



**Student Handbook Addendum
Key Additional District Policies,
Laws, & Information**

PLEASE NOTE

Oftentimes policies are updated over the course of the year and posted to the district website. Policies that have been updated and posted supercede policies in this handbook.

DISTRICT POLICY BOOK

A copy of the North Middlesex Regional School District School Committee Policy Manual is on the district website for review.

DISCRIMINATION & HARASSMENT GRIEVANCE PROCEDURES The North Middlesex Regional School District is committed to maintaining a school environment free of discrimination and harassment based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability. Discrimination or harassment by administrators, teachers, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events is unlawful and strictly prohibited. The North Middlesex Regional School District requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

The North Middlesex Regional Schools District has adopted Grievance Procedures to assist school staff to respond to claims of discrimination and/or harassment based on race, color, religion, national origin, gender, sexual orientation, gender identity, genetic information, age, or disability, including those claims brought under Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; the Age Act; 42 U.S.C. § 2000ff-1; M.G.L c. 76, § 5; M.G.L. c. 151B; M.G.L. c. 151C; and 603 C.M.R. § 26.00. This policy applies to all students, and staff, as well as members of the general public.

CIVIL RIGHTS GRIEVANCE PROCEDURE

The North Middlesex Regional School District is committed to maintaining a school environment free of harassment in accordance with the district's non-discrimination policy. Harassment by administrators, teachers, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events is unlawful and is strictly prohibited. The North Middlesex Regional School District requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

Individuals seeking to make a complaint about sexual harassment should refer

to the procedures outlined in Policy ACAB – Sexual Harassment.

Definitions

For the purposes of this procedure:

- A. A "complaint" is defined as an allegation that a student, third party, or employee has been discriminated against or harassed in accordance with the district's non-discrimination policy.
- B. "Discrimination" means discrimination or harassment in accordance with the district's non-discrimination policy by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school.
- C. "Harassment" means unwelcome conduct in accordance with the district's non-discrimination policy that is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct, which rises to the level of a hostile environment.

Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the North Middlesex Regional School District.

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

How to Make a Complaint

- A. Any student, employee or third party who believes that they have been discriminated against or harassed should report their concern promptly to the school principal, immediate supervisor or Human

Resources. If the school principal receives the report, the principal will notify the Civil Rights Coordinator of the complaint. Students or employees who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal.

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

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

D. Students and employees are encouraged to utilize the District's Complaint Procedure. However, students and employees are hereby notified that they also have the right to report complaints to:

The United States Department of Education
Office for Civil Rights
5 Post Office Square, 8" Floor
Boston, Massachusetts 02110-1491
Telephone: (617) 289-0111
Fax: 617-289-0150
TDD: 877-521-2172

OR

Program Quality Assurance Services
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA 02148-4906
Telephone: 781-338-3700
TTY: N.E.T. Relay: 1-800-439-2370
FAX: 781-338-3710

Complaint Handling and Investigation

A. The school principal shall promptly inform the relevant Civil Rights

Coordinator and the person(s) who is the subject of the complaint that a complaint has been received.

B. After notifying the appropriate Civil Rights Coordinator, the school principal or designee may pursue an informal resolution of the complaint with the agreement of the parties involved. Informal resolution is optional, and the Complainant may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution.

C. Under the formal resolution procedure, the complaint will be investigated by the school principal or other individual designated by the school principal or Civil Rights Coordinator.

D. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the complaint.

1. The Complainant shall have the opportunity to present witnesses and other relevant evidence to the investigator.

2. The person who is the subject of the complaint will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.

3. The privacy rights of all parties to the complaint shall be maintained in accordance with applicable state and federal laws.

4. The investigator will keep a written record of the investigation process.

5. The investigator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.

6. The investigation and the notification of the outcome to the Complainant and the subject of the complaint shall be completed within fifteen (15) school days of the date of the receipt of the complaint.

7. The investigator may extend the investigation period beyond fifteen (15) school days because of extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If the investigator extends the investigation, he or

she will notify the Complainant of the extension.

8. If a complaint or report of discrimination or harassment is received after June 1 of a given school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant of the extension and make reasonable efforts to interview the witnesses during the summer vacation period.

9. Nothing in this procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the fifteen (15) school days described above.

E. If the investigator determines that discrimination or harassment has occurred, he/she shall take steps to eliminate the discriminatory or harassing environment, which may include but is not limited to: determining what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any; determining what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and informing the Complainant and the person(s) who was the subject of the complaint of the results of the investigation (in accordance with applicable state and federal privacy laws) within fifteen (15) school days of receipt of the complaint or the notice of the outcome of the complaint, unless the investigation is extended under the provision described above.

F. This notice of the outcome of the investigation will inform the complainant as to whether or not the investigation determined that the conduct occurred, any individual remedies offered or provided to the complainant or any sanctions imposed on the perpetrator that directly relate to the complainant (e.g., stay away order or no contact order), and other steps the school has taken to eliminate the hostile environment, if one has been found to exist, and prevent recurrence. The perpetrator should not be notified of the individual remedies offered or provided to the complainant (e.g., counseling, alternative classes, etc.)

G. If the Complainant or alleged perpetrator and their parents/legal guardians are dissatisfied with the results of the investigation, an appeal may be made to the appropriate Civil Rights Coordinator within ten (10)

school days after receiving notice of the outcome of the investigation. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why the errors should result in a different conclusion. The Civil Rights Coordinator shall review the investigation and may conduct further investigation if deemed appropriate. Within five (5) school days of receipt of any such appeal, the Civil Rights Coordinator shall decide whether or not to reopen the investigation, uphold the principal or designee's determination, or reverse the principal or designee's determination. The Civil Rights Coordinator shall provide written notification of that determination to both the Complainant and the accused. The Civil Rights Coordinator's decision shall be final, subject to further appeal to the Superintendent.

H. If the employee or the student's parents or legal guardians are dissatisfied with the decision of the Civil Rights Coordinator, an appeal may be submitted to the Superintendent within seven (7) calendar days after receiving notice of the Civil Rights Coordinator's decision. The Superintendent will consider the appeal. The Superintendent's decision shall be final.

The name of the District's Civil Rights Coordinator is listed on the district's website as well as in student handbooks.

Definitions

For the purposes of this procedure:

- A. A "Complaint" is defined as an allegation that a student, employee or other individual has been discriminated against or harassed on the basis of race, color, national origin, age, sex, sexual orientation, gender identity, disability, or religion.
- B. "Discrimination" means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school.
- C. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or

religion that is sufficiently severe, persistent or pervasive to create a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures, or other conduct which rises to the level of a hostile environment.

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

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

Harassment and Retaliation Prohibited

Harassment in any form or for any reason is absolutely forbidden. This includes harassment by administrators, certified and support personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or other inappropriate behavior to the attention of school officials or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by the North Middlesex Regional School District.

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

How to make a complaint

- A. Any student, employee or other individual who believes that they have been discriminated against or harassed should report their concern promptly to the school principal listed below, or to the District's Civil Rights Coordinator. If the school principal receives the report, the principal will notify the Civil Rights Coordinator of the Complaint. Students, employees or other individuals who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with the school principal.

The District's Civil Rights Coordinator for students is:

Gary Burboa-Reese, Assistant Superintendent
gburboareese@nmrsd.org
978-597-8713

School Principals:

Laurie Smith, Interim Principal
North Middlesex Regional High School
lsmith@nmrsd.org
978-597-8721

Lauren Young, Principal
Nissitissit Middle School
lyoung@nmrsd.org
978-433-0114

Chantele Olmstead, Principal
Hawthorne Brook Middle School
colmstead@nmrsd.org
978-597-6915

Ami Dolan, Principal
Varnum Brook Middle School
adolan@nmrsd.org
978-433-6722

Kate Guziejka, Principal
Spaulding Memorial School
kguziejka@nmrsd.org
978-597-0380 / 978-597-3085

Anne Cromwell-Gapp, Principal
Ashby Elementary School / Squannacook Early Childhood Center
agapp@nmrsd.org
978-743-1005

- B. District staff are expected to report incidents of discrimination or harassment of students and fellow employees. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students, employees or other individuals which have allegedly occurred on school grounds, at school related events, or actions which occurred outside of school but possibly create a hostile environment for a student or employee while he/she is at school.
- C. Students, employees and other individuals are encouraged to utilize the District's Complaint Procedure. However, individuals are hereby notified that they also have the right to report complaints to: The United States

Department of Education; Office for Civil Rights, 5 Post Office Square, 8thFloor; Boston, Massachusetts 02110-1491, Telephone: (617) 289-0111, Fax: 617-289-0150, TDD: 877-521-2172; or Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148-4906, Telephone: 781-338-3700, TTY: N.E.T. Relay: 1-800-439-2370, FAX: 781-338-3710. Employees also have the right to seek a remedy at any time at the Equal Employment Opportunity Commission (EEOC), John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203-0506; 1-800-669-4000 or 1-800-669-6820 (TTY) and the Massachusetts Commission Against Discrimination (MCAD) at One Ashburton Place, Suite 601, Boston, MA 02018; 617-994-6000 or 617-994-6196 (TTY).

Complaint Handling and Investigation

- A. The school principal shall promptly inform the relevant Civil Rights Coordinator and the person(s) who is the subject of the Complaint that a Complaint has been received.
- B. After notifying the appropriate Civil Rights Coordinator, the school principal or designee may pursue an informal resolution of the Complaint with the agreement of the parties involved. Informal resolution is optional, and the Complainant may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution.
- C. Under the formal resolution procedure, the Complaint will be investigated by the school principal or other individual designated by the school principal or Civil Rights Coordinator. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the Complaint.
 - 1. The Complainant shall have the opportunity to identify witnesses and other relevant evidence to the investigator.
 - 2. The person who is the subject of the Complaint will be provided

with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.

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

D. If the investigator determines that discrimination or harassment has occurred the District shall take steps to eliminate the discriminatory

hostile environment, which may include but is not limited to:

1. Determining what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any;
2. Determining what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and
3. Informing the Complainant and the person(s) who was the subject of the Complaint of the results of the investigation (in accordance with applicable state and federal privacy laws) within twenty (20) school days of receipt of the Complaint, unless the investigation is extended under the provision described above.

E. If the Complainant or, in the case of a student, the student's parents/legal guardians, is/are dissatisfied with the results of the investigation, an appeal may be made to the appropriate Civil Rights Coordinator within ten (10) school days after receiving notice of the outcome of the investigation. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why the errors should result in a different conclusion. The Civil Rights Coordinator shall review the investigation and may conduct further investigation if deemed appropriate. Within seven (7) school days of receipt of any such appeal, the Civil Rights Coordinator shall decide whether or not to reopen the investigation, uphold the principal or designee's determination, or reverse the principal or designee's determination. The Civil Rights Coordinator shall provide written notification of that determination to both the Complainant and the accused. The Civil Rights Coordinator's decision shall be final, subject to further appeal to the Superintendent.

F. If the Complainant or, in the case of a student, the student's parents/legal guardians, is/are dissatisfied with the decision of the Civil Rights Coordinator, an appeal may be submitted to the Superintendent within seven (7) school days after receiving notice of the Civil Rights Coordinator's decision. The Superintendent will consider the appeal. The Superintendent's decision shall be final.

SEXUAL HARASSMENT

Sexual harassment in the education programs, activities and workplace of the North Middlesex Regional School District is unlawful. All persons associated with the North Middlesex Regional School District including, but not necessarily limited to, School Committee members, District employees, volunteers and students are expected to conduct themselves at all times to maintain a workplace, education program and activity free from sexual harassment.

Any person who engages in sexual harassment while participating in the education program or activity or acting as a member of the school community will be in violation of this policy. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating in an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because the North Middlesex Regional School Committee takes allegations of sexual harassment seriously, complaints of sexual harassment will be addressed promptly. If inappropriate conduct has occurred, the conduct will cease immediately, and corrective action, as necessary, including disciplinary action, will be imposed.

While this policy sets forth the goal of promoting a workplace and school environment that is free of sexual harassment; the policy is not designed nor intended to limit authority to discipline or take remedial action for workplace or school conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Definitions:

Complainant – An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or a violation of this policy.

Sexual Harassment – Conduct on the basis of sex that satisfies one or more of the following:

- (1) A district employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct by a Committee member, employee, district

volunteer or student determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or

(3) Sexual assault, dating violence, domestic violence and/or stalking by a Committee member, District employee, volunteer or student.

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 upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- (1) Unwelcome sexual advances – whether they involve physical touching or not;
- (2) 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;
- (3) Displaying sexually suggestive objects, pictures, cartoons;
- (4) Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- (5) Inquiries into one's sexual experiences; and
- (6) Discussion of one's sexual activities.

Supportive Measures – Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or to deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school building/campus escort services, mutual

restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the building/campus, and other similar measures.

Formal Complaint – A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment.

The Title IX Coordinators:

Anne Marie Tucciarone-Mahan (*Faculty & Staff*)
Director of Human Resources
Central Office, 66 Brookline Street, Townsend, MA 01469
(978) 597-8713 Extension 1601
hr@nmrsd.org

Gary Burboa-Reese (*Students*)
Assistant Supt. of Curriculum
Central Office, 66 Brookline Street, Townsend, MA 01469
(978) 597-8713 Extension 1301
gburboareese@nmrsd.org

The Superintendent will annually appoint one or more Title IX Coordinators who will be vested with the authority and responsibility of managing all sexual harassment complaints. The District will annually notify applicants for employment, students, parents/guardians, and unions of the Title IX Coordinator's name(s), and the title, address, email address and phone number for each Title IX Coordinator.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment). Reports may be made at any time including during non-business hours. Reports may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Complaint Procedure:

Receipt of Formal Complaint

Upon actual knowledge of allegations of sexual harassment, the Title IX Coordinator will promptly and confidentially contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator shall respect a complainant's wishes that the allegations not be investigated unless the Title IX Coordinator determines that it would be unreasonable in light of the known circumstances not to initiate a formal complaint. The Title IX Coordinator must investigate the complaint and take appropriate action where required by state law.

The District may remove a respondent on an emergency basis after undertaking an individualized safety and risk analysis and determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal. The District will provide the respondent with written notice and an opportunity to challenge the decision immediately following the removal in accordance with any applicable laws, collective bargaining agreements and student handbooks.

After a formal complaint has been filed, the Title IX Coordinator will provide written notice to all parties of the investigation process and sufficient details of the allegations known at the time. If the allegations are against more than one respondent or by more than one complainant, the District may consolidate multiple formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances.

The Title IX Coordinator shall assign an individual to investigate the matter. The investigator shall have no conflicts with or biases against either the complainant or the respondent. If the District has appointed more than one Title IX Coordinator, the individual not assigned to be the Title IX Coordinator in the matter may serve as the investigator. The investigator will collect and review evidence, interview parties and witnesses, and complete an investigative report.

Informal Resolution

After a formal complaint is filed, the District may offer and facilitate an informal

resolution process (such as but not limited to mediation or restorative justice) before a determination is made. This process is not available when the complaint alleges sexual harassment by a Committee member, District employee or volunteer towards a student.

The parties must give voluntary, written consent to participate in this informal process. When both parties consent to an informal process, the District shall facilitate a resolution-based meeting within ten (10) school days, subject to the availability of the involved parties and any mediator or facilitator.

If informal resolution is unsuccessful, the complainant may choose to continue the investigation process by providing written notice to the Title IX Coordinator within five (5) school days of the unsuccessful informal resolution meeting. In this event, the investigator will commence or resume the investigation generally within five (5) school days from receipt of notice.

Investigation

All evidence will be weighed objectively using the preponderance of the evidence standard. The investigator will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process. However, nothing in this paragraph will limit the right of the District to remove a respondent on an emergency basis as provided in the Complaint Procedure of this policy.

The investigator shall strive to complete investigations within twenty-five (25) school days of the filing of the formal complaint or resumption of the investigation after an unsuccessful informal resolution meeting.

During the investigation, the investigator shall take the following steps:

- 1) The investigator will interview the complainant to obtain a clear understanding of that complainant's allegations within five (5) school days of the filing of the formal complaint provided that the complainant is available to be interviewed by the investigator.
- 2) The investigator will interview the respondent to obtain a response to the complainant's allegations from the respondent within five (5) school days of the interview with the complainant provided that the respondent is available to be interviewed with the investigator.
- 3) The investigator will interview witnesses identified by the

complainant or respondent within five (5) school days of being identified as a potential witness by the complainant or respondent provided the witness is available. The investigator will interview witnesses as the investigator deems necessary.

4) The investigator will hold as many meetings or interviews with the parties and any witnesses as is necessary to make factual findings. The timelines above are subject to the District's goal to complete investigations generally within twenty-five (25) school days but may be extended for good cause upon written notice to the complainant and respondent. The timeline for investigation may be suspended during any informal resolution procedure or meeting. Each party is entitled to be accompanied in interviews by an advisor, who may be a parent/guardian or an attorney, but who may only have limited participation in interviews. Translators will be provided upon request.

After all interviews are conducted and evidence is obtained, the parties and if applicable, their advisors, will have an equal opportunity to inspect, review and respond to any evidence obtained. Prior to completion of the investigative report, the investigator will send each party all evidence subject to inspection and review and provide each party at least ten (10) business days to provide a response to the investigator. Evidence to be shared may be redacted to protect confidential information under the Family and Educational Rights and Privacy Act ("FERPA") or other federal or state laws and regulations.

The investigator will draft an investigation report that fairly summarizes the relevant evidence including, but not limited to, interviews with parties and witnesses, written evidence, audio/video recordings, and site visits. The investigator will then send the completed investigation report to each party and: (1) afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness; (2) provide each party with the answers; and (3) allow for limited follow-up questions. The investigator may limit the number of questions and, if certain questions are submitted that are not relevant to the investigation, may choose not to provide those questions to the other party. If the investigator chooses not to provide certain questions, the investigator will inform the party who submitted such questions that they will not be asked as they are not relevant.

Determinations

The investigator will provide the decision maker, with a report including all evidence obtained during the course of the investigation. The decision maker assigned will have no conflicts with or biases against either the complainant or the respondent and the decision maker will not be the Title IX Coordinator assigned in the matter or the investigator for the complaint. The decision maker shall review all of the evidence and issue a written determination within fifteen (15) school days of receipt of the matter from the investigator, absent extenuating circumstances. If the decision maker substantiates the allegations of sexual harassment, the decision maker may recommend or impose discipline against the respondent. If the decision maker does not substantiate the allegations of sexual harassment, the complaint will be dismissed.

The written determination shall include: (1) identification of the allegations potentially constituting sexual harassment; (2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather evidence; (3) findings of fact supporting the determination; (4) conclusions as to whether District policies were violated; (5) a statement of the result of each allegation, including a determination regarding responsibility, disciplinary action to be imposed on the respondent, and whether remedies designed to preserve equal access to the District's education program or activity will be provided to the complainant; and (6) the District's procedures and permissible bases for appeal. Confidential student record information and personnel information may be redacted consistent with and as required by state and federal law.

An employee found responsible for engaging in sexual harassment is subject to discipline up to and including termination. A student found responsible for engaging in sexual harassment is subject to discipline consistent with state law and applicable student handbook.

Dismissals under Title IX

If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the District's education program or activity or workplace, or did not occur in the United States, then the District will dismiss the formal Title IX complaint with regard to that conduct for purposes of sexual harassment under Title IX. However, such a dismissal does not preclude the investigation or imposition of disciplinary action pursuant to

state law, other District policies and/or the student handbook.

The District may dismiss the formal Title IX complaint or any of the allegations in the complaint, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations in the complaint; the respondent is no longer enrolled or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

Upon a dismissal of this section, the District will promptly send written notice of the dismissal and reason(s) to the parties.

Withdrawal

While Title IX allegations may be withdrawn, the District may investigate under other state and federal laws and District policies.

Appeals

Either party may appeal the outcome of the investigation for one of the following reasons:

- (1) Procedural irregularity affected the outcome;
- (2) New evidence that was not reasonably available at the time that the determination was made which could affect the outcome;
- (3) The Title IX Coordinator, investigator, and/or decision-maker had a conflict of interest or bias.

Appeals must be submitted to the Title IX Coordinator within five (5) business days of receipt of the written determination and contain a written statement in support or challenge of the outcome.

When an appeal is filed, the District shall notify the other party and ensure that the individual deciding the appeal is not the same person as the decision maker who reached the determination regarding responsibility and that the individual has no conflicts of interests and is free of bias. The non-appealing party shall have five (5) school days from the date of receipt of the notice of the appeal to submit a written statement to support or oppose the outcome.

The individual deciding the appeal shall issue a written decision describing the result of the appeal and rationale for the decision and provide the decision to both parties generally within ten (10) school days of receipt of the non-appealing party's written statement, or in the event no statement is submitted, the date the statement would have been due.

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a complaint with any of the governing agencies set forth below.

- 1) United States Department of Education Office for Civil Rights
– Region 1
J.W. McCormack Post Office and Court House
Post Office Square
Boston, MA 02108
(617) 289 – 0111
- 2) Equal Employment Opportunity Commission
JFK Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669 – 4000
- 3) The Massachusetts Commission Against Discrimination (“MCAD”)
One Ashburton Place – Room 601
Boston, MA 02108
(617) 994 – 6000

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
Education Amendments of 1972, 20 U.S.C. 1681 et seq. (Title IX)
34 CFR 106.00, et seq.
Board of Education 603 CMR 26:00
Amended: August 2020

SELECTED SCHOOL COMMITTEE POLICIES

ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED
POLICY: JICH

The North Middlesex Regional School District prohibits the use, consumption, purchase, possession, or distribution (regardless of quantity) by students of any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes (nicotine or non-nicotine); marijuana; performance-enhancing drugs; or any controlled substance.

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.

This policy shall be posted on the district's website, and notice shall be provided to all students and parents of this policy in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with the law in a manner requested by DESE.

ANTI-BULLYING LAW

Reporting, Investigation, and Notification of Bullying or Retaliation and Confidentiality of Student Record Information

I. Purpose

Bullying, and retaliation against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying is prohibited. North Middlesex Regional School District has a written Bullying Prevention and Intervention Plan and School Committee policy to address the requirements of the Anti-Bullying Law. It may be accessed electronically, on the district and school websites, by hard copy in each school, at central office and in the public library in the towns of Ashby, Townsend and Pepperell.

II. Definitions and Terms

"Bullying" means the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyber-bullying.

"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 (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

"Retaliation" means any form of intimidation, reprisal or harassment directed against a person in response to an action that person has taken or knowledge that the person has.

III. Reporting, Investigation and Notification

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. Staff may use the Initial Referral Form to report this conduct.

Reporting by Students, Parents or Guardians, and Others The 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; however, no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.

Reports may be made orally or in writing. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Reports may be made via the district confidential email address:

nmbpip@nmrsd.org. 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.

Principal

When receiving a report of bullying or retaliation, the principal or their designee will promptly respond to the incident and carry out an investigation. The principal or designee will also consider whether the alleged bullying constitutes discrimination/harassment of a member of a protected class, and if so, will also investigate the matter as a potential civil rights violation under the relevant statute.

Parents/Guardians

The principal or his/her designee will notify the parent/guardian of the alleged victim and the alleged perpetrator of a report of bullying or retaliation and of the school's procedures for investigating the report; school officials will notify parents/guardians of a victim of bullying or retaliation of actions that school officials will take to prevent further acts of bullying or retaliation.

Law Enforcement

On reviewing the report of the investigation, the principal will decide whether to notify the police of the reported incident. The decision to notify the police is based on a reasonable belief that the incident may result in criminal charges against the alleged perpetrator. If the principal decides to notify the police, she/he will document the reasons and immediately make notification. If the principal decides not to notify the police, or the police determine that its involvement is not necessary under the circumstances, the principal shall respond to the incident of bullying or retaliation with appropriate disciplinary action. If the principal subsequently determines facts that cause him or her to believe that the perpetrator's conduct may be criminal, the principal shall then notify the police.

In either case, nothing in the regulations shall prevent the principal from taking appropriate disciplinary or other action pursuant to school policy and state law related to the incident.

IV. Confidentiality of Records

Parents/Guardians

A Principal may not disclose to a parent/guardian any student record information regarding an alleged victim or perpetrator who is a student and who is not the parent's/guardian's child.

Law Enforcement

A principal may disclose a report of bullying or retaliation to police without the

consent of a student or his/her parent/guardian. The principal shall communicate with law enforcement officials in a manner that protects the privacy of the victims, student witnesses, and perpetrators to the extent practicable under the circumstances.

Additional Authorities

A principal may disclose student record information about a victim or perpetrator to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This provision is limited to instances in which the principal has determined there is an immediate and significant threat to the health or safety of the student or other individuals. It is limited to the period of emergency and does not allow for blanket disclosure of student record information. The principal must document the disclosures and the reasons that the principal determined that a health or safety emergency exists.

STUDENT WELFARE

POLICY: JL

Supervision of Students

School personnel in the North Middlesex Regional School District assigned supervision are expected to make safety a priority for the students in their charge.

No teacher or other staff member will leave his/her assigned group unsupervised except when an arrangement has been made to take care of an emergency.

During school hours or while engaging in school-sponsored activities, students will be released only into the custody of parents/guardians or other persons authorized in writing by a parent/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 such as science, engineering, life skills, 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 established for particular courses. This includes wearing eye protection when required.

Safety on the Playground and Playing Field

The district shall provide safe play areas. Precautionary measures, shall include:

- A periodic inspection of the school's playground and playing fields by the principal, building custodian, and Director of Facilities, as may be deemed appropriate;
- Instruction of students in the proper use of equipment;
- Supervision of both organized and unorganized activity.

Fire Drills and Reporting

The district shall cooperate with appropriate fire departments in the conduct of fire drills. The principal of any school 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

CROSS REF.: EB, Safety Program

EBC, Emergency Plans

EC, Building and Grounds Management

SOURCE: MASC 8/2006

EMPOWERED DIGITAL USE POLICY

POLICY: IJNDB

Purpose

The North Middlesex Regional 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 skill sets for using technology as a tool. Information and communication technology are integrated across subjects and grades in developmentally appropriate ways and are aligned with the Massachusetts Curriculum Frameworks and standards.

Availability

The Superintendent or designee shall implement, monitor, and evaluate the district's system/network for instructional and administrative purposes. All

users shall acknowledge that using digital devices, whether personal or school-owned, in conjunction with the district network, including access to the Internet, is a privilege and must be in accordance with the school district guidelines.

- The Superintendent or designee shall develop and implement administrative guidelines, regulations, procedures, and user agreements, consistent with law. Digital devices, software, and networks shall be used in school for educational purposes and activities.
- Every individual's personal information (including home/mobile phone numbers, mailing addresses, and passwords) shall be kept private. • Individuals will show respect for themselves and others when using technology, including social media.
- Users shall give acknowledgement to others for their ideas and work. • Users shall report use of technology that is in violation of law or district policy immediately.

These procedures shall be reviewed on an ongoing basis by district administration with input from students and teachers to provide a springboard for teaching and learning around topics such as internet safety, appropriate use of digital resources, and ethical use of technology.

EMPOWERED DIGITAL USE AGREEMENT

POLICY: IJNDB-R

Access to the North Middlesex Regional School District (NMRSD) system/network, including the Internet, is a privilege granted to staff, students, and district guests to facilitate communications and access information in support of the district's educational goals. The system/network will also be used for communication with staff, parents, students, and community members.

All users shall acknowledge that using digital devices, whether personal or school-owned, in conjunction with the district network, including access to the Internet, is a privilege and must be in accordance with the school district guidelines.

District User Accounts

The NMRSD utilizes several applications that are accessed through the Internet and require individual user accounts for access. Examples include a student information system, learning management systems, collaborative tools, authenticated resources, and email. District user accounts for access to these systems are only issued to students and staff after official completion of all registration or hiring procedures and paperwork including a signed Empowered

Digital Use Agreement.

Authorized Use

1. Access to the NMRSD system/network will only be granted to staff and students with a signed Empowered Digital Use Policy Agreement.
2. Temporary Internet-Only access to the internet may be granted to district guests following digital acceptance of the Empowered Digital Use Policy Agreement.
3. All use of the NMRSD system/network must be in support of the district's educational goals and will be in compliance with all applicable laws and district policies.
4. All files stored, viewed, or distributed on the NMRSD system/network are expected to be in support of the district's educational goals and will be in compliance with all applicable laws and district policies.
5. No identifiable student data may be posted without principal and parent/guardian approval. Identifiable student data includes but is not limited to voice, picture, video, and any type of biographical data.
6. Copyrighted software or data shall not be placed on the NMRSD system/network without a district-owned license or legal permission from the holder of the copyright.
7. All hardware and software to be added to the NMRSD network must be approved by the Director of Technology.
8. No user of the NMRSD system/network may deliberately access materials that are in violation of any applicable laws, district policies, or school rules and/or persuade or show others how to access such materials.
9. Commercial use of the NMRSD system/network is prohibited.
10. All district and school-related web pages are subject to the district Internet Publication Policy, IJNDC.
11. All district and school-related email is subject to the district E-Mail Policy, IJNDA.

Integrated Use

1. Students will be taught about internet safety prior to integrating Internet resources and/or tools in the classroom. The Internet safety curriculum will include issues related to social networking, cyberbullying, Internet predators, acceptable content, information privacy, copyright, and internet etiquette.
2. Students using interactive web tools and digital communications are expected to act safely by keeping ALL personal information out of public posts and communications. A student should NEVER post personal information on the web (including, but not limited to, last names, personal details including address or phone numbers, photographs,

- school or school team names, or class schedule). Students should not, under any circumstances, agree to meet anyone met over the Internet.
3. Student digital communications and publications are not guaranteed to be private and may be read by the teacher before the student distributes or sends to others.
 4. Staff and students should never link to websites without reviewing the entire site to make sure it is acceptable for a school setting. If a student is unsure, they should ask a teacher, administrator, or parent/guardian first.
 5. Use of digital communication and social networking tools must be approved by the principal/supervisor before the link is made public. The principal/supervisor should be notified in writing of all significant changes made to digital communication and social networking tools, and the principal/supervisor reserves the right to request changes and/or removal of published content at any time.

Responsible Use

1. Passwords are confidential! All passwords shall be protected by the user and will not be shared or displayed
2. Individual users shall, at all times, be responsible for the proper use of accounts issued in their name.
3. Revealing anybody's personal information is prohibited unless specifically authorized by an administrator in compliance with law or district policy.
4. Assuming another's identity while using the NMRSD system/network is prohibited.
5. Any activities designed to harass, bully, or defame others are prohibited.
6. Any malicious attempts to harm, destroy, or vandalize equipment, materials, or data are prohibited.
7. Deliberate attempts to degrade or disrupt system performance are prohibited.
8. Deliberate attempts to bypass or turn off NMRSD security features are prohibited.
9. All users should only access files and/or folders using the network accounts and network folders assigned to them by the district.
10. All files must be saved to the user-assigned network folders if future access is desired.
11. All information accessed through the NMRSD network/system is subject to the United States Copyright Law (Title 17, USC). Downloading, copying, duplicating and distributing software, music, audio files, videos, images or other copyrighted material without the specific written permission of the copyright owner is prohibited. Duplication and distribution of materials are only

permitted when such duplication and distribution are within the Fair Use Doctrine of the United States Copyright Law (Title 17, USC) and content is cited appropriately.

Personal Technology

1. The North Middlesex Regional School District will not require any staff or students to supply personal technology in order to achieve any NMRSD-related educational goals, conduct NMRSD business, or participate in any NMRSD activities. All allowed use of personal technology is at the owner's discretion, and the North Middlesex Regional School District shall not be liable for any loss, damage, or costs related to the use of personal technology.
2. Any personal technology used on a NMRSD campus or in use for NMRSD business is subject to all guidelines in this document and is only to be used in support of educational goals.
3. Staff and/or student provided internet access points are prohibited from use on all NMRSD campuses in order to ensure compliance with all applicable laws and policies.
4. Internet access to personal technology will only be provided in schools with sufficient resources to support those devices without interrupting access to district-provided devices. Internet access to personal electronic devices must be approved by both the Director of Technology and the building principal and/or their designee.
5. Access to NMRSD system/network specific resources from a personal electronic device is prohibited. This includes access to network folders and files, printers, network software, etc.
6. The owner of any personal electronic device is responsible for all expenses and maintenance related to use of that device. Owner responsibilities include, but are not limited to, repairs and upgrades, software, drivers, cables, and other related supplies such as toner, paper, and bulbs.
7. No technology donations will be accepted by the North Middlesex Regional School District unless specifically approved by the Director of Technology.

Digital Files and Communications

Electronic communications and all data including documents, messages, and information transmitted using the NMRSD system/network in any manner are the property of the North Middlesex Regional School District and are subject to all applicable laws. Copies of all information created, sent, or retrieved may be stored on the district's backup systems. The district reserves the right to access and monitor all messages and files on the computer system as it deems necessary and appropriate in the ordinary course of its business. When legally required, communications and data may be disclosed to law enforcement

officials or other third parties without prior consent of the sender or receiver. The user's electronic access to any remaining digital files, communications, and resources will be disabled on or shortly after the last official day of employment or student withdrawal. Requests to extend access must be submitted to the Director of Technology in writing prior to the student or employee's last official day in the district and must include a specific date for the extension to end. Approval for such requests should not be considered granted unless approval has been given by the Director of Technology.

Content Filtering

As required by law, the NMRSD has implemented an Internet filtering mechanism designed to protect minors from unlawful, obscene, or harmful material and situations. The filtering mechanism is in compliance with the Children's Online Privacy Protection Act (COPPA), Children's Internet Protection Act (CIPA), Protecting Children in the 21st Century Act, and the district Bullying Prevention and Intervention Plan.

The NMRSD shall not be liable for users' unapproved use of electronic resources, violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. The NMRSD shall not be responsible for ensuring the accuracy or usability of any information found on networks, nor be liable for any loss, or corruption of data resulting while using the system/network.

Student Digital Publications

Publishing student work promotes learning and collaboration and provides an opportunity to share the achievement of students. With parent/guardian permission, products of grade PK -12 students may be posted on NMRSD websites, provided no identifying captions, locations, or last names are included.

Publishing student photos on the NMRSD websites allows the district to show its pride in its students and their accomplishments. With parent/guardian permission, photos of students may be posted on the NMRSD websites provided no identifying captions, locations, or last names are included.

Written parent/guardian permission must be verified PRIOR to use of any student work, photos, and/or other media in any NMRSD publications.

Enforcement

1. The Superintendent or their designee shall be authorized to monitor or examine all data and system/network activities, including documents and electronic mail transmissions, as deemed appropriate, to ensure proper use of electronic resources.
2. Principals/Supervisors or their designees will be notified of any violations of the NMRSD Empowered Digital Use Policy Agreement.
3. Principals/Supervisors or their designees will be responsible for

disseminating and enforcing policies and procedures in their respective building(s) and/or departments.

Disclaimer

Access to information from all over the world via technology brings with it an availability of material that may not be considered educationally valuable. Though the North Middlesex Regional School District will take all reasonable precautions, it is impossible to control access to all materials and a user may unintentionally discover objectionable information. NMRSD policy affirms that the educational value of access to information and interaction on the Internet far outweigh the possibility that users may be exposed to materials not consistent with the educational goals of the district. NMRSD makes no warranties of any kind for the service it provides. The North Middlesex Regional School District, associated towns, or any municipal employees will not be liable for damages or injuries resulting from violations of the Empowered Digital Use Policy Agreement or any misuse of the system/network.

Nothing contained herein shall be held or construed to supersede or conflict with or limit the jurisdiction of the United States Government or any of the laws of the Commonwealth of Massachusetts. In the event that any provisions of these rules and regulations are legally found to be invalid, such decision, invalidity or voidance shall not affect the validity of the remaining provisions.

HAZING

POLICY: JICFA-E

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 conductor 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.

DUTY TO REPORT HAZING

CH. 269, S.18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

HAZING STATUTES TO BE PROVIDED; STATEMENT OF COMPLIANCE AND DISCIPLINE POLICY REQUIRED

CH. 269, S.19. Each secondary school and each public and private school or college shall issue to every group or organization under its authority or operating on or in conjunction with its campus or school, and to every member, plebe, 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.

SOURCE: MASC

PROHIBITION OF HAZING

POLICY: JICFA

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

Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the district are obligated by law to report incidents of hazing to the police department. Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Superintendent of Schools, be suspended from school 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.

MANAGING THE CARE OF STUDENTS WITH ATHLETIC CONCUSSIONS

POLICY: JJIF

The North Middlesex Regional School District School Committee wishes to protect its students from the adverse effects of head injury and concussions, therefore, the Committee recommends that the School District comply with the requirements of the Commonwealth of Massachusetts Executive Office of Health and Human Services that all schools subject to the Massachusetts Interscholastic Athletic Association (MIAA) rules adhere to the following law (Massachusetts General Law, Chapter 111, Section 222) and related regulations (105 CMR 201.000) set forth by the state.

The requirements shall apply to North Middlesex middle and high schools, serving grades six through 12. The requirements of 105 CMR 201.000 shall apply to students who participate in any extracurricular athletic activity.

Definition: A concussion is an alteration of mental status resulting from the brain being jolted inside of the skull due to a blow to the head or body. Among the many symptoms associated with concussion, headache, dizziness, confusion, amnesia, nausea, and disorientation are commonly reported. Loss of consciousness, however, occurs in less than 10% of all injuries and is not an indicator of concussion severity. Also, following the injury, the athlete may experience other difficulties such as sensitivity to light and sound, forgetfulness, fatigue and emotional changes such as anxiety or depression.

Concussion Protocol

Any student-athlete who exhibits signs, symptoms or behaviors consistent with a concussion shall be removed from play immediately and shall not return to play until cleared by an appropriate health-care professional. Medical personnel and/or the coach on the scene will make the decision to activate the emergency medical system immediately if deemed necessary. The coach shall communicate the nature of the injury directly to the parent/guardian in person or by phone immediately if EMS is activated; and if not, do so after the practice or competition in which a student has been removed from play for a head injury, suspected concussion, signs and symptoms of a concussion, or loss of consciousness. The coach also must provide this information to the parent/guardian in writing, whether paper or electronic format, by the end of the next business day.

The athlete must adhere to the following Return to Play Protocol:

1. The student-athlete shall not return to the practice or competition during which the student suffered, or suspected to have suffered, a concussion.
2. The student-athlete shall not resume extracurricular athletic activity until they have written clearance from the school's health care professional (this person must be a Medical Doctor, Certified Athletic Trainer or other appropriately trained or licensed healthcare professional), or the family's health care professional.
3. The clearance may not be on the same date on which the student was removed from play.
4. "Away Contest Protocol": If in the event that the Away team does not have an appropriately trained healthcare professional on staff any student who has sustained a possible concussion is "done for the day" and will not be cleared to re-enter play until seen by a healthcare professional.
5. Once the student-athlete has been cleared by the appropriate health care professional they will follow the school's 3 Day Return-To-Play protocol. Please note that if during any of these days signs and symptoms re-appear they will be deemed ineligible and require new clearance for return to play.

Day 1: The first day back to play will involve exertional activities and drills only.

Day 2: The second day back will involve light contact drills.

Day 3: The third day back will involve contact.

MEAL CHARGE POLICY

POLICY:EFCD (also JS)

The North Middlesex Regional School District School Committee recognizes that a healthy, nutritious meal plays an important role in the readiness and ability of students to learn. The purpose of this policy is to establish consistent policy regarding meal account procedures while treating all students with dignity in the serving line.

Although the school food program is being managed by an outside company, all the money owed to this program is owed to the school district coming out of the general school budget.

Methods of Payment

The North Middlesex Regional School District can accept payment for meals upon purchase in the form of cash or check at the register, or via the school meal on-line payment system. Meals may be prepaid using any of these methods. Parents/guardians are strongly encouraged to make payments on-line and to register for low balance alerts. A minimum balance equivalent to five (5) school meals is recommended for those who participate in the food service program.

Administration of Policy

The school district is responsible for ensuring that all accounts, including the food service revolving account, are properly managed and accurately reported. The school district works closely with the Food Service Management Company to monitor student's meal accounts with the goal of eliminating negative balances. Parents/guardians who have signed up on-line for low balance alerts are notified when the account is running low and needs to be replenished.

Any student whose account has a zero balance will be allowed to charge a reimbursable meal. This will result in a negative balance on the account until the balance is resolved. In no event will students at any grade level whose account is delinquent be allowed to charge a la carte items or second meal until the account is in good standing. Cash purchases will be unrestricted.

Account Management

On a weekly basis, the Food Service Director will generate a charge balance report from the POS system. The Director will flag all accounts that are nearing a zero balance or have gone into the negative. A student list, sorted by school, will be sent to the principals.

After the charge amount exceeds \$10.00, the Food Service Provider will generate a letter or email to be sent home to the parent/guardian. If there are

mitigating factors that affect a family's ability to pay, the school district will assist the family in applying for free/reduced meal status, if applicable. If there are no mitigating factors and the family has not made any payments in an effort to reduce the balance due and continues to fail to bring the account back into good standing within one month (or before May 1st in the year of graduation), the school district will advise the family that the matter will be referred to small claims court, collections, and/or other appropriate state agency.

If the balance exceeds fifty dollars (\$50.00), then the following action may be taken (unless prohibited by state law or regulation):

- Prohibited participation of the student in any future fee-based program (field trips, user-fee based programs, etc.) until or unless outstanding balances are resolved.

For students who qualify for free or reduced lunch, accounts will be processed in accordance with federal regulations.

A positive balance will remain on account to be used in the following school year unless the account holder requests that the positive balance be moved to a sibling's account or returned to the account holder.

Upon account holder departing the district, the Business Office or their designee will notify the account holder of their end-of-year balance and all reasonable efforts will be made by the district to return the money to the account holder.

PHYSICAL RESTRAINT OF STUDENTS

POLICY: JKAA

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the North Middlesex Regional School District. Further, students of the district are protected by law from the unreasonable use of physical restraint. Such restraint shall be used only of last resort after other lawful, and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution.

Nothing in this policy or 603 CMR 46.00 prohibits a teacher, employee or agent of the school district from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. The definitions of forms of restraint shall be as defined in 603 CMR 46.02. The use of mechanical restraint, medical restraint, and seclusion is prohibited.

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, shall be considered an emergency procedure of last resort. It shall be prohibited except when a student's behavior poses a threat of assault or

imminent, serious, physical harm to themselves and/or others, and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.

The superintendent will develop procedures identifying:

- Appropriate responses to student behavior that may require immediate intervention;
- Methods of preventing student violence, self-injurious behavior, and suicide, including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
- Descriptions and explanations of alternatives to physical restraint, as well as the school's method of physical restraint for use in emergency situations;
- Descriptions of the school's training and procedures to comply with reporting requirements, including, but not limited to: making reasonable efforts to orally notify the parent/guardian of the use of restraint within 24 hours of its imposition; and sending written notification to the parent/guardian by email or regular mail within three (3) school working days of the restraint;
- Procedures for receiving and investigating complaints;
- Methods for engaging parents/guardians in discussions about restraint prevention and use of restraint solely as an emergency procedure; ● A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00;
- Procedures for conducting periodic reviews of physical restraint as required by 603 CMR 46.06 (5) and (6); and
- A process for obtaining principal approval for a time-out exceeding 30 minutes.

Each building principal will identify staff members who will serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint.

In addition, each staff member will be trained, in accordance with 603 CMR 46.04 (2), regarding the school's physical restraint policy and accompanying procedures. The principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

Physical restraint is prohibited as a means of punishment, or as a response to the destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not

constitute a threat of imminent, serious physical harm to the student or others.

Physical restraint is prohibited when 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. The use of “exclusionary time out” procedures, during which a staff member continuously observes and remains accessible to the student in an unlocked area, shall not be considered seclusion.

This policy and its accompanying procedures shall be reviewed and disseminated to staff annually and made available to parents/guardians of enrolled students. The superintendent shall provide a copy of the Physical Restraint regulations to each principal, who shall sign a form acknowledging receipt thereof.

STUDENT FEES, FINES, AND CHARGES

POLICY: JQ

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 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 or eligible for free lunch are exempt from paying fees.*

However, indigent students and/or students who qualify for free lunch 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 penalties imposed for their failure to pay them.

Permissible penalties include withholding 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. A notice of unpaid fees and/or charges will be sent home to parent/guardian on an annual basis.

* Students who qualify for reduced lunch may be required to pay a portion of fees.

STUDENT FUNDRAISING ACTIVITIES

POLICY: JJE

This policy governs fundraising activities in which students, coaches, parent/guardians, teachers, individuals and school facilities or the name of the NMRSD are involved.

Types of Fundraising Activities

1. Fundraisers which are community based (e.g. spaghetti suppers, movie nights, etc.) are highly encouraged.
2. Sale of advertising space in school publications is permitted.
3. Sale of tickets to scheduled events is permitted.
4. Proposals to raise funds for charitable purposes or for the benefit of the school or community (e.g. scholarship funds, disaster relief or humane causes, local food banks is permitted provided they are properly approved.
5. The sale of products directly provided by institutional vendors is permissible so long as the majority of the profits, beyond the basic costs of producing the product, go to the benefit of the fundraiser.
6. The sale of products purchased by a school-related organization is permitted.

Fundraising Activity Parameters

1. Safety is of utmost concern for all involved in any fundraising activity.
 - a. All door to door sales are prohibited.
 - b. All canning is prohibited at the elementary school level. Canning is discouraged at the middle and high school level for safety as well as the NMRSD image within the community.
2. All fundraising activities shall follow applicable local and state laws. 3. All fundraising shall follow district policies (i.e. wellness policy for food related activities).
4. Student participation in any approved fundraising activity shall be voluntary.
5. Monetary contributions to class funds (i.e. class dues) are voluntary.

Approvals/Administration

1. All requests for fundraising and/or the use of letters, telephone and other communiqués requesting gifts of money or donations of materials from businesses and companies shall be presented to the building principal for approval.
2. Any event that uses the name of the NMRSD in their fundraising literature must receive prior written approval from the Superintendent's office. Those events using the name of a specific school must receive prior written approval from the building principal.
3. All requests that require a physical location are to be entered into the facilities use calendar, including outdoor space needed.

STUDENT ABSENCES AND EXCUSES

POLICY: JH

Regular and punctual school attendance is essential for success in school. The Committee does recognize that parents of children attending our schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law.

The NMRSD School Committee believes that each school administration has the responsibility to monitor attendance and intervene when there is concern for the student's well-being and/or academics. We also believe that there are circumstances where an absence should not count against the student.

Therefore, students will be exempt from the attendance requirements for the following reasons:

1. Bereavement
2. Legal or court appointment (documentation required).
3. School-sponsored activities such as field trips.
4. Observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the school administrator.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his character. Parents/guardians can help their children by refusing to allow them to miss school needlessly.

Accordingly, parents/guardians will provide a written explanation for the absence and tardiness of a child. This will be required in advance for types of absences where advance notice is possible.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justifiable.

All school handbooks shall contain procedures that give specifics on attendance requirements and definitions of exempt, excused, unexcused, and truancies.

In all cases the schools are to adhere to and uphold any local, state or federal laws pertaining to attendance.

LAWS & REGULATIONS PERTAINING TO STUDENT CONDUCT AND BEHAVIOR

STUDENT DISCIPLINE AND DUE PROCESS

The Principal has the authority to exercise discretion in determining the consequences for a student who has violated disciplinary rules. All school principals and principal's designees and the Superintendent and Superintendent's designees when acting as a decision-maker at a disciplinary hearing or appeal to consider student discipline for violations of school rules other than offenses involving drugs, weapons, assaults on school staff and felony offenses, shall, when deciding the consequences for the student, consider ways to re-engage the student in the learning process. The principal or designee shall not suspend the student until alternative remedies have been employed, and their use and results documented, unless specific reasons are documented as to why such alternative remedies would be unsuitable or counter-productive, or unless the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. M.G.L. c. 71, § 37H 3/4(b).

Students will receive the appropriate level of due process consistent with Massachusetts and federal law, as described below.

Definitions:

In-School Suspension: the removal of a student from regular classroom activities, but not from the school premises, for no more than (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Short-Term Suspension: the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A principal may, in his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

Long-Term Suspension: the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense in subsections (a) or (b) of M.G.L. c. 71, § 37H or 37H ½, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed, except in accordance with M.G.L. c. 71, § 37H or 37H ½.

Expulsion: the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under M.G.L. c. 71, § 37H or 37H1/2.

Written Notice: written correspondence sent by hand-delivery, certified mail, first-class mail, or email to an address provided by the parent for school communications, or any other method of delivery agreed upon by the principal and parent.

Opportunity to Make Academic Progress

Any student who is serving a short-term suspension, long-term suspension or expulsion shall have the opportunity to earn credits, as applicable, 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.

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 to make academic progress toward meeting state and local requirements, in accordance with the school's education service plan. M.G.L. c. 76, § 21.

Due Process for M.G.L. c. 71, § 37H ³/₄ Offenses

Any offense other than:

- possession of a dangerous weapon;
- possession of a controlled substance;
- assault on staff; and/or
- felony matter

In every case of student misconduct for which suspension pursuant to M.G.L. c. 71, § 37H ³/₄ may be imposed, when deciding the consequences for the student, the principal or designee shall consider ways to re-engage the student in the learning process; and shall not suspend the student until alternative remedies have been employed, and their use and results documented, unless specific reasons are documented as to why such alternative remedies would be unsuitable or counter-productive, or unless the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. M.G.L. c. 71, § 37H ³/₄(b).

Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving.

Emergency Removal Under M.G.L. c. 71, § 37H ³/₄ -

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. In such a case, the principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe 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: (1) the emergency removal; (2) the reason for the emergency removal; (3) the disciplinary offense; (4) the basis for the charge; (5) the potential consequences, including the potential length of the student's suspension; (6) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend

the hearing; (7) the date, time, and location of the hearing; and (8) the right of the student and the student's parent to interpreter services at the hearing if needed to participate.

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, the principal must provide the student an opportunity for a hearing with the principal that complies with either the short-term due process or long-term due process set forth below, as applicable, and must provide the parent an opportunity to attend the hearing.

Additionally, the principal is required to 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 notice of the decision for short-term suspension or long-term suspension as set forth below, whichever is applicable.

A principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

In-School Suspension Under M.G.L. c. 71, § 37H ³/₄ -

Prior to the imposition of an In-School Suspension, the student will be informed of the disciplinary offense and provided with an opportunity to respond. If the principal determines that the student committed the disciplinary offense, the principal will provide oral notice to the student and parent of the length of the In-School Suspension and will make reasonable efforts to meet with the parent.

On or before the day of suspension, the principal shall send written notice to the student and parent about the In-School Suspension, including the reason and the length of the In-School Suspension, and inviting the parent to a meeting with the principal for the purpose set forth in 603 CMR 53.10(4), if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent. Students have the right to appeal an In-School Suspension that will result in their in-school or out of school suspension for more than ten (10) school days in a school year.

Short-Term Suspension Under M.G.L. c. 71, § 37H ³/₄ -

Except as provided in cases of In-School Suspension or Emergency Removal, a principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge

and the parent an opportunity to participate in such hearing.

The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language: the disciplinary offense; the basis for the charge; the potential consequences, including the potential length of the student's suspension; the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing; the date, time, and location of the hearing; the right of the student and the student's parent to interpreter services at the hearing if needed to participate; and, if the student may be placed on long-term suspension following the hearing: the rights set forth in 603 CMR 53.08(3)(b), and the right to appeal the principal's decision to the superintendent.

The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

At the principal's hearing, the student and parents (if participating) may dispute the charge(s) against the student and present information, including mitigating facts, for the principal's consideration in determining consequences for the student.

The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, as provided in M.G.L. c. 76, § 21. 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. Students shall have no right to appeal a short-term suspension.

Long-Term Suspension Under M.G.L. c. 71, § 37H ³/₄ -

The student and parents will be given oral and written notice of the disciplinary offense with which the student is charged and the opportunity to participate in a hearing prior to the imposition of an out-of-school suspension.

Written notice of the date and time for the hearing will be provided in English and in the primary language of the Student's home and will identify the disciplinary offense with which the student has been charged, the basis for the charge, the potential length of the student's suspension, and inform the parent and student of the right to interpreter services if necessary to participate in the hearing. Where a student may be subject to a Long-Term Suspension, the principal will also notify the student and parent of the following rights: (1) in advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not; (2) the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; (3) the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; (4) the right to cross-examine witnesses presented by the school district; and (5) the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording 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.

At the hearing, the student will have the rights identified in the written notice, and the principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, 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: (1) identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; (2) set out the key facts and conclusions reached by the principal; (3) identify the length and effective date of the suspension, as well as a date of return to school; (4) include notice of the student's opportunity to receive education

services to make academic progress during the period of removal from school as provided in M.G.L. c. 76, § 21; and (5) 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 stated in plain language: (1) 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 (2) that the Long-Term Suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

A student who is placed on Long-Term Suspension under M.G.L. c. 71, § 37H ³/₄ 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 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. 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 as identified above.

The superintendent shall issue a written decision within five (5) calendar days of the hearing which: (1) identifies the disciplinary offense and the date on which the hearing took place, and the participants at the hearing; (2) sets out the key facts and conclusions reached by the superintendent; (3) identifies the length and effective date of the suspension, as well as a date of return to school; and (4) includes notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in M.G.L. c. 76, § 21. 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.

Due Process for:

M.G.L. c. 71, § 37H Offenses

- possession of dangerous weapon;
- possession of controlled substance;
- assault on staff; and

M.G.L. c. 71, § 37H ½ Offenses (felony complaint and/or felony conviction)

Short-Term Suspension Under M.G.L. c. 71, § 37H or 37H ½ - The student will be given oral notice of the violation with which the student is charged and an opportunity to respond thereto, prior to the principal's imposition of a short-term or interim suspension of ten (10) consecutive days or less pending formal proceedings. Upon imposition of a short term or interim suspension of ten (10) consecutive days or less, pending further disciplinary proceedings, the student and parents will be provided with written notice of the suspension, the date and time of the formal disciplinary hearing, the right to have representation, and the opportunity to present evidence and witnesses at said hearing before the principal.

Long-Term Suspension or Expulsion Under M.G.L. c. 71, § 37H or 37H ½ - The student shall be notified in writing of the charges, an opportunity for a hearing, the right to have representation, and the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, the principal

may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have committed an offense under M.G.L. c. 71, § 37H. A written decision will be issued after the hearing.

The student and the parent(s)/guardian(s) will have the right to appeal any decision imposing a long term suspension or expulsion from school to the Superintendent. When the student is excluded in accordance with M.G.L. c. 71, § 37H, the student shall have ten (10) calendar days from the effective date of the exclusion to file a written appeal with the superintendent. For exclusions imposed pursuant to M.G.L. c. 71, § 37H ½, the student shall have five (5) calendar days from the effective date of the exclusion to file a written appeal with the superintendent. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. M.G.L. c. 71, § 37H and M.G.L. c. 71, § 37H ½.

DISCIPLINE OF STUDENTS WITH DISABILITIES

In addition to the due process protections and rights afforded to all students, the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and related regulations require that additional provisions be made for students who have been found eligible for special education services or whom the school district knows or has reason to know might be eligible for such services.

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

Prior to a suspension that would result in a disciplinary change in placement of a student with a disability, the building administrators, the parents and relevant members of the student's IEP/504 Team will convene to determine whether the violation for which the student is subject to a disciplinary change in placement was caused by or directly and substantially related to the student's disability or was the direct result of a failure to implement the student's IEP or Section 504 Plan.

If the Team determines that the behavior is not a manifestation of the disability, the student may be disciplined in accordance with the policies and procedures applicable to all students except that students eligible for special education services shall be entitled to a free appropriate public education as of the eleventh (11th) day of disciplinary exclusion in the school year.

If the team determines that the behavior is a manifestation of the disability, then the team will conduct a functional behavior assessment or review, and modify as appropriate, any existing behavior intervention plan, and the student will not be suspended for the violation found to be a manifestation of his/her disability.

Regardless of the manifestation determination, the Team may place the student in an interim alternative setting (as determined by the Team) up to forty-five (45) school days if:

- (1) The student was in possession of a dangerous weapon on school grounds or at school-sponsored events;
- (2) The student was in possession of or using of illegal drugs on school grounds or at school-sponsored events;
- (3) The student engaged in solicitation of a controlled substance on school grounds or at school-sponsored events; or
- (4) The student inflicted serious bodily injury to another at school or at school-sponsored events.

The interim alternative setting must enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the student's IEP. The interim alternative setting must also provide services and modifications designed to address the behavior giving rise to the removal and to prevent the behavior from reoccurring. At the conclusion of the forty-five (45) school day period, the student shall be returned to his/her previous placement unless the parent (or student if 18+ years of age) consents to an extension of the interim alternative setting or an Order is obtained from the Bureau of Special Education Appeal authorizing the student's continued removal.

If the conduct does not involve a dangerous weapon, controlled substance, or serious bodily injury, the school may remove the student to an interim alternative setting for forty-five (45) days only: 1) with parental consent; or 2) by obtaining authorization from a court or BSEA Hearing Officer. In order to obtain an order from a court or BSEA Hearing Officer, the school must prove that maintaining the student's placement is substantially likely to result in injury to the student or others.

The parent shall have the right to appeal the Team's manifestation determination, the imposition of a disciplinary change in placement, and the student's placement in an interim alternative educational setting. The student will remain in the disciplinary placement imposed by school authorities

pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

M.G.L. c.71, §37H

In accordance with Massachusetts General Laws Chapter 71, Section 37H: A.

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

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

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

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

M.G.L. c.71, §37H1/2

A. Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a

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

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

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

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

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

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

M.G.L. c.71, §37H3/4

- A. This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.
- B. Any principal, headmaster, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school- or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school- or district-wide models shall not be considered a direct response to a specific incident.

- C. For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.
- D. If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.\
- E. A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion;

provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

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

M.G.L. c.76, §21

Principals and headmasters shall ensure that students who are suspended from school for 10 or fewer consecutive days, whether in or out of school, shall have an opportunity to make academic progress during the period of suspension, to make up assignments and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed. Principals shall develop a school-wide education service plan for all students who are expelled or suspended from school for more than 10 consecutive school days, whether in or out of school.

Principals shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning. In developing the education service plan, principals may seek the cooperation or input of relevant health and human service, housing and nonprofit agencies education collaboratives, and other service providers. Any school or school district that expels a student or suspends a student for more than 10 consecutive school days shall provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school or school district

shall facilitate and verify enrollment in the service.

Students exempt from attending school under section 1 of chapter 76 shall not be subject to this section.

M.G.L. c.71, §37L

Section 37L. The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect under section 51A of chapter 119 and the reporting requirements for fires under section 2A of chapter 148. In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

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

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

M.G.L. c. 269, § 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 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 the contrary, consent shall not be available as a defense to any prosecution under this action. Added by St. 1985, c. 536; amended by St. 1987, c. 665.

M.G.L. c. 269, § 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. Added by St. 1985, c. 536; amended by St. 1987, c. 665.

M.G.L. c. 269, § 19. Hazing Statutes to Be Provided;

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and section seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this

section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education 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 its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution, which fails to make such report.

Added by St. 1985, c. 536; amended by St. 1987, c. 665.

STUDENT RECORDS

POLICY: JRA

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/guardians and/or the student in accordance with law, and yet be guarded as confidential information.

All individual student records of the school district are confidential. This includes sharing individual addresses and telephone numbers.

The North Middlesex Regional School District 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 (603 CMR 23.00). The temporary record of each student enrolled on or after June 2002 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 his/her parents/guardians 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 his/her graduation, transfer, or withdrawal from the school district.

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

Board of Education Student Record Regulations adopted 2/10/77, June 1995 as amended June 2002.

603 CMR: Dept. of Elementary and Secondary Education 23.00 through 23:12 also Mass Dept. of Elementary and Secondary Education publication Student Records; Questions, Answers and Guidelines, Sept. 1995

SOURCE: MASC

CROSS REF: KDB, Public's Right to Know

ACCESS TO STUDENT RECORDS

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

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

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

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

and review the records.

- b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.
- c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.
- d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

(3) Access of Authorized School Personnel. Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall not be necessary.

(4) Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

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

compliance.

- c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.
- d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.
- e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.
- f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.
- g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.
- h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

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

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

unless:

1. the parent has been denied legal custody 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 that 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.

Regulatory Authority:

603 CMR 23.00: M.G.L. c. 71, 34D, 34E.

NOTIFICATION OF RIGHTS UNDER FERPA

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

1. The right to inspect and review the student's education records within 45 days of the day the School receives a request for access.
2. The right to request the amendment of the student's education records

- that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
 4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

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

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

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

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

3. Inspect upon request and before administration or use: protected information surveys of students created by a third party; instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and instructional material used as part of the educational curriculum. (This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions.)

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

The NMRSD will directly notify, such as through U.S. Mail or email, parents of students who are scheduled to participate in the specific activities or surveys noted below and will provide an opportunity for the parent to opt his or her child out of participation of the specific activity or survey. This notification will occur at the beginning of the school year if the District has identified the specific or approximate dates of the activities or surveys at that time. For surveys and activities scheduled after the school year starts, parents will be provided reasonable notification of the planned activities and surveys listed below and be provided an opportunity to opt their child out of such activities and surveys. Parents will also be provided an opportunity to review any pertinent surveys. Following is a list of the specific activities and surveys covered under this direct notification requirement:

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

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

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

SUMMARY OF MASSACHUSETTS LAWS AND REGULATIONS PERTAINING TO STUDENT RECORDS

I. Inspection of the Student Record

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

II. Rights of Non-Custodial Parents

Massachusetts General Laws, Chapter 71, Section 34H and 603 CMR 23.07 specify detailed procedures that govern access to student records by parents who do not have physical custody of their children. For more information, please see 'ACCESS FOR NON-CUSTODIAL PARENTS' above.

III. Confidentiality of Student Records

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

IV. Amendment of the Student Record

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

V. Destruction of Student Records

The regulations require that certain parts of the student record, such as the temporary record, be destroyed within seven (7) years of a student's transfer or graduation. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. Before any such information may be destroyed, the parent and eligible student must be notified, and provided with the opportunity to obtain a copy of any records to be destroyed.

VI. Directory Information

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

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

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

If you do not want directory information from your child's education records disclosed without your prior written consent, please notify the Principal in writing no later than the last school day in September of a given school year. The North Middlesex Regional School District has designated the following information as directory information:

- Student's name
- Participation in officially recognized activities and sports
- Address
- Telephone listing
- Weight and height of members of athletic teams
- Email address
- Photograph
- Degrees, honors, and awards received
- Date and place of birth
- Major field of study
- Dates of attendance
- Grade level
- The most recent educational agency or institution attended

The above is only a summary of some of the more significant provisions of the laws and regulations pertaining to student records. If more detailed information is desired, a copy of the regulations may be obtained from the Department of Elementary and Secondary Education. These state regulations are designed to insure parent and student rights of confidentiality, inspection, amendment, and destruction of student records, and to assist school authorities in their responsibilities for the maintenance of student records.

The regulations apply to all information kept by a school committee on a student in a manner such that the student may be individually identified. The applicable regulations may be found at 603 CMR 23.00.

NMRSD SCHOOL COMMITTEE ORDER OF BUSINESS

At regular meetings of the District School Committee the following shall be the order of business:

1. Roll Call
2. Approval of the Minutes of the previous regular Meeting and any Intervening Special Meetings.
3. Information Items/Superintendent's Report*
4. Old Business.
5. New Business.
6. Adjournment/End of Meeting

*At this point in the meeting, the Chair may recognize any member of the public who wishes to address the Committee. Committee members may ask to have a member of the public recognized. In the event a member of the public does wish to speak, they should receive a copy of the procedures they are expected to follow. In the event a printed copy is unavailable, the Chair shall clearly explain the rules for addressing the Committee.

- a. The Committee must be informed of the topic to be addressed. Whenever possible, advance notice of the topic to be addressed should be given to the Chair or a member of the Committee. It should be determined that an individual has followed the appropriate chain of authority. Any written statement should be presented to the Committee and summarized when speaking.
- b. Persons addressing the Committee may address only issues over which the Committee has direct control. The topic should deal only with agenda items.
- c. A member of the public may have two minutes to address the Committee, unless the majority of the Committee wishes to grant more time to an individual.
- d. No motions or actions should be made or taken by the Committee during this portion of the meeting. The Chair may recognize the Superintendent, other administrators or members of the Committee if they wish to ask questions or address comments specific to the topic that has been raised. No one shall be recognized until the speaker has finished addressing the Committee or has used the allotted time.
- e. The Committee must insure that the rights of district employees and students are protected.

- f. Persons should avail themselves of NMRSD policy books available in all public libraries in the district and in each school in the district. g. This policy will be included in each school handbook.