. I will take care of my device by protecting it from extreme hot and cold temperatures, keeping food and beverages away from it, and transporting it safely to and from school.
2. I agree to the terms and conditions of the Student Technology and Online Acceptable Use Guidelines.
3. I will be the primary user of my device and never loan it to other individuals.
4. I will never leave my device unattended in an unsecure location.
5. If my device is not working properly, I will bring it to the designated help desk at the school. I will not attempt any repairs on my own or through someone other than the FRPS.
6. I will not place decorations (such as stickers, markers, etc.) on the FRPS device.
7. I understand that my device is subject to inspection at any time without notice.
8. I understand that damage or loss caused by neglect or abuse will be reviewed on a case by case basis. As with the assignment of textbooks, I could be held partially or fully responsible for damages/loss.

I have read and agree to the terms and conditions in this document.

Device Make: _____ Model: _____ S/N: _____

Student Name/ID#: _____ Grade: _____

(please print)

Student Signature: _____ Date: _____

Parent/Guardian Name: _____

(please print)

Student Device Deployment Form

Student's Name: _____

Grade: _____

Student's Id: _____

Homeroom #: _____

Cart Number: _____

Make/Model: _____ Asset Tag: _____

Label: _____ Serial Number: _____

Student Signature: _____ Date: _____

Received:



Dell Laptop



Chromebook



Stylus



Power Cord

Item Broken/Not Working	Date Turned In	Replacement Barcode # (if available)	Date Returned to Student

Return of Asset to Inventory (end of school year)

Date Returned: _____

Items missing: _____

Items broken: _____

Staff Signoff: _____

Parent/Guardian Signature: _____ Date: _____

FRSC Approved 4.13.20

FRSC Approved 4.13.20

INTERNET PUBLICATION

I. PURPOSE

The School District has established a district-wide web page that links users to web pages for the district's individual schools. The School District maintains these web pages for educational purposes only, in furtherance of the educational mission of the School District. All published pages and corresponding links to other sites must relate to the district's educational mission.

II. SUPERVISION AND APPROVAL OF WEB PAGES

The Superintendent (or his/her designee) may select the person or persons ("the Webmaster") responsible for overseeing the school district's web pages and maintaining the web pages in a manner consistent with this policy and the school district's Access to Digital Resources Policy. The Webmaster must approve all links from the district web pages to other sites on the Internet. The Webmaster will review the links to ensure that the links are related to the district's educational mission.

Staff members may publish web pages related to their class projects or courses on their school's web site. Staff members must submit their material to the Webmaster for approval before the material can be published. Staff members may not publish or link to personal web pages as part of the school district web site.

Student or staff work (e.g. voice, likeness, quotes, written material, musical pieces and graphic or other artwork) may be published on the district's web pages, as detailed below. All work that is published will be accompanied by a copyright notice written by the Webmaster that prohibits copying the work without the written consent of the copyright holder.

III. CONTENT STANDARDS

All web page materials are expected to be accurate, grammatically correct and free of spelling errors. Student work may deviate from this standard depending upon the age and grade level of the student. Web pages should be well-organized and professional in appearance. Web pages must not contain copyrighted or trademarked material belonging to others unless written permission to display such material has been obtained from the owner and the owner is credited on the school's web page.

IV. SAFETY PRECAUTIONS

A. In general

Identifying information about students, such as first and last names, personal phone numbers or home addresses, will not be published. First names or first names and the first letter of the student's last name may be used where appropriate.

B. Student photographs

- Student photographs may be published only with the written consent of the student's parent or guardian.
- Student photographs will not be accompanied by identifying information about the student(s).

C. Student work

Student work, e.g. voice, likeness, quotes, written material, musical pieces, and graphic or other artwork, may be published only with the written consent of the student's parent or guardian.

D. Staff photographs, identifying information and work

- Photographs of staff members, accompanied by the staff member's full name, may be published only with the staff member's written consent.
- Staff work, e.g. voice, likeness, quotes, written material, musical pieces and graphic or other artwork, may be published only with the staff member's written consent.

SOURCE: MASC

Adopted: August 2015

WEB SITE GUIDELINES AND PROCEDURES FOR APPROVAL

Unlike the Internet itself, schools and the District can control the type of information placed on Web pages. Documents created for the Web and linked to District Web pages shall meet the criteria for use as public information or an instructional resource. The following considerations should be considered when determining the information to include on a school or District Web page: Copyright/trademark issues; applicability to the curriculum or communication goals of the school or District; privacy issues; and related School Committee policies. Links to other Web pages should be carefully selected based on the above issues.

Defined Purpose

A Web page must have a clearly defined purpose that is published on the Web page. Included in the purpose, the target audience must be specified and defined; however, all Web site users are reminded that their audience includes the worldwide community.

Content Standards

All subject matter on Web pages should relate to curriculum, instruction, school-authorized activities, general information supporting student safety, growth, and learning, or public information of interest to others. Therefore, neither staff nor students may publish on the District server personal pages or pages for individuals or organizations not directly affiliated with the District. Staff or student work may be published only as it relates to a class project, course, or other school-related activity. Parent groups, partnerships, and municipal or educational cooperatives are considered affiliates of the District. No confidential information is to be published on or linked to a Web page.

Quality Standards

All Web page work must be free of spelling and grammatical errors. Documents may not contain objectionable material or link directly to objectionable materials. Objectionable material is addressed in more detail in the School Committee policy for instructional material selection and reconsideration. Authors and publishers are reminded that a Web site is a virtual doorway to your school. A site and a school will be judged on its ease for the user, the design, and the content. It is strongly recommended that a school form a building committee of interested individuals including staff, administrators, parents, students, and community members for the development of the Web site. Thoughtful consideration should go into decisions regarding purpose, usefulness, and appearance of each item on the Web site. As much as possible, publishers are encouraged to include student pictures and work. As the District represents itself to the world through this medium, assurances should be provided that students are the focus of the Fall River Public School District. Written student and parent consent must be secured for publication of student work.

Consistence Standards

Each existing school or department Web site shall have a link to the District Web site once the District Web site is online. For consistency, all school District Web sites must contain certain elements:

- At the bottom of each page there must be a link to the home page (to be defined by the school or District home page once online).
- At the bottom of the Web page, there must be an indication of the date of the last update to that page and the name or initials of the person(s) responsible for page update. It shall be that person's responsibility to keep the Web page current. Repeated failure to do so may result in revocation of approval. It is strongly recommended that a building set up a system of checks and balances for the Web site (for example: all incoming e-mail is blind copied to the Principal or department head).
- All Web sites must display the name and approved logo of the Fall River Public School District.
- All Web pages must be given names that clearly identify them.
- Links to student e-mail accounts are not allowed.
- Student directory data is prohibited from publication, except for the first name and grade level of a student in relation to a photo or work.
- Web pages may not contain links to other Web pages not yet completed. If additional pages are anticipated, but not yet developed, the text that will provide such a link should be included. However, the actual link to said page(s) may not be made until the final page is actually in place.
- All Web sites must include: the author or publisher's name; the publisher or school's e-mail address; appropriate copyright citations.
- Authors must exhibit care when creating Web pages with extensive background, large graphics, applets, animation, and audio or video clips. Such files require extensive download time, are frustrating for modem users, and slow down file servers.

FIELD TRIPS

Field trips can bring the school and the community closer together, which can result in real life experiences that enrich the curriculum for students and also bring about better public relations. The School Committee will also encourage field trips as an integral part of the instructional programs in the schools.

The Superintendent will establish regulations to assure that:

1. All students have parental permission for trips.
2. All trips are properly supervised.
3. All safety precautions are observed.
4. All trips contribute substantially to the educational program.
5. All trips allow student access without regard of family ability to pay.

All out-of-state or extended (overnight) trips and excursions, except those required for student participation in tournament competition or contests, must have advance approval of the School Committee. Fundraising activities for such trips will be subject to approval by the appropriate Administrator.

CROSS REF.: [JJH](#), Policy Relating to Field Trips Involving Late Night or Overnight Travel

SOURCE: MASC October 2016

NOTE: Brief policies on field trips, such as the sample above, usually require School Committee-approved guidelines and implementing regulations.

COMMUNITY RESOURCE PERSONS/ SPEAKERS

Community resources are those individuals or groups who are invited into the schools to present supplementary information and ideas to the classroom course of study. These experiences afford students the opportunity to benefit from community viewpoints. Care should be taken in selecting these speakers so that they are individuals who respect diversity in thinking and varying views and who are not attempting to inappropriately influence points of view.

CROSS REF.: [ADDA](#), C.O.R.I. Requirements

SOURCE: MASC October 2016

SCHOOL VOLUNTEERS

It is the policy of the School Committee to encourage volunteer efforts in the schools. Parents/guardians, business representatives, senior citizens, and other community volunteers are recognized as important sources of support and expertise to enhance the instructional program and vital communication links with the community. The volunteer program will be coordinated in cooperation with building administrators.

All school volunteers are subject to the requirements of policy file ADDA – C.O.R.I. Requirements.

ACADEMIC ACHIEVEMENT

The philosophy of the School Committee concerning academic achievement, as well as children's social growth and development, is based on the premise that children have diverse capabilities and individual patterns of growth and learning.

Therefore, the Committee feels it is important that teachers have as much and as accurate knowledge of each student as possible in order to assess his/her needs and growth, and make instructional plans for him/her. A sharing of information among parent, teacher, and student is essential.

The Committee supports staff efforts to find better ways to measure and report student progress. It will require that:

1. Parents/guardians be informed regularly, and at least four times a year, of the progress their children are making in school.
2. Parents/guardians will be alerted and conferred with as soon as possible when a child's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration.
3. Insofar as possible, distinctions will be made between a student's attitude and his academic performance.
4. At comparable levels, the school system will strive for consistency in grading and reporting except as this is inappropriate for certain classes or certain students.
5. When no grades are given but the student is evaluated informally in terms of his/her own progress, the school staff will also provide a realistic appraisal of the student's standing in relation to his/her peers.
6. When grades are given, the school staff will take particular care to explain the meaning of marks and symbols to parents.

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street

Fall River, MA. 02720

Why did Fall River Public Schools modify its grading policy?

- On April 24, 2020 following the closure of all Massachusetts schools for the remainder of the year, Commissioner of Education Jeffrey C. Riley issued updated remote learning guidance, including guidance related to end of year grading and student promotion.
- In consideration of this guidance, elementary, middle, and secondary teams of teachers and administrators worked on a district plan for end of year grading, credits, and student promotion — one that would honor the engagement and work of students before, during, and after closure.
- The Fall River Public Schools policy for SY20 end of year grading, credits, and promotion is designed to support and incentivize ongoing student engagement in the learning process.

How will **elementary school (grades K-5)** students be graded?

- There will be no standards-based reporting for Trimester 3; all standards will be reported as N/A (not assessed).
- Based on the submission of evidence of continued remote learning, teachers will use the "comments" section to communicate **Pass/Credit** or **Incomplete/No Credit Yet** for each content area.
- ~~Academic and social-emotional feedback from teachers will be used to help transition students into the new school year.~~

How will **secondary school (grades 6-12)** students be graded?

- Final grades will be letter grades and will be based on a weighted average of the cumulative grades earned prior to school closure (70%) and the remote learning grades earned after closure (30%).
- All students will be given opportunities to improve their grades through the submission of remote learning assignments and participation in remote learning activities.
- **Remote Learning Grades** will be awarded as **Pass/Credit** or **Incomplete/No Credit: Pass/Credit** will **increase** final grade.
 - **Incomplete/No Credit** will have **no negative impact** on final grade.
- **Students unable to engage in remote learning** may be required to participate in **additional opportunities for learning** over the summer or during the 2020-21 school year in order to earn credit for remote learning.
 - Students in this situation who were **FAILING** prior to closure will receive a **Remote Learning Grade of Incomplete/No Credit** and an **End of Year Grade of Incomplete**.
 - Students in this situation who were **PASSING** prior to closure will receive a **Remote Learning Grade of Incomplete/No Credit** and an **End of Year Grade equal to their cumulative grade prior to closing**.

How will Remote Learning Grades at the **secondary level (grades 6-12)** positively impact a student's End of Year grades?

Cumulative Grade (Through 3/16) 70% of Final Grade	90% A-	80% B-	70% C-	60% F	50% F
Remote Learning Grade 30% of Final Grade	Pass/Credit= 100%	Pass/Credit= 100%	Pass/Credit= 100%	Pass/Credit= 100%	Pass/Credit= 100%
Final Grade	93% A	86% B	79% C+	72% C-	65 D

How will **high school students (grades 9-12)** earn credit towards graduation?

- **Students who submit evidence** of remote learning, and earn a final grade of 65 or higher, will earn **full course credits** toward graduation.
- **Students who do not submit evidence** of remote learning, but earn a final grade of 65 or higher, will earn **reduced course credits** toward graduation (i.e, full year course credit will be reduced from 5 to 3.5 credits for students who do not submit remote learning).
- Also, **students who do not submit evidence** of remote learning may be required to participate in **additional learning experiences** in summer or in **SY21** to earn full credits needed for graduation.

Will my child be promoted to the next grade level? (**grades K-11**)

- It is expected that all students will be promoted to the next grade level.
- However, special cases of retention that were already underway prior to the March 17th closure will remain under consideration, and final decisions will be made in collaboration with parents/guardians.
- Parents/Guardians who believe their child would benefit from repeating their grade may request a meeting with school administration.

Approved by FRPS School Committee 5.11.20

STUDENT PROGRESS REPORTS TO PARENTS/GUARDIANS

The School Committee recognizes the school's obligation to give periodic reports of a student's progress and grades. The School Committee further recognizes that these reports are a vital form of communication between the schools and parents. The School Committee also believes that all progress reports must be based upon full information, accurately and honestly reported with the proper maintenance of confidentiality.

A report depicting the student's progress will be issued periodically following an evaluation by the appropriate teacher, teachers, or other professional personnel.

In addition to the periodic reports, parents will be notified when a student's performance warrants attention.

Grading and promotion will be based on improvement, achievement, capability of the student, and the professional judgment of the teacher and Principal.

Major changes in the reporting system shall be preceded by a cooperative study and evaluation by teachers, principals, parents, and the Assistant Superintendent, who will submit the proposal to the School Committee for consideration and approval.

SOURCE: MASC October 2016

HOMEWORK

The term "homework" refers to an assignment to be prepared during a period of supervised study in class or outside of class.

The purposes of homework are to improve the learning processes, to aid in the mastery of skills, and to create and stimulate interest on the part of the student.

Homework is a learning activity which should increase in complexity with the maturity of the student. With increased maturity, learning should become an independent activity. This should be established through consistent assignments which encourage students to investigate for themselves and to work independently as well as with others.

Homework assignments should be consistent in terms of the amount given each day and the time required for each assignment so that a pattern of meaningful homework can be established by the teacher and/or the student.

The information for any homework assignment should be clear and specific so that the student can complete the assignment.

Homework assignments should take into consideration individual differences of students such as health, ability, conditions at home, and educational resources at home. Homework should not require the use of reference materials not readily available in most homes, school libraries, or the public library, and should require the use of those materials only when the student has had instruction in the use of them.

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

Homework assignments to be completed over school vacation periods shall be given no later than one week prior to the vacation period, and/or due no earlier than mid-week of the return week.

EIGHTH GRADE GRADUATION POLICY

At the conclusion of the school year, each middle school will hold a graduation ceremony for eighth grade students who are to be promoted into the ninth grade. At this ceremony students will be given a diploma or certificate which indicates that they have completed the eighth grade.

EVALUATION OF INSTRUCTIONAL PROGRAMS

The School Committee considers comprehensive and objective evaluation of the effectiveness of the curriculum to be of primary importance. The Superintendent will provide for the translation of the stated instructional goals into objectives and for appraisal of their implementation in order to:

1. Determine educational needs and provide information for planning.
2. Indicate instructional strengths and weaknesses.
3. Check on the suitability of programs in terms of community requirements.
4. Show the relationship between achievement and the system's stated goals.
5. Provide data for public information.

Elements of this evaluation process may include:

1. Testing programs such as nationally standardized general achievement tests, nationally standardized tests in specific subject areas, and tests administered by other agencies.
2. Study of school achievement records.
3. Study of students' high school and drop-out records.
4. Use of outside services, participation in regional research studies, contracted evaluation services; evaluation services at cost to the school system must be approved in advance by the School Committee.
5. Teacher and parent evaluation of student behavior.
6. State Dept. of Elementary and Secondary Education specialists and services.
7. Evaluation by the regional accrediting association.
8. Evaluation by other agencies.

An evaluation of the curriculum and its effectiveness will be made periodically and reported to the Committee by the Superintendent.

TEACHING ACTIVITIES/PRESENTATIONS

It is the desire of the School Committee that the best available strategies for bringing about learning be utilized in the District's schools. The instructional staff shall be expected to keep abreast of new and promising instructional ideas and practices developed in schools throughout the nation and to apply those which have potential for improving the learning program in the District's schools.

An educational climate shall be established which shall be conducive to rational thought, inquiry, and respect for the dignity of the individual. This educational climate will assist students in learning how to think rather than what to think and shall provide students the opportunity to identify, express, and defend their opinions without penalty or fear of reprisal or ridicule.

Nothing in this policy shall limit a parent/guardian's right to file a complaint to challenge the use of teaching activity or presentation.

SCHOOL CEREMONIES AND OBSERVANCES

The United States Constitution and the Constitution of the State of Massachusetts and related court rulings clearly establish the concept of "church and state separation" and the "preclusion of sectarian instruction in public schools."

In order to help staff members abide by the spirit and letter of the law, and to avoid compromising any student's religious or conscientious beliefs or freedoms, the following guidelines have been established:

The observance of religious holidays is not the responsibility of the public schools.

While it is recognized that many activities are initiated with the approach of major holidays in order to capitalize on the readiness and interest that is generated at these times, it should be understood that such occasions frequently have religious underpinnings. Care should be taken to relate only to secular aspects of these holidays.

Music programs given at times close to religious holidays should not use religious aspect of these holidays as the underlying motive or theme. Although religious music is appropriate in the schools to the extent that it is sung or presented for musical rather than religious content, its use should not violate the secular nature of the school. Pageants, plays, recitals, and other literary or dramatic activities should not be used to convey religious messages. While the holidays represent a valid source of ideas for meaningful school art experiences, teachers should avoid assigning or encouraging art work that promotes religious aspects of such holidays. If, however, individual students choose to use a religious personage, event, or symbol as the vehicle for an artistic expression, they should be allowed to take this action.

The above statements should not be interpreted to preclude the factual and objective teaching about religions, religious holidays, and religious differences. Such instruction will be permitted in the schools since insights in this area can enhance the mutual understanding needed by all the people in a pluralistic society.

LEGAL REF.: 603 CMR 26:05

TEACHING ABOUT CONTROVERSIAL ISSUES/CONTROVERSIAL SPEAKERS

An important goal of the schools is to help prepare students for intelligent and conscientious participation as citizens in our democratic society. One step toward meeting this goal is to introduce students to reasoned and dispassionate approaches to the analysis of contemporary social and political issues. To insure that these issues can be examined in an atmosphere as free from emotion and prejudice as the times permit, the School Committee establishes the following guidelines for discussion of controversial issues in the schools.

Teacher-Planned Classroom Discussions

1. Controversial issues selected by teachers for classroom discussion must relate directly to the objectives and content of courses approved by the School Committee for inclusion in the curriculum.
2. The teachers' right to introduce controversial issues in classroom presentations does not include the right of advocacy. Teachers must refrain from using their positions to express partisan points of view.
3. The approach to discussion of these issues in the classroom must be objective and scholarly with minimum emphasis on opinion and maximum emphasis on intelligent analysis.
4. Teachers must ensure that the reasoned arguments of all sides of an issue are given equal presentation and emphasis in classroom discussions.
5. Teachers may invite visitors from outside the schools to give presentations on controversial issues when the visitors offer qualifications and resources not available in the schools. All visitors are to be guided by the standards of language usage that prevail in the classrooms and by the standards of scholarly inquiry set forth above. Whenever possible, teachers who invite visitors to present one side of an issue will also invite visitors to present the other side(s).
6. In all cases teachers must obtain from the appropriate Principal permission to invite visitors for classroom presentations. Permission must be requested at least 48 hours before the scheduled time of presentation.

Student-Initiated Forums on Controversial Issues

Student groups may request permission to conduct forums on controversial issues in the schools. The Principal may grant such requests under the following conditions:

1. Preparation for presentation of a forum will not cause any student or teacher to miss class and will not cause the cancellation of any class.

2. Adequate advance planning must be conducted for each forum. A request to hold a forum must be received by the Principal at least three weeks before the scheduled date of presentation. For each request the Principal will appoint, after consultation with the requesting student group, an adult advisory group consisting of at least two parents and two faculty members.
3. The standards for approach to discussion, style of presentation, and use of visitors as defined above will apply to student-initiated forums.

Requests from Groups or Individuals Outside the Schools

No permission will be granted non-school groups or individuals to make presentations on controversial issues in the schools during school hours. Requests for after-school or evening use will be processed in accordance with the Committee's policy on community use of school facilities.

No permission will be granted outsiders for distribution of literature on controversial issues to students in general or to class groups.

A Principal may grant an outside group or individual permission to post one notice of a public meeting for discussion of issues if the language of that notice conforms to the standards that prevail in the community. The Principal will determine the appropriate bulletin board for such notices.

CROSS REFS.: IHAM, Health Education
 IHAMA, Parental Notification Relative to Sex Education

ANIMALS IN SCHOOL

No animal shall be brought to school without prior permission of the building Principal.

The 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 utilize the Department of Public Health publication "Guidelines for Animals in Schools or on School Grounds" and review student health records to determine which animals may be allowed in the school building. The decision of the Principal shall be final.

Educational Program

Use of animals to achieve specific curriculum objectives may be allowed by the building Principal provided student health and safety is not jeopardized and the individual requesting that the animal be brought to school is responsible for adhering to the "Guidelines for Animals in Schools or on School Grounds" and any other conditions established by the Principal to protect the health and well-being of students.

Student Health

The health and well-being of students is the District's highest priority. Animals may cause an allergic reaction or otherwise impair the health of students. No animals may be brought to school or kept in the school, classroom, office or common area that may negatively impact the health of any student who must utilize that area. Animals that cause an allergic reaction or impair the health of students shall be removed from the school immediately so that no student shall have his/her health impaired and each student shall have full access to available educational opportunities.

Animals Prohibited from School

Rabies is a growing problem and any fur-bearing animal is susceptible to this very serious fatal disease. Infected animals can transmit this disease to students and staff. Based on the Massachusetts Departments of Health and Education recommendations the following animals are prohibited from schools within the School District.

Wild Animals and Domestic Stray Animals - Because of the high incidence of rabies in bats, raccoons, skunks, foxes and other wild carnivores, these animals should not be permitted in school buildings under any circumstances (including dead animals).

Fur-Bearing Animals (pet dogs,* cats, wolf-hybrids, ferrets, etc.,) - These animals may pose a risk for transmitting rabies, as well as parasites, fleas, other diseases and injuries.

Bats - Bats pose a high risk for transmitting rabies. Bat houses should not be installed on school grounds and bats should not be brought into the school building.

Poisonous Animals - Spiders, venomous insects and poisonous snakes, reptiles and lizards are prohibited for safety reasons.

***Exception: Guide, Hearing and Other Service Dogs or Law Enforcement Dogs** - These animals may be allowed in school or on school grounds with proof of current rabies vaccination.

Exceptions may be made with the prior approval of the Superintendent of Schools.

Service Animals (Guide or Assistance Dogs)

The School Committee does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The District will comply with Massachusetts law concerning the rights of persons with guide or assistance dogs and with federal law and will permit such animals on school premises and on school transportation.

For purposes of this policy, a "service animal includes any dog that has been individually trained to do the work or perform tasks for the benefit of an individual with a disability." The regulations further state that "a public entity shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the horse has been individually trained to do work or perform tasks for the benefit of the individual with the disability."

Service animals perform some of the functions and tasks that individuals with disabilities cannot perform themselves. Service animals are not pets. There are several kinds of service animals that assist individuals with disabilities. Examples include, but are not limited to, animals that:

- assist individuals who are blind or have severe sight impairments as "seeing eye dogs" or "guide dogs;"
- alert individuals with hearing impairments to sounds;
- pull wheelchairs or carry and pick-up items for individuals with mobility impairments; and
- assist mobility-impaired individuals with balance.

The District shall not assume or take custody or control of, or responsibility for, any service animal or the care or feeding thereof. The owner or person having custody and control of the animal shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up, stain removal, etc.

If, in the opinion of the School Principal or authorized designee, any service animal is not in the control of its handler, or if it is not housebroken, the service animal may be excluded from the school or program. The service animal can also be excluded if it presents a direct and immediate threat to others in the school. The parent or guardian of the student having custody and control of the animal will be required to remove the service animal from District premises immediately.

If any student or staff member assigned to the classroom in which a service animal is permitted suffers an allergic reaction to the animal, the person having custody and control of the animal will be required to remove the animal to a different location designated by the Building Principal or designee and an alternative plan will be developed with appropriate District staff. Such plan could include the reassignment of the person having custody and control of the animal to a different classroom. This will also apply if an individual on school transportation suffers an allergic reaction. In this case, an alternate plan will be developed in coordination with appropriate school, District, and transportation staff including the involvement of the parents/guardian of the student.

When a student will be accompanied by a service animal at school or in other District facilities on a regular basis, such staff member or such student's parent or guardian, as well as the animal's owner and any other person who will have custody and control of the animal will be required to sign a document stating that they have read and understood the foregoing.

The Superintendent of Schools or his/her designee shall be responsible for developing procedures to accommodate a student's use of an assistance animal in District facilities and on school transportation vehicles.

LEGAL REF.: 28 CFR, Part 35

SOURCE: MASC October 2016

SECTION J

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STUDENT POLICIES GOALS

The student is the focal point of all operations of a school system. This top priority is shared with no one.

Consequently, the School Committee can expect to spend much of its time in study, deliberation, and policy formulation on matters directly related to students.

The Committee and staff will work together to establish an environment conducive to the very best learning achievements for each student through meeting the following goals regarding students:

1. To individualize the learning program in order to provide appropriately for each student according to his/her specific background, capabilities, learning styles, interests, and aspirations.
2. To protect and observe the legal rights of students.
3. To enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment that provides positive encouragement through frequent success.
4. To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
5. To deal with students in matters of discipline in a just and constructive manner.
6. To provide in every way possible for the safety, health, and welfare of students.
7. To promote faithful attendance and good work.

LEGAL REF.:603 CMR 26:00

STUDENT POLICIES GOALS

Active Efforts

- (1) The School Committee of each school district shall establish policies, promote regulations and procedures, and implement monitoring and evaluation practices that support and promote affirmative action and stimulate necessary changes to ensure that all obstacles to equal access to school programs for all persons are removed, regardless of race, sex, color, national origin, disability, sexual orientation, religion or limited English-speaking ability, no matter how subtle or unintended. Such policies shall include a requirement for an annual evaluation of all aspects of the preK through 12 school program to insure that all students regardless of race, color, sex, religion, disability, sexual orientation or national origin are given an opportunity to develop skills, competence, and experience, and to receive appropriate guidance so that they may be able to participate in all programs offered by the school including athletics and other extracurricular activities. Special attention shall be given to schools and programs in which students of either sex or of racial or national origin groups present in the community are markedly under-represented.
- (2) If participation in any school sponsored program or activity has previously been limited to students based on race, color, sex, national origin, disability, sexual orientation or religion, then the School Committee shall make active efforts to insure that equal access to all school sponsored programs or activities be provided within the system.
- (3) It shall be the responsibility of the School Committee and the Superintendent to provide necessary information and in-service training for all school personnel in order to:
 - (a) Advance means of achieving educational goals in a manner free from discrimination on account of race, color, sex, religion, disability, sexual orientation or national origin.
 - (b) Enhance consciousness of the kinds of discriminatory and prejudicial practices and behavior, which may occur in the public schools.
- (4) The Superintendent, as an agent of the School Committee, shall promote and direct effective procedures for the full implementation of 603 CMR 26.00, and shall make recommendations to the Committee for the necessary policies, program changes, and budget resource allocations needed to achieve adherence to 603 CMR 26.00.
- (5) At the beginning of the school year, the Superintendent of each school system shall be responsible for sending to the parents of all school age children, in their primary language, a notice of the existence of S. 1971 c.622 and its implications. Such notice shall include the information that all courses of study, extracurricular activities and services offered by the school are available without regard to race, color, sex, religion, disability, sexual orientation or national origin. This notice may be included with other communications sent to parents by the school system. Upon request, the Dept. of Elementary and Secondary Education shall provide a translation in requested languages to assist Superintendents in complying with this section. The Superintendent shall inform the community of the existence of the law and of its implications through newspaper releases or radio or television announcements.

- (6) The Superintendent shall ensure that all students are annually informed in a manner certain to reach them of the existence of St. 1971, c.622 and its implications. Students shall be informed that all courses of study, extracurricular activities, services, and facilities offered by the school are available without regard to race, color, sex, religion, disability, sexual orientation or national origin.
- (7) The Superintendent of each school system shall make certain that employers who recruit new employees in and through the schools of that district, do not discriminate on account of race, color, sex, religion, disability, sexual orientation or national origin in their hiring and recruitment practices within the schools. Before any employer is allowed to recruit at or through any school, they shall be required to sign a statement that they do not discriminate in hiring or employment practices on account of race, color, sex, religion, disability, sexual orientation or national origin.
- (8) Since adults serve as role models for students, school authorities shall utilize adults in a variety of jobs, and as members of policy-making committees, to the extent consistent with their contractual obligations, without regard to race, color, sex, religion, disability, sexual orientation or national origin.
- (9) Adults serving on athletic regulatory boards shall fairly represent the interests of both male and female students.
- (10) Because selective secondary schools have had atypical student bodies in the past, such selective secondary schools, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, shall admit qualified applicants of each sex and racial and ethnic groups in numbers proportionate to the existence of members of such class in the secondary school population of the geographic area served by that school. After the period for application to the school has closed, if it is found that qualified applicants of one of the above classes have not applied in numbers sufficient to maintain this proportion, qualified students of the other categories may be selected to fill the remaining openings.
- (11) Any contributions to a school for activities and monetary awards within or sponsored by the school or for scholarships administered by the school made after the effective date of 603 CMR 26.00 by any person, group or organization shall be free from any restrictions based upon race, color, sex, religion, disability, sexual orientation or national origin.
- (12) The opportunity to receive guidance and counseling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

LEGAL REF.:603 CMR 26:00

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. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, color, sex, gender identity, religion, national origin, sexual orientation, homeless status, physical and intellectual differences, pregnancy or pregnancy related condition.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law 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, support services, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Elementary and Secondary Education in compliance with this law will be followed.

SOURCE: MASC February 2019

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by E.O. 11375
Title IX, Education Amendments of 1972
M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
BESE regulations 603 CMR 26:00
BESE regulations 603 CMR 28.00
The McKinney-Vento Act and Title I Part A, as Amended by the Every Student Succeeds Act of 2015

CROSS REF.: AC, Nondiscrimination

NOTE: The cross reference is to a related statement in this manual.

Approved by FRSC 10.19.20

EDUCATIONAL EQUITY

The School Committee's goal is to strive to address the needs of every student in each of our schools, subject to budgetary, space and other limitations.

Educational equity for the purpose of this policy is defined as providing all students, as reasonably practical, the high quality instruction and support they need to reach and exceed a common standard.

To achieve educational equity the district will commit to:

Systematically, when appropriate, use districtwide and individual school level data, disaggregated by race/ethnicity, gender/gender identity, national origin, language, special education, socioeconomic status and mobility to inform district decision making.

Raise the achievement of all students.

Graduate all students ready to succeed in a diverse local, national and global community.

In order to reach the goal of educational equity, as reasonably practical, for each and every student, the District shall:

1. Provide every student with access to high quality curriculum, support, and other educational resources.

Seek to promote educational equity as a priority in professional development.

Endeavor to create schools with a welcoming and inclusive culture and environment.

Provide multiple pathways to success in order to meet the needs of the diverse student body and actively encourage, support and expect high academic achievement for each student.

The Superintendent shall include equity practices in the district's strategic plan and goal strategies to implement this policy. The Superintendent, upon request, will periodically report to the Committee the progress of the implementation of this policy.

SOURCE: MASC

ADOPTED: September 12, 2019

Approved by FRSC 11.09.20

ENTRANCE AGE

In an attempt to permit children to enter school at the time most appropriate for them individually, the School Committee establishes the following policy on entrance age:

1. Children who will be five years of age prior to September 1st of the school year during which they wish to enroll will be eligible to enter kindergarten for that school year.

The admission of children whose birthdays fall after September 1st will be solely at the school's discretion.

2. Initial admission of children to the first grade (or other grades) will involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

SOURCE: MASC February 2019

LEGAL REFS.: M.G.L. 76:1
603 CMR 8.00

Approved by FRSC 10.19.20

SCHOOL ADMISSIONS

All children of school age who reside in the district will be entitled to attend the public schools, as will certain children who do not reside in the district but who are admitted under School Committee policies relating to nonresident students or by specific action of the School Committee.

Advance registration for prospective kindergarten students will take place in the spring. Every student seeking admission to school for the first time must present a birth certificate or equivalent proof of age acceptable to the Principal and proof of vaccination and immunizations as required by the state and the School Committee. Proof of residency of the individual holding legal guardianship may also be required by the school administration.

SOURCE: MASC February 2019

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A
603 CMR 26.00

CROSS REFS.: JLCA, Physical Examination of Students
JLCB, Immunization of Students
JFBB, School Choice
JFABD, Homeless Students: Enrollment Rights and Services
JFABE, Educational Opportunities for Military Children
JFABF, Educational Opportunities for Children in Foster Care

NOTE: Use this category for statements covering all school admissions. Statements on exceptions to general residency requirements, tuition charges for nonresident students, admission of students from neighboring towns on a transfer basis, should be filed under the appropriate following categories:

JFAB, Admission of Non-resident Students
JFABA, Non-resident Tuition Charge
JFABD, Admission of Homeless Students
JFABB, Admission of Foreign Students

Approved by FRSC 10.19.20

SCHOOL ADMISSIONS

Purpose and Construction of 603 CMR 26.00

- (1) 603 CMR 26.00 is promulgated to insure the right of access to the public schools of the Commonwealth and the equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools without regard to race, color, sex, religion, disability, sexual orientation or national origin. 603 CMR 26.00 shall be liberally construed for these purposes.
- (2) The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, sex, religion, disability, sexual orientation or national origin.

School Admissions

- (1) All public schools in the Commonwealth shall admit students without regard to race, color, sex, religion, disability, sexual orientation or national origin. This includes, but is not limited to regional vocational-technical schools, elementary, secondary, trade, and selective academic high schools.
- (2) No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, religion, disability, sexual orientation or national origin. Written materials used by a school to recruit students shall not contain references suggesting the predominant sex of the students presently enrolled or the anticipated sex of the students to be recruited. Pictorial representation, in the agreed, in such material shall depict students of both sexes and of minority groups. Reference to only one sex in the name of schools, programs or activities shall not be retained.
- (3) The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extracurricular activities.
- (4) Any standards used as part of the admissions process to any public school, including but not limited to testing, the use of recommendations, and interviewing (as referred to in 603 CMR 26.02 (1)) shall not discriminate on the basis of race, color, sex, religion, disability, sexual orientation or national origin. Limited English-speaking ability (as defined by M.G.L.c.71A) shall not be used as a deterrent to or limitation on admissions.
- (5) If admission to any school, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, is dependent upon the participation or completion of courses or programs which were previously limited to students of one sex or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any racial, ethnic or religious group of students to participate in such programs, then such criteria must be abolished.

- (6) Nothing in 603 CMR 26.00 shall be construed as to control the interpretation of or interfere with the implementation of St. 1965, c. 641, as amended by St, 1974, c. 636, providing for the elimination of racial imbalance in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A
603 CMR 26:01; 26:02; 26:03

SCHOOL ADMISSIONS

Admission to Course of Study

- (1) Each and every course of study offered by a public school shall be open and available to students regardless of race, color, sex, religion, disability, sexual orientation or national origin. Nothing herein shall be construed to prohibit the use of prerequisite requirements that have been demonstrated to be essential to success in a given program. However, if participation in a course or program is dependent upon completion of a prerequisite which was previously limited to students of one sex, or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any class of students to participate in such prerequisites, then all members of the previously excluded group shall be given the opportunity to acquire the prerequisites or be allowed to enter the program without such prerequisites. If it cannot be shown that a prerequisite is essential for success in a given program, the prerequisite shall be abolished.
- (2) The determination of what courses or units of study are to be required of any student shall also be made without regard to the race, color, sex, national origin, disability, sexual orientation or religion of that student.
- (3) The scheduling of students into courses or units of study shall not be done on the basis of sex, color, race, religion, disability, sexual orientation or national origin.
- (4) Each student, regardless of race, color, sex, national origin, religion, disability, sexual orientation or limited English-speaking ability, shall have equal rights of access to courses of study and other opportunities available through the school system of the city or town in which he/she resides, along with appropriate bilingual instruction and programs or other curriculum offerings of a supportive nature such as appropriate remedial programs.
- (5) Nothing in 603 CMR 26.03 shall be construed to prevent particular segments of a program of instruction from being offered separately to each sex when necessary in order to respect personal privacy.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A
603 CMR 26:01; 26:02; 26:03

HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

As required by law, the district will work with homeless children and youth and unaccompanied youth¹ (collectively, “homeless students”) as well as their families or legal guardians to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. 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, school nutrition programs, summer programming and extracurricular activities.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings; and
7. Migratory children living in conditions described in the previous examples.

Students Remaining in Schools of Origin

It is presumed to be in the best interest of homeless students to remain in their schools of origin, i.e. the school that the student was attending at the time he or she became homeless, or the last school the student attended prior to becoming homeless. Homeless students may continue to attend their school of origin for as long as they remain homeless or until the end of the academic year in which they obtain permanent housing. For homeless students who complete the final grade level served by the school of origin, the term “school of origin” shall also include the receiving school in the same school district educating students at the next grade level.

Homeless students are entitled to transportation comparable to that provided for all other students attending school in the district. The district will transport students who are sheltered or temporarily residing within the district to the students’ school of origin. For homeless students attending a school of origin located outside the district in which the student is sheltered or temporarily residing, the district in

¹ “A homeless child or youth not in the physical custody of a parent or guardian.” 42 USC §11434a.

which the school of origin is located will coordinate with the district in which the student is sheltered or temporarily residing to provide the transportation services necessary for the student, and these districts

File: JFABD

will divide the cost equally. Formerly homeless students who find permanent housing mid-school year will continue to receive transportation services until the end of the school year.

Students Enrolling in District Where Sheltered or Temporarily Residing

Parents or guardians may elect to enroll homeless students in the school district in which the student is sheltered or temporarily residing, rather than having the student remain in the school of origin. Enrollment changes for homeless students should take place immediately.

If homeless students are unable to provide written proof of their shelter or temporary residence in the district, the homeless liaison will work with the family seeking enrollment to determine homelessness. Information regarding a homeless student's living arrangement shall be considered a student education record, and not directory information. Records containing information about the homeless student's living arrangement may not be disclosed without the consent of the parent or satisfaction of another student-privacy related exemption.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families who reside in the district. Accordingly, the district will provide transportation services to school in a manner comparable to the transportation provided for all other students in the district.

Dispute Resolution

If the district disagrees with a parent or guardian's decision to keep a student enrolled in the school of origin and considers enrollment in the district where the student is sheltered or temporarily residing to be in the student's best interest, the district will explain to the parent, in writing and in a language the parent can understand,² the rationale for its determination and provide parent with written notice of their rights to appeal the district's determination to the Massachusetts Department of Elementary and Secondary Education³. During the pendency of any such appeal, the student should remain enrolled in

² Translation of communications of this type is required by Title I, among other laws. See, e.g. 20 USC § 6312.

³ Information about the dispute resolution process managed by the Department of Elementary and Secondary Education can be located here: <http://www.doe.mass.edu/mv/haa/03-7.html>

the school selected by the parent or guardian, receiving transportation to school and access to other available services and programs.

File: JFABD

The Massachusetts Department of Elementary and Secondary Education's Advisory on Homeless Education Assistance contains additional information about educating homeless students and the appeal process. This advisory is available at the following link: <http://www.doe.mass.edu/mv/haa/mckinney-vento.docx>

Homeless Liaison

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families. The district's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in locations such as schools, family shelters and soup kitchens. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students. The liaison shall ensure district staff receive professional development and other support on issues involving homeless students.

LEGAL REFS.: The McKinney-Vento Act and Title I, Part A, as Amended by the Every Student Succeeds Act of 2015

SOURCE: MASC October 2019

Adopted by School Committee 05.09.22

EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN

To facilitate the placement, enrollment, graduation, data collection, and provision of special services for students transferring into or out of the District because of their parents or guardians being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The district believes it is appropriate to remove barriers to educational success imposed on children of military families resulting from frequent moves required by parents' or guardians' military deployment.

Definitions

Children of military families: School aged children, enrolled in kindergarten through 12th grade, in the household of an active duty member of the uniformed service of the United States, including members of the National Guard and Reserve serving on active duty.

Deployment: The period one month before the service members' departure from their home station on military orders through six months after return to their home station.

Education(al) records: Official records, files, and data directly related to a student and maintained by the school including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

Eligible students are children of military families as well as the children of veterans who have been severely injured and medically discharged, and children of active duty personnel who died on active duty. Children of retired active duty personnel are also eligible to receive services for one year following the discharge due to severe injury, or the retirement or death of an active military parent. The Compact does not apply to children of inactive Guard or Reserves, veterans and retired personnel not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible students include the following:

- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Upon enrollment of an eligible student, the receiving school must request official records and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).

- Receiving schools must initially honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school and space is available. The receiving schools must also initially honor placement of like programs to those of the student in the sending state, including, but not limited to, Gifted and Talented programs, and English as a Second Language programs. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.
- In compliance with federal law, the district will assume financial and programmatic responsibility for the special education programs of students with existing IEPs drafted in other states.
- As appropriate, the District will exercise the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, also as deemed appropriate.
- Students of active duty personnel shall have additional excused absences, as necessary, for visitations relative to leave or deployment.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to continue to attend the school in which he or she was enrolled while living with the custodial parent or guardian, without any tuition fee imposed.
- The District high school will accept exit or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state.) If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.

LEGAL REFS: M.G. L. [15E](#);
Interstate Compact on Educational Opportunity for Military Children

SOURCE: MASC October 2019

EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE

The purpose of this policy is to ensure the educational stability of students in foster care. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the School Committee is committed to supporting all efforts to ensure that students in foster care have equal access to high-quality, stable educational experiences from preschool (if offered) through high school graduation.

Irrespective of the location of a foster care placement, students in foster care will continue to attend their school of origin, unless after a collaborative decision-making process, it is determined to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care. Enrollment of students in the district where they reside in foster care will take place immediately upon such a determination.

The district has designated a point of contact for students in foster care. The district and the point of contact will collaborate with DCF to ensure that students can access transportation and the other services to which they may be entitled.

Best Interest Determination

Decisions about whether a student in foster care should continue to attend the school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (or, if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when appropriate) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and account for unique factors about the student and his or her foster care placement. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care; however, DCF will finalize the best interest determination if the relevant parties cannot agree on the best school for the student to attend.

The district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate, the district will ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

Transportation

The district of origin must collaborate with DCF on how transportation will be arranged and provided to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care.

Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, seeking help from foster parent(s), etc. Absent other agreements between the district and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

Immediate Enrollment

If it is in the best interest of a student in foster care to leave the school of origin, the student must be immediately enrolled in the district in which he or she resides in foster care. During enrollment of students in foster care, DCF representatives will present the district with a form indicating that the student is in foster care, along with a state-agency identification badge.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to students in foster care (homeless families) on the same terms as families who reside in the district. Accordingly, the district will provide transportation services to school in a manner comparable to the transportation provided for all other students in the district.

LEGAL REFS: Every Student Succeeds Act (ESSA);
 Fostering Connections to Success and Increasing Adoptions Act of 2008
 (Fostering Connections Act)

SOURCE: MASC October 2019

SCHOOL CHOICE

It is the policy of this School District to admit non-resident students under the terms and conditions of the Interdistrict School Choice Law and under the following local conditions:

1. That by May 1 of every school year, the administration will determine the number of spaces in each school available to choice students.
2. That by June 1 of every school year, if consideration is being given to withdraw from the provisions of the choice law, a public meeting will be held to review this decision.
3. That resident students be given priority placement in any classes or programs within the District.
4. That the selection of non-resident students for admission be in the form of a random drawing when the number of requests exceeds the number of available spaces. There will be two drawings for this purpose. The first will take place during the last week of the current school year but no later than July 1st. The second will be conducted during the week immediately preceding the opening of the next school year and will be based on the possibility of unexpected additional openings.
5. Any student who is accepted for admission under the provisions of this policy is entitled to remain in the District until graduation from high school except if there is a lack of funding of the program.
6. The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of race, color, religion, national origin, sex, gender identity, age, homelessness, sexual orientation, ancestry, physical disability, special need, academic performance or proficiency in the English language.

SOURCE: MASC October 2016

LEGAL REFS.: M.G.L. [71:6](#); [71:6A](#); [76:6](#); [76:12](#); [76:12B](#)

BESE Regulations 603 CMR [26:00](#)

STUDENT ABSENCES AND EXCUSES

Regular and punctual school attendance is essential for success in school. The Committee recognizes that parents/guardians of children attending our schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law.

Therefore, students may be excused temporarily from school attendance for the following reasons: illness or quarantine; bereavement or serious illness in family; weather so inclement as to endanger the health of the child; and observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the Principal or designee.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his character. Parents/guardians can help their children by not allowing them to miss school needlessly.

Accordingly, parents/guardians will provide a written explanation for the absence or tardiness of a child. This will be required in advance for types of absences where advance notice is possible.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justified.

Student Absence Notification Program

Each Principal or designee will notify a student's parent/guardian within 3 days of the student's absence in the event the parent/guardian has not informed the school of the absence.

Each Principal or designee shall make a reasonable effort to meet with any student, and that student's parent/guardian, who has missed five (5) or more unexcused school days (a school day shall be equal to two (2) or more class periods in the same day) in a school year. The meeting shall be to develop action steps to improve student attendance and shall be developed jointly by the Principal or designee, the student, and the student's parent/guardian. The parties may seek input from other relevant school staff and/or officials from relevant public safety, health and human service, housing, and nonprofit agencies.

Dropout Prevention

A student who has not graduated from high school and has been absent from school for ten (10) consecutive days of unexcused absence shall not be considered permanently removed from school unless the Principal has sent notice to the student, and that student's parent/guardian. The notice shall be sent within five (5) days of the tenth consecutive day of absence and shall offer at least 2 dates and times within the next ten (10) days for an exit interview with the Superintendent or designee, the student, and the student's parent/guardian. The notice shall be in both English and the primary language of the home, if

applicable. The notice shall include contact information for scheduling the exit interview and shall indicate the parties shall reach an agreement on the date/time of the interview within the ten (10) day timeframe. The timeframe may be extended at the request of the parent/guardian and no extension shall exceed 14 days.

The Superintendent or designee may proceed with any interview without a parent/guardian present, provided the Superintendent has documented a good faith effort to include the parent/guardian.

The Superintendent or designee shall convene a team of school staff to participate in the exit interview and shall provide information to the student and, if applicable, the student's parent/guardian on the detrimental effects of early withdrawal from school and the alternative education programs and services available to the student.

SOURCE: MASC February 2019

LEGAL REFS.: M.G.L. [76:1](#); 76:1B; [76:16](#); 76:18; [76:20](#)

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

Denial of Admission

Denial of admission means the withholding of the privilege of enrolling in a school of the District.

The following shall be the grounds for denial of admission to school or for diversion to an appropriate alternative program:

Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

Failure to meet the requirements of age by a student who has reached the age of six years at a time after the beginning of the school year, as fixed by the School Committee as provided in Massachusetts General Laws;

Not being a resident of the District and the District has opted not to participate in the School Choice Law;

Failure to comply with the provisions of the Massachusetts School Entry Immunization Law.

SOURCE: MASC February 2019

LEGAL REFS.: M.G.L. 71:37H; 76:12; 76:12A; 76:12B
603 CMR 26:00

STUDENT RIGHTS AND RESPONSIBILITIES

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

Among these rights and responsibilities are the following:

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

It is the School Committee's belief that as part of the educational process students should be made aware of their legal rights, and of the legal authority of the School Committee to make and delegate authority to its staff to make, rules regarding the orderly operation of the schools.

Students have the right to know the standards of behavior that are expected of them, and the consequences of misbehavior.

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

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

STUDENT INVOLVEMENT IN DECISION-MAKING

As appropriate to the age of students, class or school organizations and school government organizations, such as student councils, may be formed to offer practice in self-government and to serve as channels for the expression of students' ideas and opinions.

The Committee will take into consideration student opinions in establishing policies that directly affect student programs, activities, privileges and other areas of student sensitivity.

Students will be welcomed at Committee meetings and granted privileges of speaking in line with the privileges extended to the general public.

Student Advisory Committee

As required by state law, the Committee will meet at least once every other month while school is in session with its student advisory committee, which is composed of five students elected by the high school student body. The chair of the student advisory committee shall be an ex-officio nonvoting member of the School Committee without the right to attend executive sessions unless such right is expressly granted by the School Committee.

LEGAL REF.: M.G.L. 71:38M

CROSS REF.: BDF, Advisory Committees to the School Committee

STUDENT DISCIPLINE

The School Committee believes that all students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Each Principal shall include prohibited actions in the student handbook or other publication to be made available to students and parents.

Principals and staff shall not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students.

The Principal may, as a disciplinary measure, remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the remainder of this policy, law, or regulation.

The Superintendent shall provide each Principal with a copy of the regulations promulgated by DESE and shall have each Principal sign a document acknowledging receipt thereof, which shall be placed in their personnel file.

Suspension

In every case of student misconduct for which suspension may be imposed¹, a Principal shall consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

Notice of Suspension:

Except for emergency removal or an in-school suspension of less than 10 days, a Principal must provide the student and the parent oral and written notice, and provide the student an opportunity for a hearing and the parent an opportunity to participate in such hearing before imposing suspension as a consequence for misconduct. The Principal shall provide both oral and written notice to student and parent in English and in the primary language of the home if other than English. The notice shall include the rights enumerated in law and regulation. To conduct a hearing without a parent present, the Principal must be able to document reasonable efforts to include the parent.

Emergency Removal

A Principal may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Principal's judgment, there is no alternative available to alleviate the danger or disruption.

¹ Except for offenses referenced in the note at the end of this policy.

The Principal shall immediately notify the Superintendent in writing of the removal including a description of the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall: Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters required in the notice as referenced in the applicable regulation; Provide written notice to the student and parent as required above; Provide the student an opportunity for a hearing with the Principal that complies with applicable regulations, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal, student, and parent; Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of applicable law and regulation.

A Principal shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.

In School Suspension – not more than 10 days consecutively or cumulatively

The Principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

The Principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the Principal follows the process set forth in regulation and the student has the opportunity to make academic progress as required by law and regulation.

Principal's Hearing – Short Term Suspension of up to 10 days

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, the Principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information.

The student also shall have an opportunity to present information, including mitigating facts, that the Principal should consider in determining whether other remedies and consequences may be appropriate as set forth in law and regulation.

The Principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.

The Principal shall, based on the available information, including mitigating circumstances, determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The Principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as required by law and regulation. The determination shall be in writing and may be in the form of an update to the original written notice.

If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

Principal's Hearing – Long Term Suspension of more than 10 days but less than 90 days (consecutive or cumulative)

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

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

The Principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.

The Principal shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Principal and the parent.

If the Principal decides to suspend the student, the written determination shall: Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; Set out the key facts and conclusions reached by the Principal; Identify the length and effective date of the suspension, as well as a date of return to school; Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as required by law and regulation; Inform the student of the right to appeal the Principal's decision to the Superintendent or designee, but only if the Principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information: The process for appealing the decision, including that the student or parent must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the Principal's determination on appeal.

If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension before the suspension takes effect.

Superintendent's Hearing

A student who is placed on long-term suspension following a hearing with the Principal shall have the right to appeal the Principal's decision to the Superintendent.

The student or parent shall file a notice of appeal with the Superintendent within the time period noted above (see Principal's hearing – Suspension of more than 10 days). If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the Superintendent shall grant the extension.

The Superintendent shall make a good faith effort to include the parent in the hearing. The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Superintendent to participate. The Superintendent shall send written notice to the parent of the date, time, and location of the hearing.

The Superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The Superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request. The student shall have all the rights afforded the student at the Principal's hearing for long-term suspension.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of law and regulation. If the Superintendent determines that the student committed the disciplinary offense, the Superintendent may impose the same or a lesser consequence than the Principal, but shall not impose a suspension greater than that imposed by the Principal's decision. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.

Expulsion

Expulsion is defined as the removal of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed by law for possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

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

Academic Progress

Any student who is suspended or expelled shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal shall inform the student and parent of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

The Principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

The Principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

Reporting

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

SOURCE: MASC October 2014

LEGAL REF: M.G.L. [71:37H](#); [71:37H ½](#); [71:37H ¾](#); 76:17; 603 CMR 53.00

NOTE: The DESE regulations on student discipline and this policy, consistent with law, set forth the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in the school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L. c. 71, S. 37H or 37H1/2. The Principal, pursuant to the previously referenced statute may remove a student who has committed any of the disciplinary offenses above referenced from school for more than 90 days in a school year. Except that the removal from school for such offenses is subject to the provision of continuing educational services needed to make academic progress and, the requirement that all school districts regardless of the type of offense shall report school discipline data and analysis to DESE. Also, the prohibited actions above referenced are subject to the provision that allows the Commissioner to investigate each school that has a significant number of students suspended and expelled for more than 10 cumulative days in a school year and to make recommendations thereon.

DRESS CODE

INTRODUCTION

The 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 decisions 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 student 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 a 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 WHICH PRESENTS A HEALTH OR SAFETY HAZARD TO A STUDENT OR OTHERS IS POTENTIALLY DAMAGING TO SCHOOL PROPERTY, OR DISTRACTING TO THE EDUCATIONAL PROCESS IS PROHIBITED.

Students and parents/guardians should refer to the student handbook for additional information.

CROSS REF.: JICAA, Spirit wear

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.

STUDENT CONDUCT ON SCHOOL BUSES

The School Committee and its staff share with students and parents the responsibility for student safety during transportation to and from school. The authority for enforcing School Committee requirements of student conduct on buses will rest with the Principal.

To ensure the safety of all students who ride in buses, it may occasionally be necessary to revoke the privilege of transportation from a student who abuses this privilege. Parents of children whose behavior and misconduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of transportation privileges in accordance with regulations approved by the School Committee.

Codes of conduct are published in each schools' student handbook.

PROCEDURES FOR COURT ACTION ON HABITUAL SCHOOL OFFENDERS

What is a Habitual School Offender? (HSO) Any student who continually disrupts the normal activities of a school by exhibiting chronic defiance of authority, physical or psychological intimidation of others or verbal/ physical assault or harassment on others, or any other act which might possibly be construed as criminal in nature, may be considered a Habitual School Offender. As such he/she may be referred directly to juvenile court for action.

Such referrals are usually made only after all other attempts to remedy the problem have been unsuccessful. The procedure is as follows:

1. Students who are identified as potential HSO should be referred to counseling, or where appropriate, for a special needs evaluation.
2. If the problem persists and there have been more than 3 suspensions for various offenses as described above, the Principal/Vice Principal or designee will send home, with the most recent suspension notice, Form SS-4 HSO.
3. If the situation does not improve, the Principal/Vice Principal or designee will complete the Trial Court Form but will write across the top: Habitual School Offender.

Supporting documents must be attached to this form: including a copy of the report card, buff or transcript, IEP if applicable, complete disciplinary record, and a listing of interventions attempted. Of particular importance is the number and reason for any suspensions. (Also a copy of the SS-4 that has been sent should be included.)

4. The Principal/Vice Principal or designee will contact the attendance officer who will deliver this form to Juvenile Court and arrange for hearing.
5. At the hearing the attendance officer and the Principal/Vice Principal or designee must be present.
- 6a. If the case is continued the school will monitor the student's progress and keep in close communication with the attendance officer and the probation department.
- 6b. If the case is referred to the judge, the Principal/Vice Principal or designee and the attendance officer will be present on the court date.

STUDENT PUBLICATIONS

Within the school setting, students enjoy the constitutional right of freedom of expression, including the right to express their views in student publications, provided such expression does not cause, or threaten to cause by reasonable forecast by school officials, any disruption or disorder in the school. Additionally, such constitutional right of freedom of expression does not include expression which is obscene, defamatory, or advocates violence or illegality where such advocacy is imminently likely to incite the commission of such acts to the detriment of school security, or which can reasonably be forecast to cause substantial disruption or material interference with school activities.

The School Committee will at least annually review their support of student publications, and encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views subject to the limitations as contained in this policy.

Student publications will be encouraged to comply with the rules for responsible journalism. Students shall affix their names to all articles or editorials written by or contributed to by them. The Superintendent will establish guidelines that are in keeping with this policy and provide for review of student publications prior to their distribution, to address matters that are not protected forms of expression.

Each student publication shall contain the following: "Pursuant to state law, no expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students."

Distribution of Literature

The time, place and manner of distribution of literature will be reasonably regulated by the Principal.

LEGAL REF.: M.G.L. 71:82

GANG ACTIVITY/SECRET SOCIETIES

The goal of the School Committee is to keep District schools and students free from the threats or harmful influence of any gang. For purposes of this policy, gang is defined as any group, secret society, organization or association that advocates drug use, violence, ethnic intimidation, or disruptive or illegal behavior. The Principal or his/her designee shall maintain supervision of school premises to deter intimidation of students and confrontations between members of different gangs.

The Superintendent shall establish open lines of communication with local law enforcement agencies so as to share information and provide mutual support in this effort within appropriate legal guidelines.

The Superintendent shall provide in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources that may help students.

Symbols

The School Committee finds that gang symbols are inherently disruptive to the educational process, and therefore prohibits the presence of any insignia, apparel, jewelry, accessory, notebook or other school supply, or manner of grooming which by virtue of its color, arrangement, trademark, or any other attribute denotes membership in gangs. The School Committee further prohibits any demonstration of gang membership through the use of hand gestures, graffiti, or printed materials. This policy shall be applied by the Principal or his/her designee as the need for it arises individual school sites. A student may be suspended or expelled for failure to comply with the provisions of this policy.

Prevention Education

The School Committee realizes that students may become involved in gangs without understanding the consequences of such membership. Early intervention is a key component of efforts to break the cycle of such memberships. Therefore, gang violence prevention information shall be made available in the elementary, middle, and high schools as appropriate.

SECRET SOCIETIES

Fraternities, sororities and/or secret societies shall not receive District or building recognition in any manner.

A student may be suspended or expelled for failure to comply with the provisions of this policy.

PROHIBITION OF HAZING

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

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

Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Principal, be suspended from school for up to ten (10) school days.

Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.

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

SOURCE: MASC February 2019

LEGAL REF.: M.G.L. 269:17, 18, 19

HAZING

CH. 269, S.17. CRIME OF HAZING; DEFINITION; PENALTY

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

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to be contrary, consent shall not be available as a defense to any prosecution under this action.

CH. 269, S.18. DUTY TO REPORT HAZING

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 one thousand dollars.

CH. 269, S.19. HAZING STATUTES TO BE PROVIDED; STATEMENT OF COMPLIANCE AND DISCIPLINE POLICY REQUIRED

Each secondary school and each public and private school or college shall issue to every group or organization under its authority or operating on or in conjunction with its campus or school, and to every member, plebe, 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, and each individual receiving a copy of said sections seventeen and eighteen shall sign an acknowledgment stating that such group, organization or individual has received a copy of said sections seventeen and eighteen.

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

BULLYING PREVENTION

The Fall River Public Schools endeavors to maintain a safe learning environment where students can achieve the highest academic standard. The Fall River Public Schools is committed to creating an environment in which every student develops emotionally, academically, and physically, in a caring and supportive atmosphere, free of harassment, intimidation, bullying or cyber-bullying. To that end, bullying, cyberbullying and/or retaliation shall be prohibited.

Definitions

“Bullying” is 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 target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the education process or the orderly operation of a school.

“Cyber-bullying” means 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 the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as the author of posted content or messages, if the creation of impersonation creates any of the conditions enumerated in 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 the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected. For the purpose of this policy, whenever the term bullying is used, it is intended to denote either bullying or cyber-bullying.

“Aggressor” is 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.

“Retaliation” means any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has

reliable information about bullying.

"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.

"Target" means a student victim of bullying or retaliation.

Prohibitions

Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,
- Through the use of technology or an electronic device owned, leased or used by the Fall River Public Schools.

Bullying and cyber-bullying are prohibited 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 the Fall River Public School district if the act(s):

- Creates a hostile environment at school for the target;
- Infringes on the rights of the target at school; and/or
- Materially and substantially disrupts the education process or the orderly operation of a school.

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

Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

Each Principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school.

Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms. This written notice may

**Fall River Public Schools
Bullying Prevention and Intervention Plan**

The Fall River Public Schools created this Bullying Prevention and Intervention Plan required under M.G.L. c. 71, § 37O, in consultation with administrators, teachers, parents, students, and the community at large. The Plan’s format parallels the Department of Elementary and Secondary Education *Behavioral Health and Public Schools Framework* and is designed to be used by all schools as well as by the school district in a consistent manner.

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I. LEADERSHIP

Leaders have a primary role in teaching students to be civil to one another and promoting understanding of and respect for diversity and difference. Leadership includes all district and building administrators, teacher leaders, guidance counselors, counseling staff, and wellness teachers. Leadership is responsible for setting priorities and for staying up-to-date with current research on ways to prevent and effectively respond to bullying. It is also the responsibility of leaders to involve representatives from the greater school and local community in developing and implementing the Plan as well as evaluating it for effectiveness.

- A. Public involvement in developing the Plan. As required by M.G.L. c. 71, § 37O, the Bullying Prevention and Intervention Plan was developed in consultation with teachers, administrators, school staff, professional support personnel, school volunteers, administrators, community representatives, students, parents, and guardians. This consultation included a public comment period for feedback from parents as well as the community at large.
- B. Assessing needs and resources. The Plan shall serve as the school's and district's blueprint for enhancing capacity to prevent and respond to issues of bullying within the context of other healthy school climate initiatives. As part of the planning process, school leaders, with input from families and staff, have assessed the effectiveness of current programs; reviewed current policies and procedures; reviewed available data on bullying and behavioral incidents; and assessed available resources including curricula, training programs, and behavioral health services.

During the initial needs assessment, the following actions were taken.

1. A district-wide Bullying Prevention and Intervention Plan Committee was assembled which assessed current school and district initiatives to identify gaps and needs at each of the levels including elementary, middle, and high school.
 2. Each school completed *The Behavioral Health and Public Schools Framework*.
 3. Students at the elementary, middle, and high school levels completed a survey to identify specific data on the prevalence and characteristics of bullying, in particular regarding vulnerable populations, "hot spots" within schools/ school grounds/buses. This information will continue to be used to identify patterns of behaviors and areas of concern, to inform decision-making for prevention strategies including, but not limited to, adult supervision, professional development, age-appropriate curricula, and in-school support services.
- C. Planning and oversight. The Fall River Public Schools Bullying Prevention and Intervention Plan has identified that the building principal or designee as the individual who is responsible for receiving all reports on bullying. The building principal or designee is responsible for collecting and analyzing building data on bullying to assess the present problem and to measure whether or not there are improved outcomes. This same individual is also responsible for creating a process for recording and tracking incident reports, and for accessing information related to targets and aggressors. The Fall River Public Schools will offer ongoing professional development that is required by the law. The building principal or designee is responsible for planning supports that respond to the needs of targets and aggressors as well as for choosing and implementing the curricula that the school or district will use to instruct students about issues of bullying, including cyber bullying. Each building principal or designee is responsible for implementing the Fall River Public Schools Bullying

Prevention and Intervention Plan; for amending student and staff handbooks and codes of conduct; leading the parent or family engagement efforts and drafting parent information materials; and reviewing and updating these materials each year, or more frequently, if necessary.

The Superintendent or designee is responsible for developing new or revising current Bullying Prevention and Intervention Plan and related protocols under the Fall River Public Schools Bullying Prevention and Intervention Plan, including an Internet safety policy, and for designating key staff to be in charge of reviewing and updating them on a biennial basis in accordance with M.G.L. c. 71, § 37O. The School Committee is responsible for the approval of any new school committee policy or revisions to existing school committee policies.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

As required by M.G.L. c. 71, § 37O Fall River Public Schools will provide ongoing professional development for all staff, including but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, and paraprofessionals. It also includes a description of the content and frequency of staff training and ongoing professional development that align with the school/district needs and required topics. All locally identified additional areas of training will be based on needs and areas of concern as identified by school and district staff.

The Fall River Public Schools Bullying Prevention Plan will focus on the following six topics. :

- A. Annual staff training on the Plan. Annual training for all school staff on the Plan will include staff duties under the Plan, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. All staff members hired after the start of the school year will participate in school-based training during the school year in which they are hired. New teachers will receive training during the orientation session that is offered to all new teachers prior to the start of the school year.
- B. Ongoing professional development. The goal of professional development is to establish a common understanding of curricula, programs, school initiatives, and bullying prevention and intervention strategies necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will increase the skills and knowledge base of staff members to prevent, identify, and respond to bullying. As required by M.G.L. c. 71, § 37O, the content of school-wide and district-wide professional development within the Fall River Public Schools will be informed by research and will include information on the six topics as required by state law:
- (i) developmentally (or age-) appropriate strategies to prevent bullying;
 - (ii) developmentally (or age-) 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 an aggressor, target, and witnesses to the bullying;
 - (iv) research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
 - (v) information on the incidence and nature of cyber-bullying; and
 - (vi) Internet safety issues as they relate to cyber-bullying.

Approved by FRSC 10.18.21

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas identified by the school or district for professional development include:

- promoting and modeling the use of respectful language;
- fostering an understanding of and respect for diversity and difference;
- building relationships and communicating with families;
- constructively managing classroom behaviors;
- using positive behavioral intervention strategies;
- applying constructive disciplinary practices;
- teaching students skills including positive communication, anger management, and empathy for others;
- engaging students in school or classroom planning and decision-making; and
- maintaining a safe and caring classroom for all students; and
- integrating students of differing abilities/buddy/mentoring programs.

C. Written notice to staff. Each school will provide all staff with an annual written notice of the Fall River Public Schools Bullying Prevention and Intervention Plan by publishing information about it, including sections related to staff responsibilities in the school employee handbook.

III. ACCESS TO RESOURCES AND SERVICES

A key aspect of promoting positive school climates is ensuring that the underlying emotional needs of all students are addressed. The Fall River Public Schools is committed to understanding the emotional needs of students' families.

A. Identifying resources. School counselors, together with building designee, will conduct an annual review of staffing and programs that support the creation of positive school environments, focusing on early interventions and intensive services, The Fall River Public Schools will continue to work in collaboration with local and state agencies to adopt evidenced-based curricula and to provide additional preventive services to students, parents and guardians, and faculty and staff.

B. Counseling and other services. School counselors, nurses, school psychologists and special educators provide a variety of skill-based services to students within the educational setting that include on-going emotional support, risk assessment, crisis intervention, and help with community based counseling referrals when appropriate. School counselors meet with parents and teachers as needed to help address students' academic emotional, and behavioral concerns as collaboratively as possible. School counselors work with administrators to provide linguistically appropriate resources to identified families. School counselors maintain up-to-date information on community based mental health referrals as well as Community Service Agencies (CSA's) within the local vicinity, providing services to

Mas Health/Medicaid eligible students. School counselors, school psychologists and special needs educators work collaboratively to develop behavior plans and social skills groups for students with social skills weaknesses.

- C. Students with disabilities. As required by M G. L. c. 71B, § 370, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines that the student has an autism spectrum disorder or has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.
- D. Referral to outside services. The Fall River Public Schools has a referral protocol for referring students and families to outside services. School counselors will help students and families access appropriate and timely services. Referrals must comply with relevant laws and policies.

V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

The following procedures are based on the requirements of M.G.L. c. 71, § 370. In addition to the requirements of M.G.L. c. 71, § 370, where the alleged conduct is on the basis of race, color, national origin, age, gender, gender identity or expression, sexual orientation, disability or religion, the district should also consider whether the conduct constitutes a hostile environment based on those protected classes, consistent with its Discrimination and Harassment Grievance Procedures.

- A. Reporting bullying or retaliation. Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member will be recorded in writing. A school or district staff member is required to report immediately to the principal or designee any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an incident reporting form,¹ a dedicated mailing address, and an email address.

Use of an incident reporting form is not required as a condition of making or recording a report. The school or district will: 1) include a copy of an incident reporting form in the beginning of the year packets for students and parents or guardians; 2) make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and 3) post it on the school's website. An incident reporting form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including administrators, staff, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation. A description of the

¹ See Appendix for Reporting Form.

reporting procedures and resources, including the name and contact information of the principal or designee, will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

1. Reporting by Staff

A staff member will report immediately to the principal or designee when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others

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

Please note: *Nothing in this policy shall be construed to limit personnel's ability to call 911 where a threat to safety of the student and/or other individuals is present. If there is concern about anyone's immediate physical safety, please call 911 first, then notify an administrator.

B. Responding to a report of bullying or retaliation.

1. Safety

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary. Interventions will consider the rights of both the target and the aggressor, including both the consideration of remedial and disciplinary measures for the aggressor as appropriate..

In determining the steps necessary to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents, the principal or designee shall consider 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 one or more of these characteristics.

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student or staff member who has reported bullying or retaliation, a student or staff member who has witnessed bullying or retaliation, a student or staff member who provides information during an investigation, or a student or staff member who has reliable information about a reported act of bullying or retaliation

2. Obligations to Notify Others

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.
- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the Fall River Police Department. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student who is no longer enrolled in school, the principal or designee shall contact the Fall River Police Department 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.

- C. Investigation. Upon receipt of a report or complaint that would, if true, constitute bullying, cyber bullying, or retaliation, the principal will promptly commence an investigation. If there is concern for physical harm of a student or student, the principal shall take interim measures reasonably calculated to ensure the safety of the student or students during the pendency of the investigation. In investigating any such complaint, the principal or designee

will interview students, staff, and any witnesses to the alleged conduct. To the extent practicable and consistent with the principal's obligation to act promptly and to thoroughly investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process and shall not disclose unnecessary or confidential information to interview subjects. During any such interviews, the principal will inform the target, aggressor, and all witnesses that retaliatory treatment of any individual for reporting or lack of cooperation with an investigation of bullying will result in disciplinary action may include suspension or expulsion from school.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process.

Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for bullying investigations. If necessary, the principal or designee will consult with legal counsel about the investigation.

At any point after receipt of a report of bullying or retaliation, including after an investigation, the principal shall notify the Fall River Police Department and School Resource Officer if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor. Notice shall be consistent with the requirements of 603 CMR 49.00 and established agreements with the local law enforcement agency. The principal shall document the reasons for his or her decision to notify law enforcement. Nothing in this section shall be interpreted to require reporting to a law enforcement agency in situations in which bullying and retaliation can be handled appropriately within the school district or school.

- D. Determinations. The principal or designee will make a determination based upon all the facts and circumstances in a timely manner. If, after the investigation, bullying or retaliation is substantiated, the principal will determine what remedial action may be required, if any, and determine what responsive actions and/or disciplinary action is necessary. The principal will also consider what disciplinary and/or remedial measures are reasonably calculated to eliminate the bullying and to prevent its reoccurrence.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

E. Notice of Investigative Findings

Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify parents or guardians of the target and aggressor of this, and of the

procedures for responding to it. While prior notice of an investigation shall not be required, the principal shall not be precluded from notifying the parents of a target or aggressor prior to completion of the principal's investigation. This communication will be done in the primary language of the home.

In notifying the parents of a target or aggressor of an investigation or the principal's findings thereon, the principal shall maintain the privacy and confidentiality of any individual or child who is not the child of the parents to whom the notice is provided. The principal shall ensure that any notice to the parents complies with applicable state regulations including, but not limited to, 603 CMR 49.00, and shall not report specific information to the target's parent(s) about the disciplinary action taken against an aggressor unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

The notice to the parents or guardians of the victim shall include information about the Massachusetts Department of Elementary and Secondary Education's ("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 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.

F. Requests for Reconsideration

If either the complaining party or the individual against whom the complaint was made is dissatisfied with the outcome of the investigation, that person may request, in writing, a reopening of the investigation or reconsideration of the investigative findings. The written request shall state the reasons for request and shall be delivered to the Superintendent of the Fall River Public Schools within ten (10) school days or the parents'/guardians' receipt of notice of the investigative findings. Superintendent or designee shall decide whether or not to reopen the investigation and shall provide written notification of that determination to the appealing party and to the other party involved.

The filing of a request for reconsideration or a reopening of the investigation shall not stay the imposition of disciplinary sanctions, or the implementation of any safety interventions determined to be appropriate by the principal.

G. Responses to Bullying

1. Teaching Appropriate Behavior Through Skills-building

Upon the principal or designee determining that bullying, cyber-bullying, or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior. M.G.L. c. 71, § 37O(d)(vi). Fall River Public Schools administrators and staff may consider the following skill-building approaches:

- offering individualized skill-building sessions based on the school's/district's anti-bullying curricula;
- providing relevant educational activities for individual students or groups of students,

implement them immediately.

VI. COLLABORATION WITH FAMILIES

Fall River Public Schools is committed to promoting a strong home-school partnership regarding bullying prevention. Each school will provide information to families that will support common language across the district as well as sharing prevention and identification strategies. Communication between home and school will be via school notices, school and district web sites, and parent conferences/presentations on a regular basis.

It will also focus on school and district-specific approaches to collaboration which will take into account age, climate, socio-economic factors, linguistic, and cultural make-up of students and the parents.

- A. Parent education and resources. The school or district will offer education programs for parents and guardians that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the district or school. The programs will be offered in collaboration with the PTO, School Councils, Special Education Parent Advisory Council, or similar organizations.

- B. Notification requirements. Each year the school will inform parents or guardians of enrolled students about the bullying prevention curricula that are being used. This notice will include information about how parents and guardians can reinforce the curriculum at home and support the school district or school plan, the dynamics of bullying, including cyber-bullying and online safety. The school or district will send parents written notice each year about the student-related sections of the Plan and the school's or district's Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats and will be available in the language(s) most prevalent among parents or guardians. The school or district will post the Bullying Prevention and Intervention Plan and related information on its website.

VII. PROHIBITION AGAINST BULLYING AND RETALIATION

The following information will be included in the Bullying Prevention Plan, all student handbooks, staff handbooks, and in the student code of conduct in accordance with *M.G.L. c. 71, § 370(b)*.

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

(1) Bullying shall be 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 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. Bullying 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, shall be prohibited if the bullying: (a) creates a hostile environment at school for the target; (b) infringes on the rights of the target at school; or (c) materially and substantially disrupts the education process or the orderly operation of a school.

- in consultation with guidance counselors and other appropriate school personnel;
- implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals;
- meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- adopting behavioral plans to include a focus on developing specific social skills; and
- 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, 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 one or more of these characteristics.

2. Taking Disciplinary Action

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's or district's code of conduct. Possible consequences to serious incidents of bullying include suspension and expulsion from school.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur. He/she may also implement a safety plan. In developing a safety plan, the principal or designee shall consider 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 one or more of these characteristics.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to

be provided through the student handbook.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the Fall River Public Schools website.

LEGAL REFERENCES:

MGL 71:370; 603 C.M.R. 49.00

Fall River Public Schools

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

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

X. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the Fall River Public Schools, no person shall be discriminated against in admission to a public school in Fall River or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, age, gender identity, disability, or sexual orientation. Nothing in the plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies including its Discrimination and Harassment Grievance Procedures.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H, 37H½ and/or 37H 3/4, 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.

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

LEGAL REFERENCES:
MGL 71:37O; 603 C.M.R. 49.00

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

Maria Pontes, Superintendent of Schools

BULLYING AND HARASSMENT INCIDENT REPORTING FORM FALL RIVER PUBLIC SCHOOLS

*If concerned about anyone's immediate physical safety, please call 911 first, then notify an administrator.

1. Name of Reporter: _____

(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.)

2. Check whether you are the: Target of the behavior Reporter (not the target)

3. Check whether you are a: Student Staff member (specify role) _____

Parent Administrator

Other (specify) _____

4. State your school or work site:

B.M.C. Durfee High School

Resiliency Prep

Kuss Middle School

Resiliency Middle

James Madison Morton

Edmond Talbot

Stone Day School

John Doran

Carlton Viveiros

Mary Fonseca

Samuel Watson

James Tansey

Frank Silvia

Alfred Letourneau

William Greene

Spencer Borden

5. Information about the Incident:

Name of Target (of behavior) _____

Name of Aggressor (alleged bully/harasser): _____

Date(s) of Incident(s): _____

Time When Incident(s) Occurred _____

Approved by FRSC 10.18.21

Location of Incident(s) (Be specific.) _____

6. Witnesses (List of people who saw the incident or have information about it):

Name: _____

Name: _____

Name: _____

Student Staff Other _____

Student Staff Other _____

Student Staff Other _____

Additional List of Witnesses is attached to this form.

ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED

A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled substance. The School Committee prohibits the use or consumption by students of alcohol, tobacco products, or drugs on school property, at any school function, or at any school sponsored event.

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.

Verbal Screening

- The school district shall utilize, in accordance with law, a verbal screening tool approved by the Department of Elementary and Secondary Education to screen students for substance abuse disorders. The tool shall be administered by trained staff on an annual basis at grades 7 and 9.
- Parents/guardians shall be notified prior to the opening of school each year. Parents/guardians shall have the right to opt out of the screening by written notice prior to or during the screening.
- All statements made by a student during a screening are confidential and shall not be disclosed except in the event of immediate medical emergency or in accordance with law. De-identified results shall be reported to the Department of Public Health within 90 days of the completion of the screening process.

This policy shall be posted on the district's website and notice shall be provided to all students and parents/guardians of this policy in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC February 2019

LEGAL REFS.: M.G.L.71:2A; 71:96; 71:97; 272:40A

CROSS REFS.: ADC, Tobacco Products on School Premises Prohibited
GBEC, Drug Free Workplace Policy
GBED, Tobacco use on School Property by Staff Members Prohibited
IHAMB, Teaching About Drugs, Alcohol, and Tobacco

If students are charged individual fees for participation, every effort should be made to provide scholarships where needed.

1 of 2

WEAPONS AND/OR FASCIMILES THEREIN

The possession of any weapon* on school grounds is a most serious offense. The Discipline Code and other State and Federal Laws have stern prohibitions against such behavior. Weapons of any kind, at any grade level, will not be tolerated in the Fall River Public Schools. In addition to this policy, more specific information on possession of weapons appears in the school discipline code.

1. Students found in possession of a weapon or a facsimile therein will be immediately suspended for up to 9 days.(Please see the Discipline Code for more specific information regarding a description of weapons.)
 2. The police shall be consulted regarding whether or not the identified object meets legal standards for consideration as a "dangerous weapon" If the object meets these standards, the student will be charged with "Possession of a Dangerous Weapon" An object identified as a dangerous weapon, will be turned over to the police. In general, all dangerous objects found, such as a bullet for example, will be turned over to the police.
 3. In addition to any legal action which is taken, a student in possession of a dangerous weapon will be considered for expulsion proceedings (Please consult the Discipline Code).
- * For disciplinary purposes the Principal/Vice Principal will determine what constitutes a weapon. For criminal prosecution an appropriate legal authority must make this determination.

POLICY CONCERNING THE USE OF ELECTRONIC DEVICES

The use of electronic devices in our society has become commonplace for students and adults. While the Fall River School Department recognizes the helpful role that such technology plays in our daily lives, it also understands the potential for disruption to the educational process, that may become associated with such devices.

As such the Fall River Public Schools prohibits the use of electronic devices during school hours. Electronic devices shall include, but not be limited to: cell phones, pagers, beepers, CD players, DVD players, radios, picture cameras, and camera phones, camcorders, laser pointers, and other related devices as identified by the school administration.

Because of the value of direct communication between students and parents, possession of a cell phone is not prohibited, and may be used before and after school. Once the school day begins however, all devices must be kept out of sight, and turned off.

Parents who wish to contact their children during the school day must contact the school office in order to do so. During the school day students must follow the directive, "Out of Sight and Turned off."

If a student is found to be using a prohibited device during the school day, or if a cell phone or beeper, goes off, the following progression of consequences will be followed:

1. The device will be confiscated and turned in to the Principal/Vice Principal's Office.
2. First student offense, the student will pick up the device after school, be issued a warning, and a parent or guardian will be notified.
3. Second student offense, the device will be held and released only to a parent or guardian. Parents/Guardian/Students will be made aware of possible consequences of subsequent violations.
4. On subsequent violations, the device will be held and released only to a parent or guardian. Such violations will be treated as "defiance" and will result in progressive discipline as outlined in the Student Discipline Code (Parents/Guardians/Students will be made aware of the appropriate consequence, which may range from Detention to Out of School Suspension).
5. The School is NOT responsible for any lost electronic devices which may be confiscated.

In addition, use of Camera phones to capture an image, or devices which are similarly intrusive, are not authorized for use at any time. These devices riot only disrupt the educational process, but have the potential for violating the confidentiality of others. Such devices, when used as a violation of the privacy of others, may be subject to more strict disciplinary consequences, and will be immediately confiscated until a parent conference can be held.

Laser pointers are also not authorized at any time. These devices pose a potential danger to others, particularly when flashed in the eyes. Willful use of a laser pointer in a harmful fashion will constitute an assault and will be handled as such according to the discipline code.

File: JICJA

In the event that new technological devices are developed, not covered herein, which pose a disruption to the education, privacy or safety of others, the school Principal or his/her designee will have the right to prohibit such a device, in accordance with this policy.

HARASSMENT OF STUDENTS

Harassment of students by other students, employees, vendors and other third parties will not be tolerated in the **Fall River** Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

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

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

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

- Written, verbal, or physical (including texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matter.
- Demeaning jokes, stories, or activities directed at the student.

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally appropriate disciplinary, restorative and/or corrective action.

The District will respond promptly and reasonably investigate allegations of sexual harassment through designation of the Title IX Coordinator or building based employees to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

LEGAL REF.: M.G.L. 151B:3A
Title IX of the Education Amendments of 1972
BESE 603 CMR 26:00
34 CFR 106.44 (a), (a)-(b)
34 CFR 106.45 (a)-(b) (1)
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020

CROSS REF.: AC, Non-Discrimination Policy Including Harassment and Retaliation

SOURCE: MASC – December 2021

THREATS OF VIOLENCE

A threat of violence against a student or staff member is a serious offense. Such threats may range from a comment made to another student, to a more severe threat of violence. In severe cases, students will be subjected to criminal prosecution as well as disciplinary action.

1. Students found to have made a threat of violence may receive an immediate suspension of up to 9 days. This may be an in school or out of school suspension depending upon the severity of the threat.(When appropriate students returning to school will be referred to the school counselor.)
 2. In severe cases, the administrator making the suspension will immediately contact the police and discuss the nature of the threat with a police officer.
 3. If it is determined that the threat constitutes a criminal offense, appropriate charges shall be filed.*
 4. In severe cases, where threats of violence present a clear and present danger to other students and staff, a student may be referred for long term suspension or expulsion. (See Discipline Code for procedures to be followed) If long term suspension is recommended, the student may be required to participate in counseling from an outside source before being allowed to return.
- * NOTE: Depending on the circumstances of the case, charges may be filed directly by the individual who is the subject of the threat OR by school authorities. In most cases the individual who is the subject of the threat must file assault charges. When school authorities are the ones who are filing the complaint the Principal should consult with the police officer regarding the nature of the charges that should be filed. Examples of appropriate charges that might be filed: Disturbing a School Assembly, Disturbing the Peace, Disorderly Conductor Malicious Mischief.

Fighting and/or Assault (and/or Battery)

Fighting or assaults will not be tolerated. Peaceful alternatives to conflict exist in every school.

1. Students who engage in a fight* will receive an immediate suspension, of up to 9 days. (When appropriate, students returning to school will be referred to the school counselor.)
2. If students who engage in a fight do not cease when a staff member intervenes, the police will be contacted and the student(s) will be charged with Disturbing a School Assembly or other appropriate offenses.** Students and/or parents should also be presented with the option of filing individual charges.

3. If a staff member is struck during the course of a student fight, the school will contact the police for the purpose of filing appropriate criminal charges. Whether or not an individual staff member chooses to file assault charges, the school will consider charging the student with Disturbing a School Assembly or other appropriate offenses.**
 4. A student who assaults and/or injures a staff member who is breaking up a fight, will also be considered for expulsion proceedings (See Discipline Code).
 5. Whenever a serious premeditated assault and/or battery*.occurs, or when a weapon is used in a fight, the police will immediately be contacted and the student so involved charged with Disturbing a School Assembly or other appropriate offenses.** If, after discussion with the police, the incident is determined to have been a felony, the student will be arrested and brought to the police station. The Principal will notify the parents that the child has been arrested and direct them to contact the police.
 6. Students involved in cases of serious assault, as described above, will also be considered for expulsion proceedings. (See Discipline Code)
- * The definition of what constitutes a fight or an assault and the disciplinary consequences that follow, will be determined by the Principal/Vice Principal or designee. It is recognized that the legal definition of assault and/or battery .which may lead to criminal prosecution, must be determined by an appropriate legal authority. The appropriate disciplinary response, as determined by the Principal/Vice Principal or designee, will depend upon the circumstances and severity of the incident.
- ** When school authorities are the ones who are filing the complaint the Principal should consult with the police officer regarding the nature of the charges that should be filed. Examples of appropriate charges that might be filed: Disturbing a School Assembly, Disturbing the Peace, Disorderly Conduct, or Malicious Mischief.

PREGNANT STUDENTS

The Fall River Public Schools wishes to preserve educational opportunities for those students who may become pregnant and/or take on parenting responsibilities.

Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.

The Fall River Public Schools does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school.

Every effort will be made to see that the educational program of the student is disrupted as little as possible; that health counseling services, as well as instruction, are offered; that return to school after leave is encouraged; and that every opportunity to complete high school is provided.

LEGAL REFS.: M.G.L. 71:84
 Title IX: 20 U.S.C. § 1681
 34 CFR § 106.40(b)

SEARCHES AND INTERROGATIONS

Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school committees and administrators. This authority may be exercised as needed in the interest of safeguarding children, their own property and school property.

Nevertheless, exercise of that authority by school officials places unusual demands upon their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

Searches by school officials of students' automobiles or the student will be conducted in a way that protects the students' rights consistent with the responsibility of the school district to provide an atmosphere conducive to the educational process.

Interrogations by Police

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. Therefore:

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or their designee will be present when possible. An effort will be made to contact the student's parent or guardian so that the responsible individual may be notified of the situation.
2. If custody and/or arrest are involved, the Principal will request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officials.

SOURCE: MASC February 2019

Approved by FRSC 10.19.20

STUDENT COMPLAINTS AND GRIEVANCES

The School Committee recognizes that there may be conditions in the school district that are in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well-conceived and understood in advance, can do much to maintain harmonious relationships among the schools and the students and community. Every attempt will be made to seek a satisfactory solution to any concerns in a friendly and informal manner.

Students and their parents and/or guardians who believe that a student has received unfair treatment may bring forward their grievance through the appropriate channels. Appeals of disciplinary cases will be required to follow the district's policy on student discipline. Any applicable provisions of the Massachusetts General Laws or federal law will be followed by school officials in conducting hearings.

SOURCE: MASC February 2019

CROSS REF: JIC Student Discipline

CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

The School Committee believes that student activities are a vital part of the total educational program and should be used as a means for developing wholesome attitudes and good human relations and knowledge and skills. Therefore, the schools will provide a broad and balanced program of activities geared to the various ages, interests, and needs of students.

The following will serve as guides in the organization of student activities:

1. The schools will observe a complementary relationship to the home and community, planning activities with due regard for the widespread and rich facilities already available to students.
2. The assistance of parents in planning activity programs will be encouraged.
3. The goal for each student will be a balanced program of appropriate academic studies and activities to be determined by the school, the parents, and the student. This should be a shared responsibility.
4. Guidance will be offered to encourage participation of all students in appropriate activities and to prevent over-emphasis on extracurricular activities at the cost of academic performance.
5. All activities will be supervised; all clubs and groups will have a faculty advisor.

LEGAL REF.: M.G.L. 71:47
603 CMR 26:06
MIAA Requirements

STUDENT ORGANIZATIONS

Student Organizations

Student organizations in the District shall be encouraged when they meet the criteria of contributing to student self-esteem and performance and should operate within the framework of state statutes, School Committee policies, and administrative procedures.

Each building Principal shall develop general guidelines for the establishment and operation of student organizations within the particular school. Among other provisions, such guidelines shall require the approval of the Principal prior to the formation of any club or organization in the school and the assignment of at least one faculty or designated adult advisor to each approved student organization. Within such guidelines will be provisions for a periodic review of all student organizations.

The formation of any student organization that may engage in activities of a controversial nature shall require approval by the principal and superintendent.

All student organizations shall be required to open membership to all interested and/or eligible students. Disruptive groups, secret societies, and/or gangs shall not receive recognition in any manner under this policy.

All forms of hazing in initiations shall be prohibited in a student organization. No initiation shall be held for a student organization which will bring criticism to the school district or be degrading to the student.

The faculty or designated adult advisor must attend every meeting of the student organization whether conducted on school premises or at another location.

Student Organizations - High Schools

In addition to the above requirements, all clubs or organizations at the high school level will relate to the subject matter covered by the curriculum. The Principal is responsible for determining that the purpose of a student organization is related to the curriculum. The Principal is authorized to deny requests by unauthorized student organizations desiring to meet or form in a particular school, the Principal shall inform the group of the reasons for the denial. The students and/or group may submit a written request to the appropriate District administrator for review of the Principal's decision.

SOURCE: MASC February 2019

CROSS REF: JICF, Gang Activities/Secret Societies

LEGAL REF.: 603 CMR 26.00

STUDENT ACTIVITY ACCOUNTS

Student funds may be raised to finance the activities of authorized student organizations. Student activity funds are considered a part of the total fiscal operation of the District and are subject to policies established by the School Committee and the Office of the Superintendent. The funds shall be managed in accordance with sound business practices, which include accepted budgetary and accounting practices.

In compliance with Massachusetts General Law Chapter 71, Section 47, the School Committee:

1. Authorizes the Principals to accept money for recognized student activity organizations, which currently exist, or as from time to time may be revised.
2. Authorizes the City Treasurer to establish and maintain a Student Activity Agency Account(s) which is to be audited as part of the City's annual audit. The interest that is earned on such accounts shall be maintained in the Agency Account and distributed annually among the Student Activity Checking Accounts as directed by the regulations established by School Committee policy.
3. Authorizes Student Activity Checking Accounts for use by the Principals with specific maximum balances established for each school by School Committee policy.
4. Directs Principals to provide the Treasurer with a bond in an amount agreeable to the Treasurer.

For accounts with limits that exceed \$25,000.00, the Massachusetts Dept. of Elementary and Secondary Education recommends that districts consider an audit conducted by an outside accounting firm every two to three years.

CONTESTS FOR STUDENTS

The schools may cooperate with community organizations and agencies desiring to sponsor activities in the District when they keep with the purposes and educational aims of the school. Such activities must be integrated into the school program without disruption or loss of instructional time for students and without imposing an unreasonable added workload on school staffs. Involvement in contests shall be approved by the appropriate administrator.

STUDENT OVERNIGHT TRAVEL

All student trips which include late night or overnight travel defined as travel between midnight and 6:00 am) must have prior approval of the School Committee. Initial approval by the School Committee is required before engaging students in fundraising activities. The School Committee will also consider the educational value of the trip in relation to the cost prior to granting initial approval. Overnight trips should offer significant educational benefits to students that clearly justify the time and expense of the trip. Such trips should be appropriate for the grade level.

Final approval will not be granted until all preparations for the trip have been completed including, but not limited to, all logistical details involving transportation, accommodation arrangements and fundraising efforts. The School Committee requires that final approval be sought no less than 30 days prior to the scheduled trip dates.

Teachers and other school staff are prohibited from soliciting for privately run trips through the school system and in the schools. The School Committee will only review for approval school-sanctioned trips. The School Committee will not review or approve trips that are privately organized and run without school sanctioning.

CROSS REFS.: IJOA, Field Trips

LEGAL REFS.: Chapter 346 of the Acts of 2002 (et al) approved on October 9, 2002
M.G.L. 69:1B; 71:37N

STUDENT TRAVEL REGULATIONS

1. Transportation

The use of vans or private automobiles for trips planned to include late night or overnight student travel is prohibited. Late night or overnight trips will use commercial motor coaches.

Trips planned to include late night or overnight student travel will include a pre-trip check of companies, drivers, and vehicles. CORI and/or background checks will be conducted in accordance with Massachusetts General Laws and School Committee Policy.

The Superintendent or designee will ensure that the selected carrier is licensed for passenger transportation by the Federal Motor Carrier Safety Administration (FMCSA). The district will not contract with any carrier that has a safety rating of “conditional” or “unsatisfactory”. FMCSA ratings are available at <https://ai.fmcsa.dot.gov/SMS/>.

The contract with the carrier will prohibit the use of subcontractors unless sufficient notice is given to the district that allows verification of the subcontractor’s qualifications.

2. Trip Scheduling

Overnight accommodations should be made in advance with student safety and security in mind. Whenever possible, trip schedulers should avoid planning student travel between the hours of midnight and 6:00 a.m., due to the increased risk of vehicular accidents during this time period.

Whenever possible, overnight trips should be scheduled on weekends or during school vacations to minimize lost classroom time. Non-academic field trips are considered “optional school programs” and do not count toward meeting structured learning time requirements. (Refer to the Massachusetts Dept. of Elementary and Secondary Education publication Student Learning Time Regulations Guide)

Trip itineraries must leave enough time for drivers to rest in conformity with federal hour-of-service requirements and common sense.

Trip scheduling should take into account the likelihood of delays due to weather, traffic, stragglers, and other unanticipated factors.

If substantially all members of a class are participating in a trip, the school should provide appropriate substitute activities for any students not participating.

3. Fundraising

The amount of time to be devoted to fundraising should be reasonable and commensurate with students’ obligations for homework, after-school activities, and jobs.

Group fundraising activities are preferred. Students should not be assigned individual fundraising targets.

Additional Resources

Federal Motor Carrier Safety Administration (FMCSA)

www.fmcsa.dot.gov

United Motorcoach Association – Student Motorcoach Travel Safety Guide (includes “Motorcoach Safety Checklist)

www.uma.org/consumer/student-transportation/

Department of Defense’s approved list of motor carriers

www.defensetravel.dod.mil/Docs/BusAgreementPOCs.pdf

SOURCE: MASC February 2019

CROSS REFS.: IJOA, Field Trips
ADDA Background Checks

LEGAL REFS.: M.G.L. 69:1B; 71:37N; 71:38R
603 CMR 27.00

INTERSCHOLASTIC ATHLETICS

The School Committee believes that students will benefit from the experiences in self-discipline and team effort made possible through participation in inter-school sports.

Participation in interscholastic athletics will be subject to approval by the School Committee and will be in accordance with regulations and recommendations of the Massachusetts Interscholastic Athletic Association.

At the high school level, interscholastic athletic competition will include a variety of sports. Students will be allowed to participate in individual sports on the basis of their abilities and desire. Additionally, intramural athletic activities will be offered as an outgrowth of class instruction in physical education.

The School Committee is aware that team participation in athletic contests by members of the student body requires that "away games" be scheduled. It also recognizes that there is a need to regulate certain aspects of student participation in such contests. Therefore, the Superintendent will establish regulations to ensure the safety and well being of students and staff members who participate in these activities.

LEGAL REFS.: M.G.L. 71:47; 71:54A
603 CMR 26.06

CROSS REFS.: AC, Nondiscrimination (and subcodes)

STUDENT CONDUCT

The Massachusetts General Laws require the School Committee to adopt written policies, rules and regulations not inconsistent with law, which may relate to study, discipline, conduct, safety and welfare of all students, or any classification thereof, enrolled in the public schools of the District.

The implementation of the general rules of conduct is the responsibility of the Principal and the professional staff of the building. In order to do this, each school staff in the District shall develop specific rules not inconsistent with the law nor in conflict with School Committee policy. These building rules shall be an extension of the District policies by being more specific as they relate to the individual schools.

The purpose of disciplinary action is to restore acceptable behavior. When disciplinary action is necessary, it shall be administered with fairness and shall relate to the individual needs and the individual circumstances.

Students violating any of the policies on student conduct and control will be subject to disciplinary action. The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these policies. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

If a situation should arise in which there is no applicable written policy, the staff member shall be expected to exercise reasonable and professional judgment.

SOURCE: MASC October 2014

LEGAL REFS: M.G.L. [71:37H](#); 71:37H ½; 71:37H ¾; 71:[37L](#); [76:16](#); 76:[17](#);
603 CMR 53.00

CORPORAL PUNISHMENT

State law provides that:

The power of the School Committee or of any teacher or other employee or agent of the Committee to maintain discipline on school property shall not include the right to inflict corporal punishment upon any student.

Established by law

LEGAL REF.: M.G.L. 71:37G

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.

"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

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:

- 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.

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)

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.

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

FALL RIVER PUBLIC SCHOOLS "The Scholarship City"

417 Rock Street, Fall River, MA 02720

Maria Pontes
Superintendent

Lori Obenchain
Assistant Superintendent of Special Education

File: JKAA-E

PHYSICAL RESTRAINT FORM

Name of Student _____ SASID _____ Gender _____

Date: _____ School _____

Time Restraint began: _____ Time restraint ended _____ Subject/Period _____

Name and Job Title of person(s) performing restraint _____

Name and Job Title of witnesses: _____

Name of administrator who was verbally notified following restraint: _____

Parent notified (date, time, and manner of notification): _____

Student has an IEP: Yes No

Student has a 504 plan: Yes No

Description of activity which took place prior to restraint and behavior which prompted restraint, including justification for initiating restraint:

What efforts were made to de-escalate the situation and what alternatives to restraint were attempted?

Describe the type of restraint administered, why it was chosen and how the student acted during the restraint:

Describe how the restraint ended:

Were there any injuries to student or staff?

If an injury took place, please describe the nature of the injury and any care provided. (Attach a copy of accident report where appropriate):

To be completed for extended restraints only (those in excess of 20 minutes.)

- 1) What alternatives were attempted, and what were the outcomes of those efforts.
- 2) Describe the justification for administering extended restraint:

Name of administrator who approved restraint beyond 20 minutes: _____

Explain the outcome or resolution of this incident and additional actions the school is taking:

Opportunities for student's parents to discuss restraint

Name and title of person preparing this report _____

Date Sent: _____

CC: Parent/Guardian, Principal, Special Needs Supervisor

STUDENT WELFARE

Supervision of Students

School personnel assigned supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except when an arrangement has been made to take care of an emergency.

During school hours or while engaging in school-sponsored activities, students will be released only into the custody of parents or other persons authorized in writing by a parent or guardian.

Reporting to Authorities - Suspected Child Abuse or Neglect

Any school official or employee shall report any suspected child abuse or neglect as required by M.G.L. Ch. 119, S 51A.

In accordance with the law, the District shall establish the necessary regulations and procedures to comply with the intent of the Act consistent with the District's responsibility to the students, parents, District personnel, and the community.

Student Safety

Instruction in courses in industrial arts, science, homemaking, art, physical education, health, and safety will include and emphasize accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work, and instructors will teach and enforce all safety rules set up for the particular courses. These include the wearing of protective eye devices in appropriate activities.

Safety on the Playground and Playing Field

The District shall provide safe play areas. Precautionary measures, which the District requires, shall include:

- A periodic inspection of the school's playground and playing fields by the Principal of the school and others as may be deemed appropriate;
- Instruction of students in the proper use of equipment;
- Supervision of both organized and unorganized activity during the school day while school is in session.

Fire Drills and reporting

The District shall cooperate with appropriate fire departments in the conduct of fire drills. The Principal of any public or private school, containing any of grades 1 to 12, shall immediately report any incident of unauthorized ignition of any fire within the school building or on school grounds, to the local fire department. Within 24 hours, the Principal shall submit a written report of the incident to the head of the fire department on a form furnished by the Department of Fire Services. The Principal must file this report whether or not the fire department responded.

LEGAL REFS: MGL 71:37L; 148:2A

STUDENT INSURANCE PROGRAM

A noncompulsory accident insurance plan totally administered by an insurance company may be made available to students. The District does not assume any responsibility regarding service, claims, or other matters relating to the insurance program.

All students participating in competitive athletics shall be required to be covered by a medical insurance plan.

STUDENT HEALTH SERVICES AND REQUIREMENTS

The School Committee, being aware of the relationship of health to the total educational process, realizes its responsibility to protect and improve the health of students.

Of necessity, health services provided by the school system shall be limited largely to detection and prevention of health problems and emergency care.

Immunization Requirements

All children upon entry into the school system, unless exempt by law, shall present a physician's certificate attesting to immunization as required by the Massachusetts Department of Public Health.

Physical Examinations

Physical examinations shall be required of all children in accordance with Massachusetts Department of Public Health requirements. A completed TB risk Assessment Questionnaire is also required at the time of registration.

Screenings

The school system shall arrange for screenings for hearing, vision, height, weight, body mass index, postural, and dental, according to the guidelines set by the Massachusetts Department of Public Health.

Lead Screening

Prior to entry into pre-school or kindergarten, physician documentation of a lead test is required.

LEGAL REF.: M.G.L. 71:53; 54; 54A; 54B; 55; 55A; 55B; 56; 57
M.G.L. 76:15, 15C, 15D
M.G.L. 111:3, 5, 6, 7, 57
105 CMR 200.00
105 CMR 220.00

CROSS REF.: EBB, First Aid

IMMUNIZATION OF STUDENTS

Students entering school for the first time, whether at kindergarten or through transfer from another school district, will be required to present a physician's certificate attesting to immunization against communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interests of the child, or by the student's parent or guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent/guardian.

SOURCE: MASC August 2020

LEGAL REF.: M.G.L. 76:15

CROSS REF.: JF, School Admissions

Note: Due to the COVID-19 pandemic, The Commonwealth of Massachusetts has updated the Massachusetts School Immunization Requirements to include a documented seasonal dose of the Influenza Vaccine. This requirement will remain in effect until rescinded by the Governor.

Approved by FRSC 11.09.20

COMMUNICABLE DISEASES

The District is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities to students with disabilities under the law.

The School Committee recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases.

Management of common communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The District reserves the right to require a physician's statement authorizing the student's return to school.

The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy and accompanying administrative procedures. Decisions about the proper educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement.

In the event a student with a life-threatening communicable disease qualifies for services as a handicapped child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others.

In all proceedings related to this policy, the District shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific nature of the student's condition. The determination of those who need to know shall be made by the Superintendent.

SOURCE: MASC February 2019

LEGAL REF.: M.G.L. 71:55

Approved by FRSC 10.19.20

ADMINISTERING MEDICINES TO STUDENTS

The Fall River School Committee approves the following policy governing administration of medications by school department nurses in the schools under its jurisdiction in accordance with Massachusetts Department of Public Education regulations.

The goal is to ensure that students requiring prescription medication during the school day will be able to attend school and to ensure that prescription medications are safely administered in school.

Consistent with this law, it shall be the responsibility of the school nurse to manage the total medication administration program.

These regulations require that the following forms must be on file in the student's health record:

- A signed consent by the parent or legal guardian to give the medication
- A signed medication order form from a licensed prescriber which is renewed at the beginning of each academic year and as needed.

Medications should be brought to the school by a parent/guardian or designated responsible adult in a pharmacy or manufacture-labeled container and sealed in the pharmacy bag as dispensed by the pharmacy.

No over-the-counter medication, including aspirin or Tylenol, will be given in school without the required signed medication forms.

It is recommended that medication be administered at home. However, students who must receive medication during the school day are required to comply with the above recommendations.

Delegation/Supervision: The Massachusetts Department of Public Health has given approval for "limited delegation" for unlicensed school personnel, as designated by the school nurse, to administer prescribed medication(s) in limited situations. i.e. field trips and administration of prescribed Epinephrine by auto-injection.

Following consultation with the school nurse, students who fall into the following exceptions may self-administer medications:

1. Students with asthma or other respiratory diseases may possess and administer prescription inhalers.
2. Students with cystic fibrosis may possess and administer prescription enzyme supplements.
3. Students with diabetes may possess and administer glucose monitoring tests and insulin delivery systems.

LEGAL REF.: M.G.L. 71:54B
Dept. of Public Health Regulations: 105 CMR 210.00

GUIDANCE PROGRAM

Guidance is defined as helping individuals understand themselves in the light of their abilities, aptitudes, interests, attitudes, strengths and limitations. This process should assist students in the development of their potential; their decisions relating to personal, educational, and vocational matters, and also in becoming capable of mature self-guidance.

The school system's guidance program will be based on this definition and developed from these broad fundamental principles:

1. Individuals are different from one another in their capabilities, aptitudes, interests, needs, goals, desires and values.
2. Conditions may be improved. Equality of educational opportunity will benefit the individual and society.
3. Guidance is a continuous and developmental process. Every experience of the individual influences his performance in some way.
4. Guidance does not propose to program an individual's course of action but rather tries to assist him in arriving at his own satisfactory solutions.

Guidance services will include: educational guidance; testing programs; occupational, career, and higher education assistance and information; study aids; consultation services; and personal developmental guidance as needed. These services will be available to all students.

While some of the problems of the individual may relate to behavior and consequently entail guidance on behavior, student discipline will not be a regular function of guidance personnel.

LEGAL REFS.: M.G.L. 71:38A through 71:38F; 71:46G
603 CMR 26.04

Approved by FRSC 10.19.20

GUIDANCE PROGRAM

Guidance Counselors and other personnel shall represent to the students a broad spectrum of education and career opportunities. Race, color, sex, national origin, disability, sexual orientation and religion shall not be considered as limiting factors in career determination.

Career awareness programs and other occupational information shall include representatives of both sexes and of minority group members in a broad variety of occupational roles. Schools shall not permit materials including pictorial representations to be used to recruit students for employment, including training, that contain a preference of individuals of particular race, color, sex, religion, disability, sexual orientation or national origin. Any pictorial representation in such materials, in the aggregate, shall depict members of both sexes and of minority groups.

No material or tests shall be employed for guidance purposes which discriminate and/or limit choices on the basis of race, color, sex, religion, disability, sexual orientation or national origin.

LEGAL REFS.: M.G.L. 71:38A through 71:38F; 71:46G
 603 CMR 26.04

STUDENT SAFETY PROTOCOL

Students and staff have a right to expect that they will attend school in safety. In today's society violence has unfortunately become too common. The Fall River Public School Department affirms, that violence of any sort will not be tolerated in our schools.

The policy and protocol that follows defines the actions to be taken when a student commits a violent act, or threatens to do so. In addition to any school wide intervention indicated in this policy any cases involving a criminal offense will result in immediate police notification.

It is also recognized that individuals who may be at high risk for perpetrating violence, but have not as yet demonstrated actual violent behavior, need to be identified and referred for appropriate assistance. As such, this policy will also address a sequence of appropriate mental health interventions for those who may be so identified.

This protocol will address actual acts of violence as well as signs that may suggest the potential for violent acts. It is divided into the following sections:

Individuals Identified as High Risk for Violence, Risk/Threat of Suicide, Threats of Violence, Fighting and/or Assault, Possession of a Weapon and/or facsimile.

Violence should never be tolerated but common sense must also prevail. In those cases where a Principal/Vice Principal is uncertain as to the appropriateness of a disciplinary response, Central Administration or the Office of Student Services is always available for consultation. In such cases, Central Administration or the Student Services Office will assist the Principal/Vice Principal, in rendering a decision. The final decision will belong to the Principal/Vice Principal.

It is important to note that all interventions made by school personnel as outlined in this policy must be fully documented and placed in a student's temporary record.

In addition to the specifications so indicated in this policy, all students with special needs are subject to federal and state regulations that govern the discipline of special needs students. These regulations are available in the special needs office and will be provided to all schools.

STUDENT GIFTS AND SOLICITATIONS

Because of the embarrassment that might result among children, students will be discouraged from giving gifts to classroom teachers and other school personnel. For the same reason, there will be no formal exchange of gifts between students in the classroom.

Solicitation of funds for charitable purposes from students of the school system will be made only as approved by the Superintendent or designee.

Any organization desiring to distribute flyers or other materials to students in connection with fund drives may do so only with the approval of the Superintendent or designee.

CROSS REFS.: GBEB, Staff Gifts and Solicitations
 JJE, Student Fund-Raising Activities
 KHA, Public Solicitations in the Schools
 KHB, Advertising in the Schools

STUDENT FEES, FINES, AND CHARGES

The School Committee recognizes the need for student fees to fund certain school activities. It also recognizes that some students may not be able to pay these fees. No student will be denied access into any program because of inability to pay these supplementary charges.

A school may exact a fee or charge only upon School Committee approval. The schools, however, may:

Charge students enrolled in certain courses for the cost of materials used in projects that will become the property of the student.

Charge for lost and damaged books, materials, supplies, and equipment.

Students who are indigent are exempt from paying fees. However, indigent students are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment.

All student fees and charges, both optional and required, will be listed and described annually in each school's student handbook or in some other written form and distributed to each student. The notice will advise students that fees are to be paid and of the penalties for their failure to pay them. Permissible penalties include the withholding of report cards until payment is made or denial of participation in extra class activities while the student is enrolled in this District.

Any fee or charge due to any school in the District and not paid at the end of the school year will be carried forward to the next succeeding school year, as such debts are considered to be debts of the student to the District and not to a particular school.

STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the school district to maintain extensive and sometimes personal information about them and their families. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian and/or the student in accordance with law, and yet be guarded as confidential information.

The Superintendent will provide for the proper administration of student records in keeping with state and federal requirements, and shall obtain a copy of the state student records regulations. The temporary record of each student will be destroyed no later than seven years after the student transfers, graduates or withdraws from the School District. Written notice to the eligible student and their parent/guardian of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following their graduation, transfer, or withdrawal from the school district.

The Committee wishes to make clear that all individual student records of the school district are confidential. This extends to giving out individual addresses and telephone numbers.

LEGAL REFS: Family Educational Rights and Privacy Act of 1974,
 P.L. 93-380, Amended
 P.L. 103-382, 1994
 M.G.L. 66:10; 71:34A, B, D, E, H
 603 CMR 23.00

SOURCE: MASC February 2019

CROSS REF: KDB, Public's Right to Know

Approved by FRSC 10.19.20

RELEASE OF INFORMATION ON STUDENTS

Dear Parent,

This notice is to inform you that Chapter 603 CMR 23.00 of the Dept. of Elementary and Secondary Education has been promulgated to insure parents' and students' rights of confidentiality, inspection, amendment and destruction of student records, and to assist local school systems in adhering to the law. Copies of 603 CMR 23.00 are available upon request from your school. In general, these regulations protect the confidentiality of student records and restrict access to such records except for authorized school personnel and approved third parties such as Federal and State authorities, as so specified. In addition parents should take notice of the following information:

According to Chapter 603 CMR 23.00:

1. A school may release a student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans without the consent of the eligible student or parent. Parents/students who wish to restrict any of the information above must do so by indicating such, in writing, to the building Principal.
2. A school may release student names and addresses to regional vocational schools, county agricultural schools, post secondary schools, recruiters for the Armed Forces or school alumni organizations, without parental consent. Parents/students who wish to restrict access to such information must do so by indicating such, in writing, to the building Principal.
3. Parental consent is not required to forward a transferring student's records to a new school. Also, section 37L of G.L c.71 requires the transferring school to provide the new district with a "complete school record" including "any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act."
4. The following standardized testing programs will take place in the Fall River Schools this year:
Massachusetts Comprehensive Assessment System (MCAS) in grades _____, and __; Iowa Test of Basic Skills in grades ____; ACT Explore test in grade 9; reading and mathematics basic skills assessment in grade _____; and the Language Assessment System Test (LAS) in bilingual classes in grades 2 through 12 annually.

If you have any additional questions please feel free to contact your building Principal for additional information.

Sincerely,

Superintendent of Schools

STUDENT PHOTOGRAPHS

Individual schools may arrange, in cooperation with the school's parent organization, student council, designated student committee, or a staff committee, to take individual student and/or class group pictures.

Individual and/or class group pictures may be taken at the school facility and during the regular school day hours. The pictures shall be made available for purchase by students and/or parents/guardians on a voluntary basis. The building Principal or their designee shall have final authority in authorizing the picture-taking program and will be responsible for overseeing the process.

Students may be required to have an individual picture taken for the cumulative file or identification purposes; however, no student shall be pressured or required to purchase photographs.

The purpose of the policy is to:

Enhance the safety of students through visual identification in an emergency situation.

Facilitate the social, educational, and administrative activities conducted in the school.

Provide a service to parents/guardians and students.

Allow the profits gained from the picture-taking program to be used by the sponsoring group and authorized by the building Principal.

LEGAL REF.: M.G.L. 30B:1(b)(31)

SOURCE: MASC February 2019

Approved by FRSC 10.19.20

SECTION K

COMMUNITY RELATIONS

KA	SCHOOL/COMMUNITY RELATIONS GOALS
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KBBA	NON-CUSTODIAL PARENTS' RIGHTS
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SCHOOL/COMMUNITY RELATIONS GOALS

The School Committee believes that the District is an integral part of the community and that community support is necessary for the District's operation and achievement of excellence. The School Committee and District staff members recognize that community support is based on a mutual exchange, a dynamic process in which the District contributes to the community's success and, in turn, benefits from the community's resources.

In order to maintain productive relationships with the community, the District is committed to sustaining:

Effective, accurate, and meaningful communications that facilitate dialogue, encourage involvement in District programs, and create community advocacy for its public schools.

Volunteer programs that provide mutually enriching experiences for our students, staff, and community volunteers.

Recognition programs that publicly honor the contributions of our students, employees, and community partners and express pride in our individual and collective accomplishments.

Community service efforts which enable the District's staff and students to express their commitment to the community.

PARENT/COMMUNITY INVOLVEMENT POLICY STATEMENT

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 communication 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
- Providing support and coordination for school staff and parents to implement and sustain meaningful parent involvement from preschool through grade twelve
- Utilizing schools to connect students and families with community resources that provide educational enrichment and support.

The Importance of Parent Involvement

As stated above, the Fall River Public School Department believes that parent 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 partnerships 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 and efficient fashion.

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 Parental Concerns

Contact with those individuals who work most directly with a student should always be the first course of action should a concern 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 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.

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.

NON-CUSTODIAL PARENTS' RIGHTS

As required by Massachusetts General Law Chapter 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Dept. of Elementary and Secondary Education Regulations. The school district will follow the law and the regulations developed by the Massachusetts Dept. of Elementary and Secondary Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents").

As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

- (a) A non-custodial parent is eligible to obtain access to the student record unless the school or district has been given documentation that:
 1. The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
 2. The parent has been denied visitation, or
 3. The parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
 4. There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).
- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
- (d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).
- (e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
- (f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

LEGAL REF.: M.G.L. 71:34D; 71:34H
603 CMR 23.07 (5) Access Procedures for Non-Custodial Parents
20 U.S.C. §1232g Family Education Rights and Privacy Act (FERPA)

COMMUNITY INVOLVEMENT IN DECISION-MAKING

The School Committee endorses the concept that community participation in the affairs of the schools is essential if the school system and the community are to maintain mutual confidence and respect and work together to improve the quality of education for students. It therefore intends to exert every effort to identify the desires of the community and to be responsive, through its actions, to those desires.

All citizens will be encouraged to express ideas, concerns, and/or questions about the schools to the school administration, to any appointed advisory bodies, and to the Committee.

Residents who are specially qualified because of interest, training, experience, or personal characteristics, will be encouraged to assume an active role in school affairs. From time to time, these people may be invited by the Committee to act as advisors, either individually or in groups.

The Committee and the staff will give substantial weight to the advice they receive from individuals and community groups interested in the schools, particularly from those individuals and groups they have invited to advise them regarding specific problems, but will use their best judgment in arriving at decisions.

CROSS REF.: BDF, Advisory Committees to the School Committee

PUBLIC GIFTS TO THE SCHOOLS

The Superintendent will have authority to accept gifts and offers of equipment for the schools in the name of the Committee when the gift is of educational value. In the case of gifts from industry, business, or special interest groups, no extensive advertising or promotion may be involved in any donation to the schools.

Gifts that would involve changes in school plants or sites will be subject to School Committee approval.

Gifts will automatically become the property of the school system. Any gift of cash, whether or not intended by the donor for a specific purpose, will be accepted by vote of the School Committee, handled as a separate account and expended at the discretion of the Committee, as provided by law.

The Committee directs the Superintendent to assure that an appropriate expression of thanks is given all donors.

SOURCE: MASC October 2016

LEGAL REF.: M.G.L. [71:37A](#)

PUBLIC'S RIGHT TO KNOW

The School Committee is a public servant, and its meetings and records will be a matter of public information except as such meetings and records pertain to individual personnel and other classified matters.

The School Committee supports the right of the people to know about the programs and services of their schools and will make every effort to disseminate information. All requests for information will be acted on fairly, completely and expeditiously.

All commonly available public record documents of the School District shall be posted on the district's website. The length of time such records shall remain posted on the district website shall be in accordance with the Municipal Record Retention Manual. In addition, the official minutes of the Committee, its written policies and regulations, and its financial records will be open for inspection at the office of the Superintendent by any citizen desiring to examine them during hours when the office is open. No records pertaining to individual students or staff members will be released for inspection by the public or any unauthorized persons by the Superintendent or other persons responsible for the custody of confidential files. The exception to this will be information about an individual employee (or student) that has been authorized in writing for release by the employee (or student, or student's parent).

Each building administrator is authorized to use all means available to keep parents and others in the particular school's community informed about the school's program and activities.

SOURCE: MASC October 2016

LEGAL REFS.: M.G.L. [4:7](#); [66:10](#); [30A:18-25](#)

CROSS REFS.: [BEDG](#), Minutes

[GBJ](#), Personnel Records

[JRA](#), Student Records

NEWS MEDIA RELATIONS/NEWS RELEASES

Every effort will be made to assist the press and other communications media to obtain complete and adequate coverage of the programs, problems, planning, and activities of the school system.

All representatives of the media will be given equal access to information about the schools. General releases of interest to the entire community will be made available to all the media simultaneously. There will be no exclusive releases except as media representatives request information on particular programs, plans or problems.

In order that school system publicity is given wide coverage and is coordinated into a common effort and purpose, the following procedures will be followed in giving official information to the news media:

1. The School Committee chairman will be the official spokesman for the Committee, except as this duty is delegated to the Superintendent.
2. News releases that are of a system-wide or a sensitive nature or pertain to established Committee policy are the responsibility of the Superintendent.
3. News releases that are of concern to only one school, or to an organization of one school, are the responsibility of the Superintendent or designee of that particular school. All statements made to the press by other staff members of the particular school must be cleared with the Superintendent or designee.

While it is impossible to know how news releases will be treated by the press, every possible effort should be made to obtain coverage of school activities that will create and maintain a dignified and professionally responsible image for the school system.

SOURCE: MASC

PUBLIC COMPLAINTS

Although no member of the community will be denied the right to bring their complaints to the Committee, they will be referred through the proper administrative channels for solution before investigation or action by the Committee. Exceptions will be made when the complaints concern Committee actions or Committee operations only.

The Committee believes that complaints are best handled and resolved as close to their origin as possible, and that the professional staff should be given every opportunity to consider the issues and attempt to resolve the problem prior to involvement by the Committee. Therefore, the proper channeling of complaints involving instruction, discipline or learning materials will be as follows:

1. Teacher
2. School building administrator
3. Superintendent
4. School Committee

If a complaint, which was presented to the Committee and referred back through the proper channels, is adjusted before it comes back to the School Committee, a report of the disposition of the matter will be made to the Committee and then placed in the official files.

Complaints about school personnel will be investigated fully and fairly. Anonymous complaints will be disregarded.

Matters referred to the Superintendent and/or School Committee must be in writing and should be specific in terms of the action desired.

The Committee expects the professional staff to receive complaints courteously and to make a proper reply to the complainant.

SOURCE: MASC October 2016

LEGAL REFS.: MG.L. [76:5](#)

603 CMR [26.00](#)

USE OF SCHOOL FACILITIES

Principals may approve the use of their own school's sponsored events on their own facilities/property. This should be done in concert with the person acting as the use of facilities coordinator for the district, to avoid conflicts with scheduled building use. Any use of facilities, equipment, or property shall not interfere with the regular educational activities or business of the school. The principal, or the designated facilities' coordinator shall be responsible for safeguarding the school property, facilities and equipment for any of the activities that they schedule for the school, and enforcing any applicable school department rules. The principal or the facilities' coordinator, (in other words, the person "booking" the event), is responsible for the collection of any fees or payments, the execution of any appropriate forms, and informing the user(s) of any applicable rules.

1. Use of facilities for a charge. Use of facilities may be permitted by community or non community
2. groups or organizations for non-school activities on a specific, temporary, or short term arrangement. Such use is based on the following terms and conditions:
 - A. The payment for the use of facilities is based on the schedule in section 3.
 - B. School Committee approval (based on recommendations by the Superintendent and principal) will be required for continuous or repetitive use lasting more than six months.
 - C. Sufficient supervision and adequate custodial services for the school facility will be determined by the principal or facility coordinator.
 - D. The use of the cafeteria shall require the principal's approval. The use of food service facilities shall require that the kitchen be operated under the supervision of a School Department/ Nutrition Department employee.
 - E. Fall River Public Schools should not bear the cost associated with the use of schools by any outside group.
 - F. All artificial turf fields have a minimum cost with any usage not directly associated with the Fall River Public Schools.
3. Use of facilities at a reduced charge or at no charge. The Superintendent may authorize the use of facilities at a reduced charge or without charge, except for any charges associated with supervision or clean-up. Groups wishing to appeal for a reduced or waived charge will submit a written appeal with the rationale for their eligibility. The decision about the eligibility of the user for a reduced or waived charge will rest with the superintendent or designee. Examples of eligible groups include:
 - A. Non Profit groups operating or sponsored within the community, providing they are properly supervised. Use of schools agreements may be executed with these types of organizations for individual schools or a group of schools, subject to related costs and the availability of facilities.
 - B. The Supervisor of Elections for voting precincts in any elections, providing the election does not interfere with the regular school operations.
 - C. Any government or community agency specifically approved by the School Committee as being in the public interest, subject to the availability of facilities.
4. Fees: The amount of rental fees or usage charges will be based on a schedule of fees approved by the School Committee upon the recommendation of the Superintendent and such rates will be periodically reviewed and revised.
5. Payment of Required Fees: The fees, as specified in section 3 or as modified by agreement with the superintendent, shall be paid per invoice for the use of facilities. Reimbursement for custodial, supervisory, or other required services, or for any damages to the facility or any equipment shall be paid within 10 days of the billing. Checks should be made payable to: Fall River Public Schools.

6. Liability and Insurance Coverage: Any organization utilizing school facilities shall:
 - A. Agree to hold the School Committee harmless from any liability which may accrue to the School Committee as a result of the use.
 - B. Provide proof of general liability insurance coverage in the amount of at least one million dollars (\$1,000,000.00) naming Fall River Public Schools and the Fall River School Committee as additional insured(s).
 - C. Execute an indemnity agreement as prescribed by the superintendent.
7. Prohibited Uses of Facilities: School property, facilities or equipment shall not be used for the following purposes:
 - A. Any event or program involving any gambling or any other illegal activity.
 - B. Private teaching for fees or for personal gain, unless specifically approved in advance by the School Committee.
 - C. Any program in violation of local or state statutes regarding the use of the facility.
8. Provisions: The following provisions will apply:
 - A. Restrooms will be made available for organizations arranging for the indoor use of facilities. In the case of outdoor/ field rental, the organization will be responsible for any outdoor equipment (i.e. portable bathrooms, etc.) unless otherwise written in the agreement.
 - B. Any organization or group using a school facility will be responsible for notifying any appropriate public health agencies prior to any event involving the preparation for sale of food and /or beverages.
 - C. In any case where the principal or superintendent feel an event may be a source of controversy, they may require that the group to present their request for the use of the facility at a regular meeting of the School Committee for their consideration and approval.

There are specific conditions accompanying the use of some facilities which are required to be accepted in order to be allowed the use of those facilities. Those conditions will be listed separately per agreement and state within that agreement which rights or privileges are specifically included or excluded with each agreement and facility. Examples of such inclusion or exclusions may include use of specific rooms or areas, as well as the access to technology or light and sound equipment. Use of such items, services, or areas may be available under a separate agreement and separate fees or charges may apply.

PUBLIC SOLICITATIONS IN THE SCHOOLS

The Superintendent or designee will place limits on commercial activities and fund-raising activities in the schools for the following reasons:

1. The school system should provide students, parents, and employees some measure of protection from exploitation by commercial and charitable fund-raising organizations.
2. The school system should not give the public the impression of generally endorsing or sanctioning commercial and fund-raising activities.
3. Commercial and fund-raising activities may disrupt school routine and cause loss of instructional time.

Following these guiding statements, the Superintendent and Principals may permit occasional commercial or fund-raising activities related to the objectives of the schools with the following exceptions:

1. No direct solicitation of students or employees may take place without School Committee permission.
2. No general or class distribution of commercial or fund-raising literature may take place without Superintendent or designee permission.

For the purposes of this policy, local PTA and PTO groups and groups representing school system employees will be considered "school groups" and will be governed by the Committee's policy on staff solicitations.

LEGAL REF.: M.G.L. 44:53A

CROSS REFS.: GBEC, Staff Gifts and Solicitations
JJE, Student Fund-Raising Activities
JP, Student Gifts and Solicitations
KHB, Advertising in the Schools

ADVERTISING IN THE SCHOOLS

This policy should define the conditions where commercial messages and advertisements may be placed in school facilities or on school property, and to create guidelines for the acceptable content and placement of such materials. Fall River Public Schools preserves its rights and its discretion to restrict access to the school facilities and property. The district may reject or refuse placement, or require removal of any or all commercial messages or advertisements that do not comply with the guidelines. Fall River Public Schools reserves and will exercise the right of full editorial control over the placement, content, size, appearance and wording, and may prohibit any commercial messages or advertisements that are inappropriate or inconsistent for the school facilities or school property.

School facilities and school properties are intended for the use of the Fall River Public Schools for the public purposes associated with education, athletic events, and any approved community activity or entertainment event. School facilities and property are not intended for or considered as a public forum. Groups or persons shall not have a right to access or use school facilities or property for any purpose without the consent of the Fall River Public Schools or School Committee. Placement of any advertisement or commercial messages in school facilities or on school property shall require specific written authorization from Fall River Public Schools or the School Committee.

Exceptions

This policy does not prohibit or require authorization for any of the following:

1. Manufacturer or seller identification, including any logos appearing on any materials or equipment in any facility or on any property.
2. Public service announcement or any announcement of future community events.

Product or vendor identifications in relation to authorizing merchandizing or vending operations conducted upon or about the school facilities or the school property under ownership and control by the Fall River Public Schools.

CROSS REF.: JP, Student Gifts and Solicitations
KHA, Public Solicitations in the Schools

LEGAL REF.: Fall River City Ordinance Section 46-2 (a), (b), (c)

VISITORS TO THE SCHOOLS

The School Committee welcomes parents and guests to visit classrooms to observe and learn about the instructional programs taking place in our schools. Such visits can prove most beneficial in promotion of greater school-home cooperation and community understanding of how we carry out the school system's mission and goals.

Visits by parents to several classrooms in a given grade for the purposes of comparing teaching styles to provide a basis for a request for student assignment to a particular teacher are strongly discouraged because the School District's policy of assigning a student to a particular class is the sole responsibility of the building Principal in consultation with the staff of that school.

The following guidelines to classroom and school visits should be followed:

1. Parental requests for classroom visitations will be welcomed as long as the educational process is not disrupted. To this end we request that such requests be made at least forty-eight hours in advance to allow for proper arrangements to be made.
2. The building Principal has the authority to determine the number, times, and dates of observations by visitors. This will be done in consultation with staff members so as to give adequate notice to the staff members of the impending visits.
3. For security purposes it is requested that all visitors report to the Principal's office upon entering and leaving the building and sign a guest log showing arrival and departure times. Teachers are encouraged to ask visitors if they have registered in the Principal's office.
4. Under ordinary circumstances classroom observations will be strongly discouraged during the first three weeks of school in September and during the month of June.
5. Any student who wishes to have a guest in school MUST ask permission of one of the administrative staff 24 HOURS in advance of the proposed visit. If permission is granted, the guest is expected to follow the standards of behavior expected of all students. Upon arrival the guest must register in the office. Any guest who fails to comply with student regulations will be asked to leave the school building and grounds immediately.

CROSS REF.: [IHBAA](#), Observations of Special Education Programs

SOURCE: MASC October 2016

RELATIONS WITH PUBLIC SAFETY AUTHORITIES

Cooperation with public safety agencies is essential for the protection of students, for maintaining a safe environment in the District schools, and for safeguarding all school property.

Relationships between the schools and officials of public safety agencies in investigative matters concerning pupils will take into consideration the respective roles of the schools and public safety agencies in assisting and protecting the interests of the community, and ensuring the rights of all concerned.

The School Committee also recognizes the potential enrichment that public safety agencies can make in the educational program.

Efforts should be made to develop and maintain a healthy attitude toward public safety agencies and personnel to promote better understanding and communication.

The School Committee recommends a memorandum of understanding be developed between public safety officials and the schools.

RELATIONS WITH PLANNING AUTHORITIES

The School Committee will participate in local and state planning functions that could directly affect District schools and their immediate environment.

The Superintendent or designee will keep the School Committee informed of planning matters bearing directly on the operation of District schools or school-sponsored programs, and will undertake action on behalf of the School Committee to influence matters in the best interests of the students, the schools and the District.

RELATIONS WITH LOCAL GOVERNMENTAL AUTHORITIES

The School Committee and its administrative officers welcome all who seek to serve the residents of the community and will participate with them in the planning and execution of such projects as will be mutually beneficial for students.

It is School Committee policy that administration inform elected and appointed officials of the local and county government of the desire to work cooperatively for improved services.

SECTION L

EDUCATION AGENCY RELATIONS

- LA** **EDUCATION AGENCY RELATIONS GOALS**
- LB** **RELATIONS WITH OTHER SCHOOLS AND SCHOOL DISTRICTS**
- LBC** **RELATIONS WITH NONPUBLIC SCHOOLS**
- LDA** **STUDENT TEACHING AND INTERNSHIPS 12/11/17**

EDUCATION AGENCY RELATIONS GOALS

The School Committee appreciates the place and importance of an educational system in its greater environment, which includes other organizations and institutions dedicated to education. It believes that much is gained through cooperative endeavors with other agencies.

In order to make a maximum contribution to education, within the school system and to other educational agencies, the Committee establishes these broad goals:

1. To encourage liaison with other educational agencies.
2. To supply educational services to and/or share with other educational agencies.

RELATIONS WITH OTHER SCHOOLS AND SCHOOL DISTRICTS

The School Committee will cooperate with other schools and with local, state, and regional agencies and organizations to:

1. Seek solutions of educational problems of common concern.
2. Offer support services of high quality to our children.
3. Equalize educational opportunities for all children.
4. Acquire federal and state grants.
5. Promote local school system involvement in state and federal decision-making.

This cooperation may extend to research, providing transportation for children to special schools and hospitals, coordination of curriculum, exchange of information and data, construction of facilities that may be efficiently used on a cooperative basis, and the coordination of school calendars and activities.

Before joining any cooperative programs, education collaborative, or participating in any joint educational services with other school systems, the School Committee wants to be sure that in all instances the best interests of our school children will be served. In carrying out this policy the Superintendent will include in reports to the Committee an evaluation of the desirability and feasibility of cooperation with other schools and agencies on matters of mutual interest.

LEGAL REFS.: M.G.L. 40:4E; 71:48; 71:71D; 71B:4; 74:4 through 74:7A; 76:1

RELATIONS WITH NONPUBLIC SCHOOLS

Private Schools

In accordance with state law, the School Committee will approve a private school when it is satisfied that the instructional program of the school equals that of the city's public schools in thoroughness, efficiency, and progress made.

The Committee recognizes that many worthwhile contributions are made to this community by parochial and other private schools. Therefore, it will cooperate with these schools in matters of mutual benefit when law does not expressly prohibit this cooperation.

LEGAL REFS.: M.G.L. 40:4E; 71:48; 71:71D; 71B:4; 74:4 through 74:7A; 76:1

STUDENT TEACHING AND INTERNSHIPS

The Committee encourages the administration to cooperate with teacher-training institutions in the placement of student teachers in the school system. All initial arrangements with the colleges and universities will be subject to Committee approval.

The Committee authorizes the administration to honor the reasonable rules and training guidelines of the sending institution.

In all arrangements made with colleges and universities, the school system will be given the privilege of interviewing and accepting or rejecting individual candidates for student teaching and internships.

The school administration will ensure there are procedures for evaluating the performance of student teachers that meet requirements of the sending institution and fit with the Committee's policies.

SOURCE: MASC October 2016