

Elementary School Student/Parent Handbook

2026-2027



Memorial Early Childhood Center



Mary K. Goode Elementary School



Henry B. Burkland Elementary School

Elementary School Student/Parent Handbook

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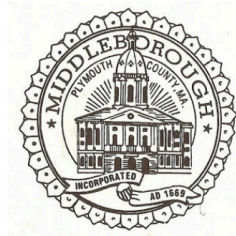
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MIDDLEBOROUGH PUBLIC SCHOOLS

6 School Street Middleborough, MA 02346

Telephone: (508) 946 - 2000 Fax: (508) 946 - 2004



Dr. David L. Thomson
Interim Superintendent of Schools

Dear Parents/Guardians,

Middleborough Public Schools is excited to distribute our revised elementary student and parent/guardian handbook. This handbook has been designed to give you program and service information as well as to help answer the questions you may encounter about programs, guidelines, procedures, and/or policies at the Memorial Early Childhood Center, Mary K. Goode Elementary School, and Henry B. Burkland Elementary School.

We hope you will find it informative and easy to use. As always, we welcome your input and suggestions. The information provided within this document was gathered as a result of input from the members of our school community. Each year, the Elementary School Councils review our handbook, explore information from other communities, make appropriate additions, and develop revisions.

This handbook is only one of many instruments that helps form the communication and partnerships between home and school. Please visit our websites, read our newsletters, reference our family calendars, attend our open houses and parent/guardian/teacher conferences, participate in family programs, and/or volunteer.

We welcome your partnership in education with us and know that a strong cooperative relationship between home and school is one of the best means to ensure a quality education for your child. Please find our contact information enclosed and feel free to utilize it as we continue to develop our partnership in education within the Middleborough Public Schools!

Sincerely,

Mrs. Tracie Lord

Principal-Memorial Early Childhood Center

~~Mrs. Lisa White~~ *Mr. Patrick Lenz*

Principal-Mary K. Goode Elementary School

Ms. Shammah Daniels

Principal-Henry B. Burkland Elementary School

“...to foster a culture of excellence within every student, in every classroom every day”

The Middleborough Public School Systems does not discriminate in its educational activities or employment practices on the basis of age, color, creed, disability, ethnicity, gender identity, genetic information, homelessness, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, veteran or military status, or any other basis protected by federal and/or state law.

Elementary Level Handbook and Code of Conduct Verification Form

The Middleborough Public Schools Elementary Handbook including the Code of Conduct represents one of the essential parts of the educational experience in the Kindergarten through fifth grade. To be successful, rules of conduct and procedures must be followed.

Please read and discuss our handbook including the code of conduct with your child so that both you and your child are familiar with it. Please sign and return this sheet so that we know you and your child have received and read this important information.

All verification forms must be returned within two weeks of being issued in the student and parent/guardian handbook.

Student: _____ Grade: _____ Room: _____

We have read the Elementary School Student and Parent/Guardian Handbook and we understand the policies found therein.

Parent/Guardian Signature(s): _____

Date: _____

Student Signature: _____

Date: _____

Additional Handbook and Code of Conduct Verification Forms will be available in each main office.

The Middleborough Public Schools Bullying Prevention and Intervention Plan is available on the district website and can be provided in your native language upon request. El plan de prevención e intervención de intimidación llamado Middleborough Public Schools Bullying Prevention and Intervention está disponible en su idioma a su petición.

“...to foster a culture of excellence within every student, in every classroom every day.”

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Safe-to-School

The elementary schools of Middleborough have implemented the Safe-to-School Program. The purpose of this program is to ensure that all students are safely accounted for either at school or at home. Parents/Guardians must call to report their child's absence by 9:00 am. At approximately 9:00 am, a school staff member will listen to the messages and document the recorded information. The phone messages will be cross-referenced with class attendance lists to verify a child's whereabouts. If there isn't a message for a student who is absent, the designated staff member will call the parent/guardian numbers provided to confirm their absence and remind Parents/Guardians the importance of complying with this program, whenever possible.

**Please call the appropriate number by 9:00 am to
report your child's absence**

Memorial Early Childhood Center
508-946-8872

Mary K. Goode Elementary School
508-946-8870

Henry B. Burkland Elementary School
508-946-8871

I. GENERAL INFORMATION

Contact Information

Flora C. Clark Central Administration Building

~~Mrs. Carolyn Lyons - Superintendent~~ *Dr. David Thomson - Interim Superintendent*

6 School Street

Middleborough, MA 02346

Phone: 508-946-2000

Fax: 508-946-2004

<https://www.middleboro.k12.ma.us/>

Memorial Early Childhood Center (Pre K-K)

Mrs. Tracie Lord- Principal

219 North Main Street

Middleborough, MA 02346

Phone: 508-946-2032

Fax: 508-946-2023

Safe to School: 508-946-8872

<https://www.middleboro.k12.ma.us/MECC>

Mary K. Goode Elementary School (1-5)

~~Mrs. Lisa M. White - Principal~~ *Mr. Patrick Lenz - Principal*

31 Mayflower Avenue

Middleborough, MA 02346

Phone: 508-946-2045

Fax: 508-946-8851

Safe to School: 508-946-8870

<https://www.middleboro.k12.ma.us/MKG>

Henry B. Burkland Elementary School (1-5)

Ms. Shammah Daniels - Principal

41 Mayflower Avenue

Middleborough, MA 02346

Phone: 508-946-2040

Fax: 508-946-2029

Safe to School: 508-946-8871

<https://www.middleboro.k12.ma.us/HBB>

Entrance Age

To enroll your child within Middleborough Public Schools, parents or guardians must complete an online registration that can be found on the district's website. For registration questions please contact the district registrar at 508 946-2000 ext. 3716. A child entering Kindergarten must be five years old on or before September 1st of that school year. To enter first grade a child must be six years old on or before the following September 1st. Recognizing there are individual differences in children, exceptions to these dates, allowing earlier entrance, have been developed. Please contact Central Office or your respective school office for further information.

Required Forms

The following list identifies the required forms for a complete school record. We strongly suggest that Parents/Guardians keep copies of each of these forms for their own files. It is important that Parents/Guardians notify the school of any changes regarding a change of address, phone number or any other significant change.

Forms required upon entering school:

- Immunization Form
- Up-dated Health Record
- Transfer Slips
- Special Education Records/ Individualized Education Program (IEP)
- English Language Learner Identification Form
- Ethnicity

Forms that need to be updated and submitted:

- Pupil Registration Form
- Court Ordered Custody Agreements Legal Decrees (When Appropriate)
- Acceptable Use Policy Forms (Internet Use Permission Forms)
- Media Release Permission Form
- Student-Parent/Guardian Handbook-Code of Conduct Verification Form
- Visual Arts Permission Form

Forms that should be provided as needed:

- Medication Order from Physician
- Universal Dismissal Form/PTA Dismissal Form
- Signed Consent Form to Give Medication
- Free/Reduced Lunch Application (available through your school's main office or online at <http://www.chartwellsschooldining.com/middleboro/content/home.asp>)

Parent/Guardian Permission, Release and Indemnification Agreement

School Day Schedule

Grade Level	AM Arrival Begins	Instruction Begins	Dismissal	PM Arrival	Instruction Begins	Dismissal
Preschool	8:45 am	8:50 am	11:15 am	12:00 pm	~~12:20 pm~~ 12:05 pm	2:30 pm
Kindergarten	8:30 am	8:50 am	3:00 pm			
Grades 1-5	8:40 am	8:50 am	3:20 pm			

Kindergarten (Early Release Day)	8:30 am	8:50 am	12:45 pm			
Grades 1-5 (Early Release Day)	8:40 am	8:50 am	1:00 pm			
*Lunch and Recess: Each school has a 30 minute lunch and a 20-25 minute recess.						
*Indoor Recess: May take place depending on weather conditions.						

School Cafeteria Point of Sales System

Middleborough Public Schools utilizes a point of sales system for students to purchase lunches at each of the schools. Each student is assigned a 4-digit number to enter as they purchase their lunch. Please help your child to memorize their 4-digit pin. Your child will have this same number from Kindergarten to graduation. Families have options for lunch payment under this point of sales system. Families may 1. continue to provide payment for their student's lunches at each register with cash or checks for daily payment or prepayments; 2. pay for lunches online (www.MyNutrikids.com). Payments may be made through an existing PayPal account or with a major credit or debit card; or 3. continue to apply each school year if a student has qualified for free or reduced meal prices. This information is noted in the system, and the meal will be processed automatically. Families have the ability to print out a copy of their child's purchasing report. This history report shows all the dates and times that the child has purchased a breakfast and/or lunch as well as a la carte items within the past thirty (30) days. Families can access this history report on www.MyNutrikids.com regardless of whether or not they use the system for purchasing. Parents/Guardians may also provide food allergy information to the Food Services Department for inclusion in the MyNutrikids system.

Rebecca Bagnell, *Food Service Director*
 Henry B. Burkland Elementary School
 41 Mayflower Avenue
 508-946-2036
rbagnell@middleboro.k12.ma.us

Arrival and Dismissal Procedures

Supervision begins at 8:40 am; therefore, students must not be dropped off on school grounds before that time. **There will be no adult supervision for students dropped off at school prior to 8:40 am.** Likewise, grade 1-5 students who walk to school should not be on school grounds until 8:40 am. Students must be dropped off between 8:40 am and 8:50 am. **Doors will be secured at 8:50a.m.** Students who arrive at their school after 8:50 am will be marked tardy and Parents/Guardians must sign their child in at the office. Students arriving after 12:15 pm will be considered "Absent/Tardy," and students who are dismissed prior to 12:15 pm are considered "Absent/Dismissed."

All early dismissals are from the main office. The adult picking up the child must sign them out and present a picture ID. Sometimes it is necessary for Parents/Guardians to phone in alternative dismissal instructions during the school day. When this occurs, the school may require verification to confirm the identity of the caller. This is to ensure the safety of the student. Calls for alternative dismissal instructions should be made to the main office prior to 2:00 pm, unless there is an extreme emergency. Early dismissals should be an occasional occurrence for necessary matters. Appointments for doctors, dentists, etc. should be scheduled outside the school day whenever possible. Dismissals for matters of convenience are discouraged. Each student must have an Emergency Dismissal Form on file. This form must provide all information necessary in case of an early school dismissal due to

inclement weather or other emergency.

Parents/Guardians are required to send notes for alternative dismissals, which must state the time of the dismissal and the reason. Only the Parents/Guardians and those designated on the Pupil Registration Form will be allowed to dismiss the student. **A separate note is required for each day there is a change in a student's dismissal.**

Parents/Guardians picking up their child must be ready to present a picture ID when dismissing their child. Regular dismissal for the Memorial Early Childhood Center begins at 3:00 pm and students being picked up at the end of the day will ~~congregate in the gymnasium where you may meet them for pick-up~~ *dismiss from the gymnasium.*

Regular dismissal for the Mary K. Goode and Henry B. Burkland Schools begins at 3:20 pm and students being picked up at the end of the day must exit from the back of the building, (Route 28). Reminder, it is unlawful to park, idle, or stage on route 28. The gate to the student pick-up for the end of the day is set to be opened at 2:45 PM. When possible, to decrease traffic on Route 28, gates will be opened slightly before that time. Please remain in your car until 3:10 PM to ensure classes can continue their instruction.

For safety reasons, our elementary age students are not to ride bicycles or scooters to and from school, unless their Parents/Guardians have discussed this with the principal. A decision will then be made at the individual school level regarding the travel distance and student profile so that a safe decision can be made on an individual basis. Walkers and bicyclists are expected to follow all traffic rules as they leave school grounds by staying on the sidewalks and crossing at crosswalks. For safety reasons, as well as legal requirements, bicyclists must wear helmets and walk with their bikes until they have left the school grounds. The term bicyclist also includes those students who ride scooters.

Transportation

Students are required to follow their normal dismissal procedure unless there is communication from the Parents/Guardians as described below.

If a student's bus route must be changed, a note from a parent/guardian is required and needs to include the date, the usual bus number, the new bus number, and a parent/guardian signature with a phone number where they can be contacted. Once the teacher receives the dismissal note, we will issue a bus pass to the student. If there is an ongoing situation (e.g. every Tuesday a change is needed), only one note is required for the year. It will be kept on file in the classroom. Students will not be allowed to board a different bus unless they have a note stating the designated date of the bus change and drop off location.

Should Parents/Guardians request that their child be dismissed as a "pick-up" instead of taking a bus home, the parent/guardian must send in a note stating the date, reason, and a parent/guardian signature with phone number where they can be contacted. All notes for changes in dismissal need to be provided to the teacher in the morning and a dismissal pass will be distributed to the student stating the dismissal change.

Riding the bus is considered a privilege designed to provide safe transportation to and from school. No student will be allowed to change their after-school bus transportation except in cases of emergency or because of child care requirements. Bus changes for activities such as birthday parties, athletics, scouts, lessons, visits to friends, etc. will not be allowed because of student safety and the potential of overcrowding on buses. Only students scheduled to ride the bus may ride the bus to and from school.

Any conduct that may distract the driver and, thus, interfere with the safe operation of the bus, is prohibited. The bus driver will report such conduct and students will be subject to disciplinary action. The same rules and regulations regarding the behavior of students in school apply to the behavior of students on the buses. Students who receive bus infractions are subject to receiving suspensions from riding the bus to and from school. Again, riding the bus is a privilege and any dangerous or disruptive behavior may result in temporary or long term removal from the bus.

Cancellations

Middleborough Public Schools occasionally must cancel school or call an early emergency dismissal due to inclement weather or due to an emergency. Announcements will be made via SchoolStatusConnect, an automated phone call and on the following radio, television, and Internet sites.

- ◆ <http://www.middleboro.k12.ma.us>
- ◆ WBUR 90.9 FM
- ◆ WBZ 1030 AM
- ◆ Television Network Channels 4, 5, 6, and 7
- ◆ Local Cable Channels: 20 and 33
- ◆ NECN

Parking Areas and Restrictions

Visitors must park in the designated "Visitor Parking" spaces that are available. Visitors are not to park in between rows or in the driveway, at any time. There is no parking in the circular drive in front of any of the schools, this area is for school buses or emergency vehicles and must remain clear at all times. Designated handicapped parking spaces are limited so please be respectful and leave these spaces for those with proper permits.

Parking Lot Procedures:

For Drivers:

- **Follow Traffic Flow:** Adhere to designated lanes and traffic patterns within the parking lot.
- **Drive Slowly:** Drivers should not be traveling more than 5 mph in our parking lots! Please slow down and be cautious.
- **Use Turn Signals:** Always use turn signals when changing lanes or turning so that other drivers and crossing guards know your intentions.
- **Avoid Distracted Driving:** Don't use cell phones, eat, or engage in other distractions while driving.
- **Be Mindful of Pedestrians:** Pay attention to children and other pedestrians walking in the parking lot and along the streets.
- **Don't cut in front of other vehicles:** Be patient and avoid aggressive driving.
- **Follow instructions from crossing guards, Middleborough Police, and MPS employees:** These individuals are there to help keep children safe.

For Pedestrians:

- II. **Walk on the sidewalk or designated walkways:** Stay off the road and out of the flow of traffic.
- III. **Look both ways before crossing the street and follow instructions from all crossing guards:** Be especially cautious when crossing at intersections or in areas with high traffic flow.
- IV. **Use crosswalks:** If available, use designated crosswalks to cross the street.
- V. **Be aware of your surroundings:** Pay attention to traffic and potential hazards.
- VI. **Don't run into the street:** Walk carefully and wait for a safe opportunity to cross.
- VII. **Don't talk on your phone or wear headphones while walking:** This can distract you and make it harder to see and hear potential hazards.

VIII. **Be careful when crossing the street, especially if you have a friend or sibling with you:** Make sure you both cross the street together and stay alert.

II. ATTENDANCE

Attendance and Truancy-Grades 1-5

State law requires regular attendance at school. If a student accumulates seven unexcused absences within a six month period, the school principal or their designee will make reasonable efforts to meet with the parent/ guardian of the student to develop action steps to address the student's absenteeism. This could include notifying the Division of Children and Families (DCF), Juvenile Probation and/or the local court. It is realized that there are instances when a student may temporarily be absent from school including illness, death of a family member, or religious holidays. Absences for any other reason are not allowed and are not excused.

Any student absent for five consecutive days must provide a physician's certificate to return to school. All notes for absenteeism must be given to the homeroom teacher within two days after a student's return. Parents/Guardians are requested to include the dates and reason for the absence, their child's full name, grade, and classroom number on each absence note.

Planned absences, such as those for family vacations, are discouraged and are not excused. Teachers will not be required to prepare work in advance for such absences. Parents/Guardians should note that such absences cause students to miss valuable classroom experiences and presentation of new material that cannot be replicated through make-up work; therefore, the quality of the student's school experience may suffer in such cases. The school requests that appointments for doctors, dentists, etc. be scheduled outside the school day, whenever possible.

Parents/Guardians receive attendance letters from the principal for excessive absences, tardies, and/or early dismissals. A copy of the attendance letter is filed in a student's record folder.

Make-up Work-Grades

It is the responsibility of Parents/Guardians to make arrangements for make-up work following student absences. Teachers are not required to provide assignments before absences. In the case of absences, teachers need at least twenty-four hours in advance to prepare assignments. It is the responsibility of the parents/guardians/guardians to notify the classroom teacher as soon as possible when requesting assignments and/or homework. Extended illnesses will be handled on an individual basis. Should a parent/guardian know ahead of time that their child will be absent for an extended period of time, notification to their child's teacher should take place.

Tardiness

Students who arrive at their classrooms after 8:50 am are considered tardy. If a student is late to school, the adult bringing them to school must sign them in at the main office. The only standard exception to this is when a school bus arrives late; in which case, an announcement will be made excusing the students on that bus from being marked as tardy.

III. HEALTH AND SAFETY INFORMATION

Snacks

During the school day, teachers schedule a snack break for their students either in the morning or the afternoon. Please provide your child with a healthy snack and beverage each day along with their lunch and/or lunch money.

Celebrations at School

The Middleboro Public School Health and Wellness Policy states that classroom parties for holiday and other special occasions will not include food items. There will be no sharing of food at any time of the school day. Parents/guardians should consider non-food alternative options to celebrate special occasions at schools.

Invitations to parties are to be delivered outside of school. Staff is not allowed to give out student addresses. Individual items for students such as flowers, balloons, etc. will not be delivered to the classrooms; deliveries cause a disruption to the learning environment. Such items are held in the main office until lunchtime or the end of the day, when students are allowed to pick them up.

Parents/guardians are encouraged to present such gifts at home. Latex items are discouraged due to students/staff with latex allergies.

Health Services

The school nurse is on duty from 8:30 am until 3:30 pm. The health office is located in close proximity to the main office in each building. If a child becomes ill they are sent to the nurse's office.

In case of illness or accident, first aid is given to the child and, if necessary, Parents/Guardians are notified. The nurse will determine whether communication needs to be made with a parent/guardian or emergency contact regarding student illness or injury. Students are not allowed to call home or leave the building on their own because of illness or injury; they must report to the nurse, who will make arrangements, if necessary.

All student accidents are to be reported to the school nurse. Accident reports are filed for significant incidents and copies are forwarded to the school principal.

It is essential that the information provided on the Pupil Registration Form be current and that all persons listed as emergency contacts are able and willing to take the student home (at least two contacts must be provided). For safety reasons, students who live within walking distance will not be allowed to walk home, even if a parent/guardian is at home. Other arrangements must be made in such cases. Emergency information is to be completed annually and continuously updated by the Parents/Guardians.

Chapter 76, Section 15 of the Massachusetts General Laws requires students to be immunized against certain diseases. If the student does not meet the immunization requirements upon transfer from another school, the Parents/Guardians will be notified by the school nurse and must comply with DPH immunization of students before admission to school, Law 105 CMR 220.000. If the student does not meet these requirements, they will be excluded from school until this obligation is met in accordance with state law.

No student, as defined in 105 CMR 220.400, shall attend kindergarten without a certificate of immunization documenting that the student is fully immunized. Two exceptions are: Medical exemption and Religious exemption. Documentation must be provided.

Administration of Medication at School

If a child is required to take any medication, prescription or over-the-counter, during the school day, the school nurse must have a doctor's order stating the name of the medication, the dosage, purpose, and the time(s) it must be taken. This includes all non-medicated lozenges. Written parental/guardian permission is required as well, and an adult must bring the medication to the school nurse only. Students with severe colds or contagious ailments should not be sent to school. **All medication must be in the original container. No baggies are accepted.**

Students are not allowed to bring any medication to school. On the last day of the school year, all medication not picked up will be disposed of at that time and duly documented. It is the responsibility of the parent/guardian to keep medication supplies up-to-date and to keep the nurse informed of any issues regarding their child's health.

MIDDLEBOROUGH PUBLIC SCHOOLS HEALTH SERVICES CRUTCH/WHEELCHAIR/TRANSPORTATION PROTOCOL

Any student in the Middleborough Public Schools who requires the temporary use of crutches or a wheelchair must have a safety plan in place. The plan is to be coordinated by the school nurse with input from the physician, the parent/guardian, the student, the staff, and the bus company. The following must be in place:

1. Emergency Plan- A temporary emergency evacuation plan must be initiated by the school nurse. The classroom teacher(s) and the administration will receive a copy of the plan.
2. Classroom Accommodations- Students will be allowed to use the elevator, if necessary, in their building. Students are required to have a pass/key for the elevator prior to use. This is coordinated by the school nurse once receiving documentation from a physician stating the diagnosis (injury) and approximate time of use. Students are not allowed to use the elevator without a pass from the school nurse for obvious safety concerns. Students should not be using the stairways while on crutches, except during a fire drill when elevators are not available. Additional time to get back and forth between classes may be necessary. The school nurse will work with the staff to make any other accommodations needed.
3. Transportation Accommodations-
 - Students will be allowed to ride the school bus if determined safe.
 - Parents/Guardians must first meet with the school nurse and provide physician documentation stating the diagnosis (injury) and the approximate number of days/weeks the crutches will be required.
 - Bus drivers will not allow students on the bus with crutches until the student presents a pass from the school nurse with a parent/guardian signature.
 - The pass is only valid for the time specified. If additional time is required, the student must meet with the school nurse to receive an extension.
 - Students on crutches must have the ability to safely maneuver the stairs to the bus and sit in the seat directly behind the bus driver.
 - Alternative transportation may be provided by the school district if needed. • All students requiring a wheelchair will be provided alternative transportation.
 - The school nurse should contact Central Office as soon as they are notified that a student may need this service so that arrangements may be made.
 - A physician note specifying that the student needs alternative transportation must be provided to the school nurse. This note should include the nature of the need, as well as the expected duration. If this is not known, the physician may specify until further notice.
 - The school nurse will fax the physician note to Central Office.
 - Parents/Guardians may also provide private transportation. For further information regarding district Health Services, please refer to the Middleborough Public Schools website or call the school nurse. Health forms may also be downloaded on the same website.

Allergies

The nurse must be informed of student allergies and other medical conditions and if/when there is a change in a student's medical status. This information should be documented on the Pupil Registration Form. Students with peanut or nut tree allergies have a peanut safe table in the cafeteria and their classroom is identified as a peanut safe area for the safety of each student with a peanut or nut tree allergy. School administrators and appropriate staff are made aware of students with specific allergies.

Visitors

Visitors are welcome to the Middleborough Public Schools. All visitors must identify themselves prior to gaining entrance to the building. Only authorized office personnel will give visitors entrance to the building. Parents are requested to not hold doors open to maintain security. Upon entering visitors must sign-in at the main office and obtain a security badge. The security badge should be worn at all times while visiting the school. This is for the safety of our students and staff. Unidentified persons in the school will be asked to report to the main office.

If you would like to speak with a teacher, an appointment should be made so that the teacher's responsibilities are not disrupted.

The Middleborough Public Schools community takes pride in our school environment. The staff asks that Parents/Guardians encourage students to care for our school environment by not littering or doing anything that causes the school to look less than its best.

Safety Information

Our number one priority is to provide a safe and secure learning environment for students and staff. If you have a concern or a suggestion regarding student safety, please make the administration aware of it.

Fire Drill

Fire drills are of paramount importance to the safety and protection of our students, staff and visitors. All fire drills and fire alarms are to be taken seriously. Students are to adhere to the following rules:

1. The prolonged ringing of the fire alarm will be the signal to exit the building.
 - a. Pupils are to leave in an orderly fashion as directed by a teacher. Students are expected to be familiar with the fire drill regulations posted in each room.
 - b. **ABSOLUTE SILENCE** must be maintained throughout the entire drill/alarm. Talking during a fire drill/alarm may result in disciplinary action.
2. Students in the hallways should leave the building by the closest available exit. Once outside, they should remain with their classroom teacher or remain with the nearest teacher that can assist the student for attendance purposes.
3. Students in the cafeteria should follow the directions of the duty teacher, exiting by posted instructions.
4. Close classroom doors. **NO ONE HAS PERMISSION TO REMAIN IN THE BUILDING.** Students and teachers in outdoor physical education classes should stop activity until the fire drill has ended.
5. Students return to the building by the same door that was used for exit.
6. It's against the law to pull a false alarm. False alarms can put fire fighters, students and staff in danger. Serious legal and disciplinary consequences will result.
7. Students will remain outside the building until the fire department deems the building safe to re-enter.

Stay-Put

A stay-put is called when the evacuation of the building is not appropriate. It is declared when an immediate reaction to a situation is not needed and time is available to evaluate the appropriate response. A stay-put response requires that no one leave his or her designated location or area. Recognizing the unforeseen circumstances that would dictate such action, our Emergency Response Team in conjunction with the Middleborough Police and Fire Departments have developed procedures for such drills.

Lockdown Procedure

A lockdown occurs when, in the opinion of the administrator in charge, a situation exists that threatens the safety of students and staff and requires that they position themselves in an identified safe zone within the building. Upon

arrival, Middleborough Police Department and other safety personnel will take command of the facility. Recognizing the unforeseen circumstances that would dictate such action, our Emergency Response Team in conjunction with the Middleborough Police and Fire Departments have developed procedures for such drills.

The ABCs of MPS Emergency Response Options

Please note:

1. This is a non-linear list of possible responses that faculty and staff may choose from at their discretion in case of an active threat
2. As the active threat situation changes, your response may change as well

Alert - Based on the threat, Alert can mean many things

- Call 911
- Using any means of communication, teachers will alert school administration immediately providing as much detail as possible
- Administrative Team will offer all real-time information over the Public Announcement (PA) system and continue to offer updates as they are made available
- DO NOT POST INFORMATION ON SOCIAL MEDIA SITES

Barricade and Lockdown

- Based on the threat, a barricade and lockdown may be best
- Use desks, belts, cords, chairs, doorstops, bookcases—anything you can use to prevent an intruder from breaking through the door and crossing the threshold(s) into your classroom
- All staff and students should move toward the classroom “safe spot” away from doors and windows with the lights off, windows and blinds closed, and sit as quietly as possible.
- Administrative Team/Police Representative will provide as much real-time information over the PA system and walkie talkies as possible including the location of the intruder, the nature of the emergency, and anything that might help faculty and staff decide the best course of action to keep students and themselves safe.
 - Information provided may address the threat directly in order to confuse and distract the intruder.
- Faculty and staff should provide as much information as possible to the 911 operator—the threat’s location, description, wounded, etc.
- Faculty and staff should use cell phones, classroom phones, texting, walkie talkies, e-mail, tablets—anything that will provide information to the 911 operator or Administrative Team. DO NOT POST INFORMATION ON SOCIAL MEDIA SITES.
- SEE CONTACT LIST FOR CELL PHONE NUMBERS AND EMAIL ADDRESSES

Distract/Disarm – Worst Case Scenario: The threat has crossed the threshold into your space

- Make every effort to distract the threat by interrupting the OODA loop: Observe, Orient, Decide, Act
 - Make noise
 - Move; run by the threat
 - Create distance
 - Create distractions
 - Throw anything/everything at the threat in their line of sight (head, upper body)
 - Evacuate the area if possible
 - If willing and able, swarm the intruder and subdue him/her using any means necessary
 - If able, secure the intruder’s weapon under a trash can or orange emergency bucket DO NOT SECURE THE WEAPON IN HAND

Evacuate/Escape

- Whether planned or not, a mass evacuation will occur during the active threat event
- If, based on the Alert, Communication/Information, the best option is to Evacuate/Escape, staff and students are empowered to GET OUT!
- If needed, single or small groups of those evacuating should zig zag as they run toward the rally point to become a harder target.
- Staff and students should make every effort to meet as soon as possible at the designated rally points off campus.
- Parents and family members SHOULD NOT COME TO THE SCHOOL, but should meet their loved ones at the designated rally points

Protection of Children

Any student who has reason to believe they are a victim of abuse, in any form, by a parent/guardian has the right, by law (Chapter 51A), to report the alleged offense to a physician, medical intern, medical examiner, dentist, nurse, teacher, administrator, guidance counselor, probation officer, social worker, or police officer. These people have a legal obligation to report alleged abuses to the Massachusetts Department of Children and Families (DCF). If any student has any question as to what constitutes child abuse, the student is to contact the school psychologist, adjustment counselor, nurse, or principal. Refer to the procedure for "Reporting Suspicion of Child Abuse and Neglect" in appendix A.

IV. HOME-SCHOOL COMMUNICATION

Curriculum

Consistent with Massachusetts regulations, 603 CMR 26.05, Middleborough Public School, through its curricula and materials, encourages respect for the human and civil rights of all individuals, regardless of race, color, sex, gender identity, religion, national origin, or sexual orientation. In accordance with district guidelines, families may request information from the building principals or the Director of Curriculum and Instruction (or designee) on available accommodations related to curriculum content.

~~School Status Connect~~ *Parent Square*

~~School Status Connect~~ *Parent Square* is an innovative, school-to-home communication system where Parents/Guardians and staff are notified of emergency communications, school system delays or closings and other important announcements from the superintendent and/or principal via telephone, e-mail and/or text message. This system can record and send a personalized voice message to all Parents/Guardians with one recorded phone call. The use of the ~~School Status Connect~~ *Parent Square* is intended to enhance the communication between home and school. Parents are encouraged to contact school administration with questions or concerns that may arise.

Appointments

The administration and faculty are available to meet with Parents/Guardians to discuss matters relating to students and their education. Please make an appointment by calling the school administrative assistant, to ensure that appropriate time and attention is given to every matter.

Calendars and Newsletters

At varied intervals throughout the school year, family calendars and newsletters are distributed to all students. The calendars inform families of scheduled events and activities. Further information can be obtained by going to our website (www.middleboro.k12.ma.us).

Change of Student Information

Each student must have a Pupil Registration Form on file with the school. This form must list all vital information, including up-to-date addresses and phone numbers for the Parents/Guardians and all others allowed to dismiss the student from school. Please notify the school immediately of any change in student information, for example, address, telephone number, emergency contacts and/or custody status.

The school assumes both Parents/Guardians have legal custody of a student unless notified in writing by the parent/guardian who has custody. In case of a dispute, the parent/guardian claiming custody must provide legal evidence of such. Parent/guardians must provide legal documentation regarding any custodial issues concerning non-custodial Parents/Guardians as well as a copy of any existing restraining order to the principal.

Deliveries for Students

When items are brought in, including school projects, they should be dropped off at the main office and not brought directly to the classroom. The administrative assistant notifies the student to pick up the item at the main office.

When a student brings in a project or an item for a scheduled event, the teacher notifies the office beforehand that such items may be delivered to the room in the morning before school. Large items may not be transported on the school bus. Alternate means must be arranged by Parents/Guardians.

Property

Lockers and closet spaces are not the students' private spaces and are subject to search if reasonable cause is determined. The school is not responsible for the loss or theft of a student's personal property. Regarding damage, loss, or destruction of school property including textbooks and library books, the student will be held responsible for repair or replacement.

Lost and Found

Items of clothing that are found and turned in are kept in the lost and found storage area in the cafeteria for one month. Clothing left over at the end of the year will be donated to local charities. Valuables and books that are found and turned in are kept in the main office. The schools are not responsible for articles lost or stolen on school grounds before school, during the school day, or after school hours.

Parent/Guardian/Teacher Conferences

Opportunities for parent/guardian/teacher conferences are held during the course of the school year. The school provides notification and scheduling of these conferences, which take place in the fall and the spring.

Promotion and Retention

Students will be promoted annually from one grade to another upon satisfactory completion of academics and other requirements. Students experiencing difficulties will be identified as soon as possible and the following procedures will be followed: 1) On-going communication among the principal, teachers, and parents/guardians/guardian of students will occur, 2) Informal observations and meetings by CST will be conducted by appropriate staff members, followed by recommendations by CST as to how to help the child, 3) A meeting will be held during the Spring trimester between the teacher, principal or designee and the Parents/Guardians regarding the possibility of non-promotion and 4) If the determination is made by the school that the student is

failing to meet the grade level standards and is likely to be retained, the school will make its recommendation known to parent/guardian by June 1.

Publications of Names and Photographs

At the beginning of each school year, a publicity release form is sent to each parent/guardian requesting their preference regarding information on their child that may be released to the news media, on the school webpage or printed in the school newsletter as well as the release of photographs. This is in compliance with the student's record release regulations and the Family Educational Rights and the Privacy Act of 1974.

Report Cards

Report cards are distributed three times each school year and are identified on our school calendar. Preschool students will receive progress reports two times per year. Parents/Guardians are encouraged to contact teachers at any time to discuss their child's progress.

Student Records and Regulations

The confidentiality of a student's permanent record, as required by state statute (Chapter 71, 34E of 1973) is respected. A parent or legal guardian may inspect the contents of their child's records by filing a written request at the school office. As required by M.G.L. c. 71, §34H, a non-custodial parent/guardian may have access to student records in accordance with the law. The principal will review the student's records with the Parents/Guardians. (See Appendix B, State Laws, Access to Student Records)

Please note that the release of any information contained in student records to a third party (such as for school pictures, newspaper articles, etc.) will not be permitted unless consent is given by the parent/guardian. The media-release form, which provides such consent, is sent home at the start of each school year.

Toys

Students are to keep all toys and electronic devices at home unless requested to be brought in to school by a teacher for a specific project. No items resembling a weapon of any kind are allowed on school premises. Schools are not responsible for any lost, stolen or damaged personal items.

Cell Phones, and Other Electronic Devices

The use of cell phones and smartwatches is not allowed in school during the instructional day. We discourage students from bringing them to school. Any cell phones or smartwatches that are in school must be turned off during the school day and left in backpacks. Office telephones are always available as needed. Schools are not responsible for any lost, stolen or damaged personal items.

Transfer of Records

When relocation from the Middleborough Public Schools is definite, Parents/Guardians should contact the main office as soon as possible to make appropriate arrangements and complete all necessary forms. Any student transferring into the Middleborough Public Schools must provide the school with a "complete record" including, but not 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." Medical records must be received prior to student admission.

Tuesday Folder

At the beginning of each school year, students at the MKG and HBB receive a Tuesday folder. Each week, the folder goes home on Tuesday and may contain important forms, letters and documents from the classroom

teacher, administrators and/or Central Office. Our goal is to create a greener environment by providing information via emails and blogs. The MECC sends home a folder daily with information for families.

Afterschool Programs

Both MKG and HBB offer a variety of afterschool enrichment programs. Sessions are offered in both the fall and spring and sign-up sheets are sent home in the Tuesday Folder. Because of those, use of the school facilities, both indoor and outdoor, should not be accessed until after 4:30 PM on any day school is in session.

Homework

Homework is an important component of education. It strengthens and reinforces concepts, and skills taught at school. It also provides an opportunity for families to monitor and participate in their child's academic progress while helping them develop organizational skills, responsibility, and ethics. Parents/Guardians are responsible for making homework a family priority; providing a quiet, distraction-free, well-lit, well-supplied place to work; motivating children; and supporting them through the successful completion of tasks. Homework is not meant to be a time where parents are teaching new skills but rather an opportunity for students to develop responsibility. Generally, homework should only take 10 minutes per grade (1st grade - 10 minutes, 2nd grade - 20 minutes etc). Your child should not become stressed and spend more than this amount of time completing their homework. Reading, in either shared or in an individual experience, should be part of every child's daily routine.

Instructional Technology

Instructional Technology is offered to all students as a core special. Through the instructional technology class students will be taught the skills required to safely and efficiently access the technology tools available throughout the building. Skills taught through this class will include, but not be limited to, Internet safety, keyboarding, conducting research and coding. The curriculum for this program will continue to be developed and will be aligned to the Massachusetts Curriculum Frameworks for Technology.

Each student has access to a computer connected to a high-speed school-wide network.

There are a variety of software programs that support the curriculum and learning, available to all staff and students.

Technology Assistance is available through the Technology Department when requested in advance by classroom teachers. All students and staff are asked to have an Authorized User Policy (AUP) on file prior to using the Internet. Students who do not adhere to regulations as stated in the AUP might have computer privileges revoked.

Field Trips

Some field trips require a fee which must be submitted with a money order. No student would be denied access to a field trip due to financial constraints. All field trips are linked to the school's curriculum standards. Field trips are used to extend a student's knowledge and understanding of a specific topic or skill being studied. A field trip also may be used to build background knowledge and/or introduce students to future areas of study.

Notification, appropriate information, expectations for behavior, and permission forms will be sent to Parents/Guardians in advance of scheduled field trips. All eligible students are expected to attend. While it is intended that all students take part in these activities, there may be some instances when certain students may be excluded from a trip. Students whose behavior or attitude is considered to pose a threat to their own safety or safety of others, and/or whose discipline record indicates insolent, insubordinate, or disruptive behaviors may be excluded. Decisions regarding a student's participation in a field trip will be made after consultation with the

teachers involved, the student's adjustment counselor, Parents/Guardians, and administration. The principal will make the final decision.

V. STUDENT SUPPORT SERVICES

Child Study Team (CST)

The CST consists of the school psychologist, school counselor, school nurse, administration, and other appropriate school personnel. The team members meet as needed to discuss and review any concerns they may have regarding a student's social, emotional and behavioral well-being. The team makes suggestions and devises a plan to assist the classroom teacher in meeting the needs of the student. In many cases, Parents/Guardians are contacted and offered suggestions and/or support.

The Curriculum Accommodation Plan (CAP) is a plan to assist principals and teachers to ensure that all efforts have been made to meet students' needs in regular education. The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement. A curriculum accommodation plan shall also provide curriculum accommodations for students who are high-end learners.

Counseling Services

As students' progress through the Middleborough Elementary Schools, they receive assistance from teachers, administrators, and the school adjustment counselor. The services of the adjustment counselor are offered to all students in need. The adjustment counselor helps to support personal development in pro-social situations. If a student is in need of a counseling screening, the Parents/Guardians will be asked for their approval, prior to the screening.

English Language Learners (ELL)

Upon entering the Middleborough Public School District, Parents/Guardians are asked to complete a home language survey identifying their child's primary language. Potential English Language Learners will be eligible for an ELL referral evaluation. The school district must provide children who are English Language Learners with appropriate services to overcome language barriers in order to ensure that they can fully participate in the district's educational programs.

McKinney-Vento Homeless Education Assistance

The Middleboro Public Schools complies with the Department of Elementary and Secondary Educations advisory criteria of the federal McKinney-Vento Homeless Education Assistance Act. The Middleboro Public Schools shall ensure that every effort is made to comply with this legislation and to ensure that each homeless child or youth has equal access to the same, free and appropriate public education, including a public preschool education as provided to other children and youth.

The Middleboro Public Schools will:

8. Designate a staff person(s) to serve as the Homeless Education Liaison(s) whose role it is to assist homeless students enroll in school, and to ensure they receive the educational support and services for

which they are eligible. **MPS' Homeless Liaison Director of Student Services 508-946-2013**

9. Immediately enroll homeless students in school, even if they do not have the documents usually required for enrollment – such as school records, medical/immunization records or proof of residency.
10. Ensure that transportation is provided, at the request of the parent, area shelters, agencies, other school districts, guardian or unaccompanied youth, to and from the school of origin.
11. Afford homeless preschoolers the same opportunity to enroll, attend and succeed in preschool as non-homeless preschoolers, thereby minimizing their educational disruption due to homelessness.
12. Collaborate with the Department of Child & Family Services and other area agencies to identify and service (1) unaccompanied youth (youth who are homeless and not in the physical custody of a parent/guardian; and not in the custody of a state agency); and (2) children and youth in state care or custody (foster children) who have been placed out of their homes into temporary, transitional, or emergency living placements.
13. The Department of Education's Homeless Assistance Office has revised its interpretation of the term "school of origin" under McKinney-Vento. The new Homeless Education Advisory 2015-9 replaces prior advisories 2004-9 and 2007-9A and may be accessed here: <https://www.doe.mass.edu/sfs/mv/>.
 - a. School of Origin - not District of Origin "School of origin" is defined as the school the child or youth last attended when permanently housed or the school in which the child or youth was last enrolled. Under McKinney-Vento, homeless children and youth have the right to choose between continuing to attend their school of origin or enrolling in the local school where they are temporarily residing. However, "school of origin" does not apply to the entire school district where the child last attended.
14. Adopt the Department of Elementary and Secondary Education's dispute resolution procedures and forms. In the event of a school selection or enrollment dispute, the students shall immediately be enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. The MPS' Homeless Liaison will carry out dispute resolution as provided by state law.

Educational Rights of Students Who Are In Foster Care

District Foster Care Point of Contact: ~~Kevin Aitable~~ **Heather Geary**

- I. School of Origin
 - Same application as Homeless Process
- II. Transportation
 - Some students who remain in school of origin will need transportation
 - Districts must collaborate with DCF to establish policies and procedures to ensure students who need transport get it
- III. Best Interest Determination
 - A. Decisions about which school a student will attend should be made "collaboratively"
 - B. Should include those in the best position to understand the student's needs:
DCF, student, family/foster family, ANY EDUCATIONAL DECISION MAKERS, District of origin, school personnel, LEA
 - C. Consider the unique needs of the student and relevant factors:
 - Age, grade level, student's preference, student's attachment to school, placement of the siblings, distance/length of time to travel to/from school, time of academic year, academic performance/skills,

anticipated length of placement, family reunification, number of placements to date, ability to maintain family relationships and engagement

- Clinical and bx issues, influence of school climate on student, availability and quality of services of the school, availability of special education and/or 504 services

D. Parties may want to consider whether the school of origin is in the best interest but only for a limited duration of time. Parties may wish to revisit the question of best interest.

E. Transportation costs should not be a factor in determining best interest

IV. Immediate Enrollment

- Once it's determined that best interest means our school, we enroll immediately
- With or without documentation including guardianship, health... everything
- Notice to LEA forms (from DCF) will include emergency contact, record release, transportation needs

Response to Intervention (Rtl)

Response to Intervention (Rtl) is based on the concept of providing evidence-based instruction by highly-qualified staff i.e.: classroom teachers, special education teachers, coaches, and/or interventionists that are matched to student needs and monitored on a frequent basis. (Rtl) is a way to monitor student progress and provide additional support to those children requiring intervention in their identified area of need. The information gathered is used to make decisions regarding the student's educational program. Classroom teachers monitor all children throughout the year to make sure that they are learning in the instructional environment. If not, they are offered a level of support needed to learn. Again, progress is monitored continually. Children are identified for support based on their current performance level and needs. Rtl offers three tiers of support to assist students based on their need.

Tiers of Support - A tier is the level of assistance a student receives in the general educational setting. As the student progresses through the tiers, the interventions or support increases at each tier. Parents/guardians are notified if their child is to be receiving Rtl services.

Tier One - Instruction at this tier includes evidence-based instruction that is differentiated according to the student's needs. Teachers use progress monitoring to guide and inform instruction.

Tier Two - Instruction at this tier focuses on needs-based instruction and learning. Tier two includes pre-planned interventions that should be in place for students who are not being sufficiently successful. Tier two interventions are provided to students who have been identified through progress monitoring evaluation data.

Tier Three - Instruction at this tier focuses on more time and intensity of instruction. It is for students who continue to be unsuccessful using tier one and two interventions and strategies. Progress monitoring occurs more frequently. If insufficient progress is made in Tier 3, a referral for an evaluation may be requested. Parent/Guardian consent would be required for this.

Section 504

Section 504 of the Rehabilitation Act, 29 U.S.C. 794(A), is an anti-discrimination statute that prohibits discrimination against people with disabilities, including students, employees, and other members of the school community. This law applies to all school districts that receive federal funding aid and it covers all programs and activities that the school district offers. The responsibility of the district is to identify, evaluate, and provide appropriate services to those individuals who meet the criteria set forth by the Act.

Who is a disabled person under the law?

A disabled person under Section 504 and the ADAA:

- Has “a physical or mental impairment that substantially limits one (1) or more major life activities of such individual, has a record of such impairment; or being regarded as having such an impairment.”

Referral Process

A referral may come from parents, professional staff, students, and/or community agencies. A pre-evaluation meeting will be held by the 504 Team to review any previous actions taken to address the concerns and determine whether a request to conduct an evaluation is warranted.

The school will notify the parents or guardians, in writing, of the school's reason and intent to conduct an evaluation. The notice will include a description of the evaluation(s) and procedural safeguards.

This process will include an initial determination of whether the problem identified at referral, suggests an impairment of a major life activity. The Team then decides further course of action (i.e. to evaluate or not).

In interpreting evaluation data and making placement decisions, teams shall draw upon information from a variety of sources, including aptitude and achievement test, teacher recommendations, physical conditions, social or cultural background and adaptive behavior.

If the student is found eligible, a 504 Plan will be written and implemented containing accommodations appropriately determined by the 504 Team. Section 504 requires schools to make necessary accommodations, but not substantial or fundamental alterations (modifications) to its programs to allow disabled students to participate or to lower its standards as an accommodation for a student with a disability.

All students are expected to meet the requirements for behavior as set forth in the student handbook. Suspensions of more than 10 days are subject to special rules under Section 504: 34 CFR 104.35(a). Under Section 504, students with identified disabilities cannot be expelled or suspended from school for more than 10 school days for misconduct that was a manifestation of the student's disability. The 504 coordinator, prior to the 10th day of suspension, will hold a manifestation determination meeting.

Special Education Program

Federal and state laws require that students who are found eligible for special education services will receive such services at school at no expense to the parent/guardian. The special education department offers a variety of support services to eligible students who have an Individualized Education Program (IEP). Parents/Guardians that have a concern or question regarding their child's IEP should contact their child's special education teacher or contact person.

When a parent/guardian makes a request for an initial evaluation in writing, the Parents/Guardians will receive the Consent for Evaluation, the Proposal to Act (N1) letter, and a Notification of Procedural Safeguards within five school days of their request, in accordance with state regulations. Parents/guardians may also receive the “Principal's Letter to Parents/guardians” seeking additional information about the nature of the suspected disability(ies). This letter helps the evaluation team develop a better understanding of the parents/guardians' concerns. When the Consent for Evaluation form is signed by Parents/Guardians and returned to the Special Education Department, the evaluation process begins. The referral documents will be reviewed and the student will be assessed in the identified area(s) of suspected disability within 30 school days.

Within 45 school days of receipt of the Consent for Evaluation, the Special Ed Coordinator will coordinate a Team

meeting with Parents/Guardians and school personnel to review the results of the evaluation. If there are any questions regarding the referral process, parents/guardians are encouraged to contact the Special Education Coordinator at each building. Contact information Mary K. Goode 508-946-2045 and Henry B. Burkland Schools at 508-946-2040 and Memorial Early Childhood Center at 508-946-2032.

Speech and Language Services

Students who have been through the referral process and have been identified as needing speech and language services receive direct instruction and/or consultation with their classroom teacher in relation to their needs, during the school day. Students receive services as stated in their IEP or in their remedial articulation accommodation plan. Articulation services are designed for students who have a difficult time producing specific sounds. For example, children with articulation disorders might distort some of the sounds they say, substitute the incorrect sound and/or omit some sounds completely. Children who receive speech and language therapy may have difficulties with auditory processing, short-term memory, problem solving and reasoning skills, understanding or creating questions, sentence formulation, and/or appropriate use of grammar. A child also may receive speech and language therapy if they have a voice disorder or are dysfluent (which is also known as stuttering).

Title 1 Program - Grades K-5

The Title 1 Program in the elementary schools is designed to provide supplemental instruction for students who are at-risk for meeting the district standards in the area of English/language arts. The goals of the program are as follows:

- Accelerating students toward proficiency in reading, and writing by providing supplemental instruction beyond the classroom teacher's instruction.
- Providing students at a more significant risk level a tertiary level of instruction to support specific skill development over a short period of time, and
- Providing students with reading and writing skills along with strategies that will help them achieve the district's ELA standards and thus develop confident readers and writers.

The overall program is one, which is reviewed by both administration and Title 1 staff. The Title 1 staff and classroom teachers pride themselves in collaborating for the purpose of curriculum planning and instruction. Students are selected to participate in this program through a process that combines various assessments along with teacher judgment about each student's reading and writing performance. The process of identifying students is on-going throughout the school year to best meet the needs of all learners.

Our program serves students through direct instruction up to five days a week. The Title 1 teachers use a variety of instructional strategies and materials to provide this supplemental instruction to selected students. Again, this instruction is in addition to explicit reading and writing instruction provided by the classroom teacher.

Parents/Guardians may contact their respective school's main office for any questions or concerns regarding this program in grades one through five.

Tutoring

The Massachusetts regulation requiring educational services in the home or hospital is 603 CMR 28.03(3)(c). (See Appendix B for detailed Protocol and Procedure for Home & Hospital Instruction Program). It reads as follows:

Upon receipt of a physician's written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as

long as such services do not interfere with the medical needs of the student. The principal shall coordinate such services with the Department of Pupil Personnel Services for eligible students. Such educational services shall not be considered special education unless the student has been determined eligible for such services, and the services include services on the student's IEP.

Any questions about the provision of educational services in the home or hospital should be directed to the principal.

VI. SCHOOL SUPPORT ORGANIZATIONS

Parent/Guardian Volunteers

The school wishes to maintain and further develop its relationship with the Middleborough community. Our parent/guardian volunteers provide many hours of support for our students and staff. A large number of volunteers work at the school in a variety of settings. All parent/guardian volunteers must have an approved CORI form on file with the Middleborough Public School District prior to volunteering in the school or chaperoning field trips. Chapter 385 adds another new component to Section 38R of Chapter 71 that requires periodic updates of CORI information. At least every three years, school officials must "obtain all available criminal offender record information from the criminal history systems board on all such employees and volunteers during the term of their employment or volunteer service." Access to updated information ensures that school system managers continue to vigilantly protect children.

Volunteers are encouraged to attend their respective school's Volunteer Orientation-Training Meeting. Parents/Guardians will be informed of all procedures and responsibilities of being a volunteer at their school. Volunteers must respect and maintain confidentiality of all students within the school, at all times. If there is a cause for concern and/or question, volunteers are asked to meet with an administrator. All volunteers must sign-in at the main office and obtain a volunteer security badge when visiting their school.

Parent-Teacher Association (PTA)

The Parent-Teacher Association (PTA) is a volunteer organization made up of parents/guardians, teachers, and community members who work with the Middleborough Public Elementary Schools to promote family and community engagement in education. The PTA develops and funds programs and activities that support and enrich student learning and success.

School Council

The School Council is a representative, school building-based committee comprised of the principal, Parents/Guardians, teachers, a community member and a liaison from the School Committee. Establishment of councils in each school is a requirement of the Education Reform Act of 1993. The PTA elects parent/guardian members to the School Council for one, two or three years.

The function of the School Council is to assist the school principal in the following areas: adopting goals that are consistent with local educational policies and statewide student performance standards; identifying the educational needs of students; reviewing the annual school building budget; formulating a school improvement plan; and reviewing, updating, and approving the student handbook.

VII. STUDENT EXPECTATIONS

Student Dress

The dress code is governed by health, safety, and good taste. Due to these factors, all students are asked to come to school dressed neatly, cleanly, appropriately, and modestly. Attire considered distracting or potentially dangerous

will be referred to the principal and Parents/Guardians will be contacted, as necessary. Students shall wear clothing and accessories that are not distracting to the learning process.

Students should...

- Wear clothing and accessories that are not distracting to the learning process;
- Wear clothes that are clean, neat, modest, and appropriate for school activities (not inappropriately revealing);
- Wear appropriate outer clothing such as coats, gloves, or hats when accessing the outdoors;
- Wear clothing or items that are safe (students should not wear hoods while at school)
- Wear clothing or items that have appropriate themes (without reference to any drugs, alcohol, etc.).

Students should come to school dressed appropriately for the weather. If a staff member determines that a student is not dressed appropriately for outdoors that student may be restricted from outside activities, (e.g. recess) and the student's parent/guardian may be contacted.

Please Note: Parents/guardians will be called and asked to bring in suitable clothing or footwear for those who are dressed inappropriately.

Elementary Discipline Purpose and Vision

The Middleborough Public Schools elementary school community strives to provide a safe, supportive, and healthy educational environment for students. The code of conduct is designed to guide student behavior so as to ensure that all members of our school community enjoy the right of safety and the opportunity to learn and succeed. It is our hope that students will, starting at the preschool and Kindergarten level where there are typically the first experiences for children to learn and develop appropriate group social interaction skills, develop self-control and assume responsibility for the common core values and socially appropriate skills necessary to work cooperatively within their school community. When requirements and procedures are set in place, and are fairly and consistently followed, the policies are more liberating than restricting for students. The goal is a focus on restorative justice. This empowers students to resolve conflicts on their own in small groups within the school community.

Principles

We have established the following principles as values that we believe reflect our mission as a school: cooperation and citizenship, attitude and achievement, respect and responsibility, esteem and excellence, consistency and safety.

- Discipline is an essential aspect of a positive school climate.
- Discipline is preventative as well as corrective/instructive.
- Discipline procedures are sensitive to the development and special needs of children.
- Discipline procedures must be consistently enforced but flexible enough to provide for reasonable adjustments in various circumstances.
- Discipline procedures address intervention strategies and responses to be used with students.
- Discipline fosters integrity and dignity, enhancing such critical aspects of self as self-awareness, self-concept, and self-discipline, while promoting the development of accountability and self-management.

Bullying

The district has developed an Anti- Bullying Policy and related procedures, which can be found on the district website (www.middleboro.k12.ma.us). Additionally, the Middleborough Public Schools Bullying Prevention and Intervention Plan is available in your native language upon request.

Disciplinary Appeal Process

Students and Parents/Guardians will be provided an opportunity to appeal disciplinary decisions to the principal (if the disciplinary decision is issued by an assistant principal) or to the superintendent (if the disciplinary decision is issued by the principal). Upon notification of the disciplinary action taken by the school, the student will have five days to request an appointment with the appropriate school official. Note, however, that specific appeals procedures for disciplinary decisions issued pursuant to M.G.L. c. 71, section 37H or section 37H.5 are provided for in the pages detailing the Massachusetts General Laws and shall be followed.

Due Process

Due process is the protection of rights. All students are entitled to full consideration and protection under the law, particularly concerning suspension and expulsion. The due process procedure assures that every aggrieved student receives oral or written notification of any charges and a fair hearing and judgment. (See Appendix C: Federal Laws, Due Process)

Harassment

The Middleborough elementary schools expect to maintain an environment free from all forms of harassment and discrimination. All members of the school community are expected to act in an appropriate manner and to show respect for others.

Harassment includes remarks, gestures, physical contact, bullying, verbal, or physical intimidation, and the display or circulation of materials derogatory to race, ethnicity, religion, age, gender, sexual orientation, and all disabilities. Students who feel they have been subjected to harassment should immediately report the incident to a staff member.

Harassment can result in suspension, legal action, or other disciplinary action. (See Appendix A: School Committee Policies, Harassment)

Progressive Discipline Plan

Middleboro believes that in many circumstances, children's behavior can be modified by using progressive discipline methods. Progressive discipline is described below. Other circumstances may require the administrator to bypass progressive discipline in order to maintain safety and order in the school. The administrator has the discretion to make such determinations on a case-by-case basis.

With progressive discipline, consequences increase upon repeat occurrences. In some circumstances, discipline may be accelerated at the discretion of the administration when the student's conduct is sufficiently serious to warrant greater discipline. Our code includes the following:

Level One: Classroom interventions

Level Two: Call made home from teacher when appropriate

Level Three: Removal from the classroom

Level Four: Call made home from administrator

Level Five: After school detention - held for one hour with appropriate prior notification to parents/guardians

Level Six: In-school suspension (as appropriate to infraction) with appropriate prior notification to parents/guardian

Level Seven: Out of school suspension (as appropriate to infraction) with appropriate prior notification to parents/guardian

Search and Seizure

Searches may be conducted based on reasonable grounds including personal observation or a report from a reliable source that a student possesses contraband on school property. In very serious cases, (e.g. possession of a weapon) an anonymous report would be considered reasonable grounds.

The search is conducted in a manner appropriate to its objectives and not excessively intrusive to the age and sex of the student. Searches are conducted by a school administrator and witnessed. If the administrator determines a need for police involvement and requests a police search, a search warrant must be issued. Students choosing not to be searched will be notified that they will be detained until the police arrive with a warrant. Parents/guardians will also be notified. (See Appendix C, Federal Laws, Search and Seizure)

General Rules and Expectations

While the above principles are guidelines, we have established regulations based on those principles to guide specific behaviors. Each teacher will have their own set of requirements in their room. However, the following general requirements shall be followed throughout our school, on school grounds, and on buses:

Overarching Requirements

1. Be kind, courteous and take turns
2. Be honest and responsible for your own actions

General Discipline

1. Respect for others
 - a. Respectfully follow adult's directions
 - b. Be at school and class on time and prepared
 - c. Make peers feel safe and avoid physical contact or threatening
 - d. Allow others to remain on task without disruption
 - e. Use appropriate language and voice tone
2. Respect school property
3. Respect property of others
4. Respect own property
5. Display appropriate social skills
6. Act courteously and polite
7. Display good manners to all
8. Display positive character
9. Observe safety requirements at all times

Specific Rules and Expectations

Our procedure is that students will not go outside for recess if the temperature or wind chill is below 22 degrees Fahrenheit or the temperature or heat index negatively affects children's health and safety, *meeting or surpassing a real feel temperature of 90 degrees Fahrenheit*. Each school can vary in weather conditions so the final decision is at the discretion of administration.

Specific regulations have been established for different areas of school and for different times of the school day. These regulations are in place to ensure student safety and to maximize learning for all students.

Before School

- Students should not arrive any earlier than 8:40AM at HBB and MKG and no earlier than 8:30AM at MECC
- Report directly to class or breakfast when the bell rings
- Enter the building only with permission in a quiet and calm manner

Playground Rules

- Students must not enter the building unless they have adult permission
- Stay within the boundaries of the school's play areas

Equipment Rules

- Slides - sit, go down only and one at a time
- Playground Structures - watch out for others, do not jump from unsafe distances
- Swings - wait your turn on the grass behind the swings
- Return recess items to the appropriate place when recess concludes

Hallway Rules

- Walk on the right hand side of the hallway
- Silent passing
- Hands to yourself and respect work displayed in hallways
- Walk with eyes forward

Cafeteria Rules

- Always walk
- Practice being quiet in line
- Quiet, level one voice at tables
- Stay in your seat and keep table area clean

In the Auditorium

- Be attentive and courteous during assemblies
- Sit properly in your seat or on the floor

During a Fire Drill or Any Type of Emergency Drill

- Follow the teacher's directions
- Remain silent. Do not talk.
- Stay with your class in a single file line the entire time
- Walk quickly, but do not run.
- If you are far away from your class when the alarm sounds, go out the nearest exit and tell the nearest teacher what class you are in so that the teacher can be notified that you are safe

Restroom Rules

- Only use the restroom when necessary
- Do not vandalize or deface the restroom in any way (payment for repair or replacement will be the responsibility of the student's Parents/Guardians)
- Immediately tell a teacher if there is a problem in the restroom
- Have a pass (unless with a teacher) and sign in and out of your classroom, if required.

Restrooms are available to students throughout the school day. If a student must use the restroom during class time, they must obtain permission from the classroom teacher. Only one bathroom pass will be issued at a time in any given class. Restroom passes may be limited for students who abuse bathroom privileges. If students are out of the classroom for an excessive amount of time preventing others from using the facilities, they risk being put on a pass restriction, pass limitation, and other possible progressive discipline. At HBB, MKG, and the MECC, there are times that students may use the bathroom as a whole class "bathroom break" at designated times during the day and they are also available at lunch and recess when needed. Teachers will also send students to the bathroom during class time if the need arises.

Bathroom access and use is modified for students based on their individual needs. Students that have medical or special education needs will be accommodated. For student use, at HBB and MKG, there are bathrooms labeled "Boys" and "Girls" as well as a single use bathroom in the nurse's office and the main office. At MECC, for student use, there are bathrooms labeled "Boys" and "Girls," a single use bathroom in the nurse's office, as well as single use bathrooms in several classrooms. Transgender and

non-binary students may exercise their legally protected right to use the restroom aligned with the gender that the student consistently asserts at school. If this creates discomfort for any student, the student or parent/guardian are encouraged to contact the school counseling office to discuss specific needs or concerns

On Our Buses

In addition to the adopted school bus expectations listed below, all language from our school's Code of Conduct applies to bus transportation.

Infractions, depending upon the severity, may result in the loss (temporary or permanent) of bus riding privileges.

Video cameras are located on all school buses. Rules can be found in Appendix A.

The school has a practice that states that any items too large to be held on a student's lap (i.e. drums, trombones, school projects, etc.) can potentially lead to safety concerns for students on the bus. Consequently, these items should be transported to and from school by other means than the school bus.

Walking To and From School

- When coming to and leaving school grounds, walk on sidewalks and designated areas
- Cross the street at crosswalks only
- If bringing a bicycle or scooter it must be walked in the parking lot and left at the bicycle rack. The school can not be held responsible for bicycles left on school property.
- **All bicycle safety rules and laws must be followed, including the mandatory use of a helmet, principal approval must be obtained before riding to and from school on a bicycle or scooter.** Liability for students who ride a bike or scooter to and from school is on the parent/guardian.

Suspension

Some infractions are of such a serious nature that immediate and severe action is warranted. Suspension is the temporary separation of students from the regular school program for a specified number of days. The number of suspension days is determined by the administration, depending on the nature of the case, and the student's disciplinary actions. Suspension shall include: (1) the removal of a student from class; (2) in-school suspension for part or all of the school day; (3) removal of the student from the school building or balance of the school day (if the student's parent or guardian can be contacted); and (4) continued exclusion of the student from school, school grounds, or attendance or participation in school sponsored activities until the period of suspension has been completed and the student has been readmitted to school. A written notification of the charge(s) in advance of the hearing will be provided in the parent/student's primary language. Suspensions are excused absences from school. Students will be provided with make-up work for out of school suspension and given specific deadlines to submit work and make-up assessment.

ALTERNATIVES TO SUSPENSION

Prior to issuing exclusionary discipline, such as suspension, the Principal or their designee shall consider the use of alternatives.

The Principal, head of school, 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 the 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, or
 - 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, head of school, 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. This rule shall not apply to disciplinary procedures under MGL Ch. 71, Section 37 H & 37 H ½, or Emergency Removals.

NOTICE OF PROPOSED SUSPENSION

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H1/2 or an in-school suspension, the school shall provide the student and parent/guardian with written and oral notice of the proposed out of school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing.

Notice shall set forth in plain language:

- 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/guardian to attend the hearing
- The date, time, and location of the hearing
- The right A. of the student and student's parent/guardian to interpreter services at the hearing if needed to participate

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

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

SHORT-TERM SUSPENSIONS: HEARING AND PRINCIPAL DETERMINATION

A short-term suspension is the removal of the student from the school premises and regular classroom activities for ten (10) consecutive days or less. Out-of-school short-term suspensions which do not cumulatively over the course of the school year exceed ten (10) days of suspension shall be conducted in accordance with this section.

Principals Hearing

The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts. A parent/guardian present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances.

Based on the available information, including mitigating circumstances, the principal will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal will provide notification in writing of their determination in the form of an update to the student and parent/guardian, and provide reasons for the determination.

If the student is suspended, the principal shall inform the parent/guardian of the type and duration of the suspension, and shall provide an opportunity for the student to make up assignments and other school work as needed to make academic progress during the period of removal.

If the student is in grades pre-k through 3, the principal shall send their determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, before the short-term suspension takes effect. All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

LONG-TERM SUSPENSIONS: HEARING AND PRINCIPAL DETERMINATION

A long-term suspension is 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. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts, that the principal will consider in determining whether alternatives to suspension such as loss of privileges, detention, an apology, a student contract, restitution, and/or probation are appropriate.

Additionally, the student shall have the following additional rights:

- In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not
- the right to be represented by counsel or a lay person of the student's choice, at the student's and or parent's/guardian's expense
- The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so
- The right to cross-examine witnesses presented by the school district
- The right to request that the hearing be recorded by the principal. All participants shall be informed that the hearing is being recorded by audio. A copy of the audio recording will be provided to the student or parent/guardian upon Request.

Based on the evidence submitted at the hearing the principal shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports) what remedy or consequence will be imposed. If the principal decides to impose a long-term suspension, the written determination shall:

- Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
- Set out key facts and conclusions reached by the principal;
- Identify the length and effective date of the suspension, as well as a date of return to school;
- Include notice of the student's opportunity to receive a specific list of education services to make academic progress during removal, and the contact information of a school member who can provide more detailed information.
- Inform the student of the right to appeal the principal's decision to the superintendent or their designee (only if a long-term suspension has been imposed) within five (5) calendar days, which may be extended by parent/guardian request in writing an additional seven (7) calendar days.

The long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal. If the student is in grades pre-k through grade 3, the principal shall send their determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivered or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other

method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or by other means of communication where appropriate.

APPEAL OF LONG-TERM SUSPENSION

A student who is placed on a long-term suspension shall have the right to appeal the principal's decision to the superintendent if properly and timely filed. A good faith effort shall be made to include the parent/guardian at the hearing. The appeal shall be held within three (3) school days of the appeal, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, which the superintendent shall grant. The student and parent/guardian shall have the same rights afforded at the long-term suspension principal hearing. Within five (5) calendar days of the hearing the superintendent shall issue their written decision which meets the criteria required of the principal's determination. If the superintendent determines the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than that of the principal. The superintendent's decision shall be final.

EMERGENCY REMOVAL

A student may be temporarily removed prior to notice and hearing when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days, following the day of the emergency removal.

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

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

IN-SCHOOL SUSPENSION

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year. An in school suspension may be used as an alternative to short-term suspension.

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

The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year. On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. The meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension. The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

SUSPENSION OR EXPULSION FOR DISCIPLINARY OFFENSES UNDER M.G.L. 71 §§37H and 37H ½

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses:

- **Possession of a dangerous weapon, Possession of a controlled substance, or Assault of staff, MGL Ch. 71, Section 37H**

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

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in their discretion, decide to levy a suspension rather than expulsion.

A student expelled for such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of their appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense.

- **Felony complaint or issuance of felony delinquency complaint, MGL Ch. 71, Section 37H ½**

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent.

At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

- **Felony conviction or adjudication/admission in court of guilt for a felony or felony**
- **Guilt or Delinquency, MGL Ch. 71, Section 37 H ½**

The Principal may expel a student convicted of a felony, or has an adjudication or admission of guilt regarding a felony, if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

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

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

calendar days of the hearing.

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

SCHOOL-WIDE EDUCATION SERVICE PLAN FOR STUDENTS ON SHORT- OR LONG-TERM SUSPENSION

- Any student who is serving an in-school suspension, 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. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.
- Any student who is expelled or suspended from school for more than ten 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, through the school-wide education service plan.
- Each school has a process for developing school-wide education service plans for education services that the school district will make available to students who are expelled or suspended from school for more than ten consecutive days. Each plan is individualized to the needs of each student and is developed in collaboration with the guidance department, special education department, and classroom teachers, as applicable. Students and their parents will be notified of the process for developing and arranging such services at the time of suspension/expulsion. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under M.G.L. c 69, §§ 1D and 1F
- Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.
 - The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.
 - For each student expelled or suspended from school for more than ten consecutive days, whether in school or out of school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

DISCIPLINE OF STUDENTS WITH DISABILITIES (IEP/504)

Procedures for suspensions of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district.

- A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
- When a suspension constitutes a change of placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP – "a manifestation determination."

- If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer:
 - services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and
 - as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.
- Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days
 - on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or
 - on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others. Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.
- If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
- Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

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

If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible.

The district may be considered to have prior knowledge if:

- The parent had expressed concern in writing; or
- The parent had requested an evaluation; or
- District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student. The district may not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.

If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility. If the student is found eligible, then they receive all procedural protections subsequent to the finding of eligibility.

Students are subject to suspension from school for, but not limited to, the following reasons:

Harmful Substances and Objects

- Smoking or possession of nicotine related substances, including but not limited to snuff and dip chewing tobacco
- Possession or use of lighters and matches
- Possession or use of alcohol or alcohol related substances
- Possession or use of any other items containing alcohol, such as breath fresheners
- Possession or use of any uncontrolled/controlled substances (drugs)
- Possession or use of any prescription or non-prescription drugs
- Possession or use of a dangerous weapon

Aggressive Behaviors

- Fighting, threatening to fight, encouraging others to fight and/or setting up fights between others
- Any physical contact or assault that threatens the health or safety, of any student or staff member
- Threatening words or behaviors toward students and/or staff members
- Disruptive behaviors in or out of the school building or other related school functions
- Other disruptive or inappropriate acts judged serious by the administration

Disrespectful Behaviors

- Disrespect toward students and/or staff members
- Abusive/vulgar language
- Hate crimes, speaking or writing racial or religious slurs
- Throwing food
- Bullying and/or harassing
- Sexual harassment
- Repeated office referrals
- Insubordination and/or refusal to obey any reasonable request by staff members
- Spreading information, whether true or false, which causes student harm and/or disruption of the school environment

Other Inappropriate Behaviors

- Stealing
- Causing false fire alarms
- Cheating and/or plagiarism
- Any form of gambling/card playing
- Unauthorized selling of items including gum, and candy
- Misuse of school equipment
- Vandalism-destroying or damaging school, student, and/or staff property
- Forgery, i.e., signing a parent/guardian signature to report cards, or any other material requiring a parents/guardians signature

Inappropriate Items

- Possession and/or use of inappropriate items for school such as, but not limited to:
- Water pistols
- Lighters
- Cellphones
- Radios, CD players, and tape recorders
- Smart Watches
- Any camera devices are not allowed.
- White out/permanent marker
- Laser pointer

- Fireworks and snaps
- Smoke bombs and stink bombs
- Other inappropriate items deemed serious by administration

Attendance Concerns

- Truancy (not attending school without permission)
- Excessive absences or tardiness
- Not attending class without permission
- Leaving class, the cafeteria or any school activity and/or function without permission
- Leaving the building/school property and/or returning without permission
- Loitering on school grounds in an unauthorized area which includes before and after school hours

NOTE: SUSPENSIONS MAY ALSO BE ASSIGNED FOR INAPPROPRIATE BEHAVIOR AT ANY SCHOOL FUNCTION, ON THE BUS, AND/OR TO AND FROM SCHOOL.

Truancy

Any student who is truant is subject to disciplinary action. After four or more offenses of truancy, the supervisor of attendance must file a complaint in accordance with Massachusetts General Laws, Chapter 76: Section 2, which requires children under the age of sixteen to attend school.

Vandalism

Students who vandalize, disfigure property, break windows, or do other damage to school property will be expected to pay for the damaged material. In addition, the student will be subject to school disciplinary action.

Students will be respectful and responsible for the proper care of all books, materials, and furniture supplied by the school. Students are responsible for any book (including library books) issued that is lost, stolen or damaged. Money will be returned, if books are found at a later date.

Weapons

According to the Massachusetts Education Reform Act of 1993, students may be expelled for possession of a dangerous weapon on school property, school buses, or at school events. Pursuant to the law, the incident will be reported, in writing, to the Superintendent of Schools, who shall file copies of the report with the Chief of Police, Department of Children and Families, and the School Committee. The student shall be referred to a counseling program, (See Appendix B, State Laws, Expulsion).

Summary

The Middleborough Public Schools elementary level code of conduct is designed to structure student behavior so as to make the educational program as effective as possible. We believe that instructing students in proper behavior is central to our mission as educators. We believe that setting high standards for behavior, modeling those standards, and honoring the achievements of students who reach those standards are the most powerful ways of doing so. We ask that the parents/guardians and community help us by supporting our efforts and, more important, our students' efforts. Thank you.

APPENDIX A:

SCHOOL COMMITTEE AND MIDDLEBOROUGH PUBLIC SCHOOL DISTRICT POLICIES AND PROCEDURES

Middleborough Public Schools Bullying Information (Student Friendly Language)

Bullying Prevention – It is Up To US! What is BULLYING?

Bullying is when one person has power and the exchange is not two way, that same person is trying to control the other person, and it happens more than once.

- Can BULLYING happen by accident? **No, bullying is done on purpose.**
- What if a bully just SAYS it was an accident, but it wasn't? **Teachers and principals will investigate to get to the truth.**
- What is CYBERBULLYING? Using a phone or computer through calling, texting, emailing, blogging, tiny chatting, facebooking, or any other electronic method **to be mean and hurtful to someone else.**

You can help. If you see someone being a bully you can do something. Bystanders can make all the difference! Here are some things to remember:

- Bystanders who don't encourage or give an audience to a bully will stop the bullying.
- Speaking up and saying, "We don't treat kids like that at school." gives students power to stop mean kids.
- Treat others like you want to be treated.
- Remember, **everyone** can see what is on the computer.
- Be the person you would want to be with.

If students act inappropriately there will be consequences.

Consequences

- **First time**-sent to principal –review rules and call parent-warning that this could be considered bullying behavior if necessary. Student will be given strategies to prevent this behavior. Student will be informed of steps 2-4.
- **Second time**-student-parent-teacher-principal meeting required. Student is informed of Steps 3 and 4.
- **Third time**-in-school suspension, student calls parent with principal, if a student **retaliates** against the student who was bullied in steps 1 or 2-there is an immediate in-school suspension.
- Retaliation means talking to anyone about the incident and or blaming others for your actions
- **Fourth time**-parent required to pick up student and remove them from school. There will be a short term or long term suspension or expulsion required.
- **There may be times when a student's actions will result in going to steps 3 or 4 if the behavior is severe.**

You make the difference.

Think first:

- Would Mom or Dad approve of the way I am acting?
- How would I feel if someone were doing this to me?

MIDDLEBOROUGH PUBLIC SCHOOLS INTERNET AND NETWORK ACCEPTABLE USE POLICY (For Students grades K-5)

ACCEPTABLE USE

The Middleborough Public School system provides Internet access for students and staff for educational purposes to transform teaching and learning. The Middleborough Public Schools expects that students and

staff will use this access in a manner consistent with this purpose. The Middleborough Public Schools encourages the use of technology to assist staff and students with academic success, preparation for the workplace and lifelong learning therefore ensuring that students develop 21st century skills. Users are digital citizens and use information and technology in safe, legal, and responsible ways.

Digital Citizens follow these guidelines:

Digital Citizenship-Respect

Respect yourself by selecting and posting appropriate names, images, and information online. Keep personal details (name, address, and phone numbers), personal schedules, and contact information private.

Respect Others: Do not bully, stalk, or harass anyone. Abuse and inappropriate use of technology must be reported. Do not share personal account information with anyone, use an account that belongs to someone else, or leave your account open and unattended. Do not edit or delete files belonging to someone else. Do not post photos of any person without their express permission. Images of confidential materials such as tests are prohibited.

Respect intellectual property by citing all sources including websites, books, and media produced by others, including graphics and music.

Digital Citizenship –Responsibility

Users are expected to be respectful and ethical. Each user represents Middleborough Public Schools and will communicate with language and gestures that are appropriate and not profane, racist, sexist, or discriminatory.

Digital Citizenship- Integrity

Access to the Internet, other electronic resources and the hardware is a privilege, not a right, and carries with it responsibilities for safe and respectful use.

Using district-owned technology equipment outside of the school day constitutes an extension of the school day, similar to a field trip or sporting event. Users are expected to adhere to rules outlined in the school and faculty handbook and district policies.

Because information technology is constantly changing, not all situations can be anticipated or addressed in a policy. All users are expected to understand and comply with both the "letter" and the "spirit" of this policy and show good judgment in their use of these resources.

See Nine Themes of Digital Citizenship for more information at
http://digitalcitizenship.net/Nine_Elements.html

Middleborough Public Schools filters the Internet in compliance with the Children's Internet Protection Act (CIPA). The combination of the filter, appropriate student use, and teacher supervision ensures safe access to the Internet. However, we still cannot guarantee that your child will not find material on the Internet that may be considered objectionable. Student use of the network is restricted to educational purposes only. Personal electronic devices are subject to the same restrictions.

UNACCEPTABLE USE

The following is a list of prohibited behaviors. The list is not exhaustive but illustrates unacceptable uses of the Middleborough Public Schools Internet Service.

- Using the Internet to bully. This includes bullying through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at

school for the target, infringes on the rights of the target at school or materially and substantially disrupts the education process or the orderly operation of a school in accordance with Chapter 92 of the Acts of 2010. Please see <http://www.mass.gov/legis/laws/seslaw10/sl100092.htm> and the Middleborough Public Schools Anti-bullying policy for a definition of bullying and more information.

- Using the Internet service for any illegal activities such as gaining unauthorized access to other systems, arranging for the sale or purchase of drugs or alcohol, participating in criminal gang activity, threatening others, transferring obscene material;
- Vandalizing school computers by causing physical damage, reconfiguring the computer system, attempting to disrupt the computer system, or destroying data by spreading computer viruses or by any other means;
- the use of anonymous proxies to get around content filtering is strictly prohibited and is in direct violation of this agreement and CIPA.

BLOGGING/PODCASTING

The use of blogs, podcasts or other Web 2.0 tools is considered an extension of the classroom. Whether at home or in school, any speech that is considered inappropriate in the classroom is also inappropriate in all uses of blogs, podcasts, or other web 2.0 tools.

CARE OF EQUIPMENT

Users are responsible for the care of any physical technology equipment, including but not limited to tablets, cables, servers, computers and printers. Broken or damaged equipment should be reported to the technology office immediately.

Technology equipment should never be left unattended or in an unlocked locker.

Users should not loan technology equipment signed out to them to another student, teacher, friend or family member.

INTERNET SAFETY

Use of the Internet has potential dangers. Users are encouraged to visit the website of the Massachusetts Plymouth County District Attorney's Office regarding Internet safety. Internet Safety Tips are available online at <http://www.mass.gov/da/plymouth/protection/tipskids.html>.

Things You Never Should Do:

- Never, ever, agree to get together with someone you "meet" online.
- Never give out your personal information, including your age!
- Never send pictures of yourself, your friends, your family or any other personal material to a friend you meet online
- Never give your email address to anyone on the Internet without first asking permission of your parents

Beware that people online may not be who they seem! ***Because you can't see or hear a person who is online, it's easy for them to pretend they are someone they are not!***

PRIVACY

- Users should not have an expectation of privacy or confidentiality in the content of electronic communications or

other computer files sent and received on the school computer network or stored in the user's directory or on a disk drive.

- The Administration of the Middleborough Public Schools reserves the right to examine all data stored on district-owned storage media involved in the user's use of the Middleborough Public School System Internet or Network service.
- Internet messages are public communication and are not private. All communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Network administrators may review communications to maintain integrity system-wide and ensure that users are using the system responsibly.

VIOLATIONS

Violation of this policy may result in immediate loss of use of the technology and/or disciplinary action up to and including legal action. Your signature on this document is legally binding, and indicates that you have read the terms and conditions carefully and understand their significance and consequences. This policy is further supported by the rules and regulations found in each school's student handbook and discipline policies.

Child Abuse/Neglect

The school recognizes a need to be aware of and sensitive to children who may be in danger. Effective learning becomes difficult for a child coping with the strain of family turmoil and basic needs, which are not being met. School personnel are in a position to notice the needs of a child and have a responsibility under law, to make a report to the school adjustment counselor/principal, if they feel a child is in jeopardy. The goal of intervention is to strengthen family life and use available resources towards this end.

Reporting Suspicion of Child Abuse and Neglect

The following school procedures will be followed for reporting suspicion of child abuse/neglect:

- The situation will be reported to the School Adjustment Counselor or School Psychologist
- The school adjustment counselor or school psychologist will determine if a formal team should be convened or if notification to the team is sufficient, in accordance with Middleborough Public Schools' Child Abuse Reporting Procedures.
- If the school adjustment counselor or school psychologist is not available, the report must go to the school nurse or principal. The principal or nurse will follow the same procedures as the school adjustment counselor or school psychologist as outlined in the Middleborough Public Schools Child Abuse Reporting Procedures.
- The referring person will call the Department of Children and Families (DCF) Plymouth Office.
- The referring person will complete and file required forms within 48 hours of the initial phone call. The school adjustment counselor or school psychologist will keep a copy of that report. No other copy will be made except under extenuating circumstances.

The complete Middleborough Public Schools Child Abuse Reporting Procedure is available on the Middleborough Public School's website.

Communicable Diseases M.G.L. 71:55

The District is required to provide educational services to all school age children who reside within its boundaries. However, law may deny admission to school to any child diagnosed as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities to handicapped children under the law.

The School Committee recognizes that communicable diseases, which may afflict students' range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as Acquired Immune Deficiency Syndrome (AIDS).

Management of common communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The District reserves the right to require a physician's statement authorizing the student's return to school.

The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy and accompanying administrative procedures. Decisions about the proper educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement.

In the event of a student with life-threatening communicable disease qualifies for services as a handicapped child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above.

Neither this policy, nor the placement of a student in any particular programs shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others.

In all proceedings related to this policy, the District shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific nature of the student's condition. The Superintendent shall make the determination of those who need to know.

District Curriculum Accommodation Plan, Ch. 71 of the Massachusetts General Laws, Section 39Q1/2

"A school district shall adopt and implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet students' needs in regular education. The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education program including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement. A curriculum accommodation plan shall also provide curriculum accommodations for students who are gifted and talented."

(Revised 3/2007)

Introduction

General education is the door to learning through which all students are expected to enter; it should be the goal of every school district to make the general education environment the appropriate placement for all students.

In 2001, Ch. 71 of the Massachusetts General Laws was amended to add Section 38Q1/2. This section requires the adoption and implementation of a district curriculum accommodation plan (DCAP) to assist school principals in ensuring that all efforts have been made to meet students' needs in the general education environment. The DCAP is intended to assist the regular classroom teacher in addressing the diverse learning needs of all students, including those who are gifted and talented, in the general education classroom and in providing appropriate services and support within the general education program. Further, Section 59C of Ch. 71 was amended to require the involvement of the school council in the development and evaluation of the DCAP.

Working together, general and special educators can provide professional support to each other to address student

learning. Schools can provide a rich curriculum, differentiated instructional practices, and varied programs of services geared to individual needs, including opportunities for strong family involvement and awareness of the educational services available in the school.

School communities must believe and expect that all students can learn because expectations play an important role in student success. The mission of the Middleborough Public Schools is to prepare all students to excel as educated, responsible, global citizens. With high expectations comes respect for different approaches to learning, acknowledgement of cultural and linguistic differences, and recognition of the potential effects of disabilities and developmental variations.

(Adapted from "Is Special Education the Right Service? A Technical Assistance Guide," MA DOE, March 2001)

Fundraising Policy

The Middleborough School Committee believes the primary function of the town's schools is to educate the youth of the community. All other activities or initiatives must bow to and be relegated to a lesser priority when it comes to the education of students attending the local school. With specific reference to this policy, the school committee's approval of a fundraiser will always be guided by the value of the activity to the mission of public education. Approved fundraisers must have a direct benefit to the development of the student or must support an objective that enhances educational opportunities for the young people attending the Middleborough Public Schools.

HARASSMENT POLICY

The Middleborough Public School Systems does not discriminate in its educational activities or employment practices on the basis of age, color, creed, disability, ethnicity, gender identity, genetic information, marital status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, veteran or military status, or any other basis protected by federal and/or state law. The School Committee will take seriously all complaints of harassment based on race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability and will investigate complaints thoroughly and as quickly as possible through its designated Title IX and Title VI Coordinators. Condoning harassment and retaliation for providing information relative to a harassment claim will not be tolerated.

SCOPE OF POLICY:

- This policy extends to all persons employed by the Middleborough Public Schools.
- This policy extends to all students in the Middleborough Public Schools.
- This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools or those individuals who volunteer in the Middleborough Public Schools.

HARASSMENT WITHIN THE SCHOOL ENVIRONMENT

IF SEXUAL HARASSMENT IS REPORTED OR SUSPECTED, REFER TO THE MIDDLEBOROUGH PUBLIC SCHOOLS SEXUAL HARASSMENT POLICY.

The Middleborough Public Schools expects that its employees and/or students respect the rights of co-workers and/or fellow students to a harassment-free school and work environment. To work toward this level of mutual respect and understanding, an employee/student is encouraged to let another employee/student know when that person's behavior or activity is considered offensive and/or leads to uncomfortable work/learning conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately and permanently. Employees and students may also report harassing conduct to the school administration as set forth in the "PROCEDURES" section below.

The Middleborough Public Schools is committed to the elimination and prevention of harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of harassment. Initial training will include:

- definition of harassment;

- explanation of the district policy and policy procedures;
- legal prohibitions and consequences of harassment;
- pertinent examples of harassment; and
- overview of harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

PROCEDURES

If an employee and/or student believes that they have been harassed based on sex, race, color, national origin, religion, age, disability or sexual orientation, or that they have witnessed such harassment, they shall report it, preferably in writing, immediately to their supervisor, to their teacher, to their Principal, to the Superintendent or to the Title IX and Title VI Investigator. It shall be the responsibility of the supervisor, teacher, principal, or the Superintendent to report the incident(s) to the Investigator.

Informal Procedures

Upon notification of a harassment complaint or incident, the Investigator will initially attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can resolve the problem in a mutually satisfactory way.

Examples of informal strategies include:

- The complainant writes a letter to the accused offender.
- Investigators can talk to the accused offender on the complainant's behalf.
- The offender and victim might participate in mediation, in which a third party (i.e. the Investigator) helps them to resolve issues between the parties.

Formal Procedures

When informal procedures are not appropriate to resolving harassment disputes, the harassment investigator shall immediately begin the investigation.

An important aspect of the Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.

- The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.
- The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that retaliation against the complainant in violation of the policy will not be tolerated.
- If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.
- Within seven (7) workdays the Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.
- After the investigation is completed, the Investigator shall file a written report with the Superintendent and/or the School Committee. If it has been determined by the investigation that harassment has occurred, the harasser shall be subject to discipline, up to and including termination. The discipline shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.
- If the investigator does not substantiate the complaint of harassment, then nothing is placed in the accused

harasser's personnel file.

NOTE: Retaliation against complainant and/or witnesses after a "finding" or "non-finding" will not be tolerated. Both parties shall be provided with a copy of the investigator's report.

If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the accusation of harassment, they may discuss their dissatisfaction directly with the Investigator. If still dissatisfied, a person may discuss their dissatisfaction with the Superintendent of Schools. Members of the collective bargaining unit may also turn to the grievance procedure set forth in the applicable collective bargaining agreement.

Students should refer to procedures outlined in the student handbook regarding incidents of harassment. In addition, students and employees should be aware that they may have further recourse under the law governing harassment.

Identification Of Appropriate State And Federal Employment Discrimination Enforcement Agencies And Directions As To How To Contact Such Agencies.

- Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 990, Boston, MA 02210-1491
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362 Approved by Middleborough School Committee on August 14, 2008.

Contact Information:

Title IX and VI Coordinator/Harassment Investigator

~~Mr. Kevin Avitable~~ Ms Heather Geary

6 School Street

Middleborough, MA 02346

SEXUAL HARASSMENT POLICY – STUDENTS

POSITION

The School Committee takes the position that all employees and students in the Middleborough Public Schools have the right to work and learn in an environment free from any type of harassment. Sexual harassment is against the law and will not be tolerated by the Middleborough Public Schools. All complaints of sexual harassment will be taken seriously and will be investigated thoroughly and as quickly as possible. Condoning sexual harassment will not be tolerated.

DEFINITION

Sexual harassment is defined as unwelcome sexual advances and/or requests for sexual favors, unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender, sexual advances and/or request for sexual favors. In addition, other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to such conduct or communication is made a term or condition either explicitly or implicitly of an individual's success as a student; or
- submission to or rejection of such conduct or communication by an individual is used as a factor in educational decisions affecting such individual; or
- such conduct or communication has the purpose or effect of substantially interfering with an individual's educational performance or creating an intimidating, hostile or offensive educational environment.

Sexual innuendoes, jokes, comments, pictures, or displays of sexually suggestive materials may constitute sexual

harassment depending upon the totality of the circumstances and the severity of the conduct. The policy applies equally between the sexes.

General Considerations

The Middleborough Public Schools expects that each and every student respects the rights of fellow students in a comfortable and harassment-free school environment. Sexual harassment of students, teachers, staff or volunteers occurring in school or at school-sanctioned activities is unacceptable, unlawful and will not be tolerated. Any person aware of such harassment is required to report it to a teacher, the principal, the sexual harassment investigator or the superintendent.

Explanation of Sexual Harassment

In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of the school environment. Generally there are two types of sexual harassment:

1. There is the "quid pro quo" form of sexual harassment which occurs when the harassment is used by the harasser as the basis for educational decisions affecting the victim.
 - a) Demanding sexual favors accompanied by overt threats concerning one's individual success; or
 - b) Engaging in reprisals (assigning undesirable tasks, making negative statements about the victim's conduct, etc.) as a result of an individual's refusal to engage in social/sexual behavior.
2. The other form of sexual harassment in the school environment is when a staff member's or student's actions are thought to be hostile, intimidating, abusive or offensive. Some examples of this form of sexual harassment include the following:
 - a) Verbal harassment or abuse of a sexual nature;
 - b) Making negative or offensive comments, jokes, innuendoes, or suggestions about another person's gender or sexuality;
 - c) Using slang terms, names or labels that others find offensive;
 - d) Offensive and unwelcome touching of any kind;
 - e) Displaying sexually suggestive pictures, objects, cartoon, posters or pornographic materials;
 - f) Continuing to ask a person to socialize when that person has verbally indicated no interest in such activities;
 - g) Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

COMPLAINT PROCEDURES

If a student believes that they have been sexually harassed, or that they have witnessed such harassment, they shall report it, preferably in writing, immediately to their Teacher, to their Principal, to the Superintendent to the Sexual Harassment Investigator Carolyn Lyons or to the EEO Coordinator Ellen Driscoll. It shall be the responsibility of the Teacher, Principal, or Superintendent to report the incident(s) to the Sexual Harassment Investigator. When a school employee becomes aware that a teacher or staff member is sexually harassing a student, a 51A should be filed with the Department of Children and Families.

Informal Procedures

Upon notification of a sexual harassment complaint or incident, an investigation will be initiated to attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can arrive at an agreement that will be satisfactory to all involved. The purpose of an informal procedure is to end the harassment of the complainant rather than judge the offender.

Examples of informal strategies include:

- a) An investigator helping the student to write a letter to the alleged harasser.
- b) An investigator talking to the alleged harasser on the complainant's behalf.
- c) An investigator bringing the alleged harasser and victim together to discuss and resolve the problem.

Formal Procedures

When informal procedures are not appropriate to resolving sexual harassment disputes, a formal investigation shall begin promptly.

1. The investigation shall consist of interviewing both the complainant and the alleged harasser separately. The investigator shall document the statements of both the complainant and the harasser.
2. The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant will not be tolerated. If there are any witnesses to the incident of harassment, they shall be interviewed without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses. In all cases involving sexual harassment, all parties involved will be afforded as much privacy as possible without jeopardizing the investigation.
3. Within seven (7) workdays of the submission of the complaint to the Sexual Harassment Investigator, they will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an anticipated date of completion of the investigation.
4. After the investigation is completed, the investigator shall file a written report with the Sexual Harassment Investigator and the Superintendent. If the determination in the written report is that sexual harassment has occurred, the harasser, if a student, shall be subject to discipline, up to and including suspension or expulsion. The discipline shall be filed in the harasser's student file. Corrective action shall also be taken to eliminate future harassment and to correct the discriminatory effects on the complainant and/or others. Both the disciplinary action and the corrective action shall be taken as quickly as possible. If the investigator does not substantiate the complaint of sexual harassment, then nothing shall be placed in the alleged harasser's student file.
5. If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the harassment charge, a person may discuss their dissatisfaction directly with the investigator. A person may also discuss their dissatisfaction with the District Sexual Harassment Investigator. If still dissatisfied, they may discuss their dissatisfaction with the Superintendent.

In addition, students should be aware that they may have further recourse under the law governing sexual harassment. A formal complaint may be filed with:

- Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (617) 223-9662
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362

NOTE: Recrimination/reprisal against complainant and/or witnesses after a finding or non-finding of sexual harassment will not be tolerated. Both parties shall be provided with a copy of the written report.

Sexual Harassment Investigator

~~Mr. Kevin Aitabile~~ *Ms. Heather Geary*

6 School Street

Middleborough, MA 02346

Telephone: 508-946-2020

2022 School Resource Officer Memorandum of Understanding
 Between
 Middleborough Public Schools
 and
 Middleborough Police Department

This agreement (the "Agreement") is made by and between Middleborough Public Schools (the "District") and Middleborough Police Department (the "Police Department") (collectively, the "Parties"). The Chief of Police of the Police Department or the board or officer having control of the police department in a city or town (the "Chief") and the Superintendent of the District ("the Superintendent") are each a signatory to this Agreement. The provisions of this Agreement are specifically required by section 37P of chapter 71 of the General Laws, as amended by Section 79 of chapter 253 of the Acts of 2020.

Purpose

The purpose of this Agreement is to formalize and clarify implementation of the partnership between the school and the School Resource Officers ("SRO")/the District and a Police Department regarding the placement of a police officer at the Middleborough Public Schools School(s) in order to promote school safety; help maintain a positive school climate for all students, families, and staff; enhance cultural understanding between students and law enforcement; promote school participation and completion by students; facilitate appropriate information-sharing (as outlined in Section VI below); and inform the Parties' collaborative relationship to best serve the school community.

This memorandum does not, and may not be relied upon to, create any rights, substantive or procedural, enforceable by any person in any civil or criminal matter. Modifications of this Agreement are permissible when necessary to indicate local practice, so long as they are consistent with state and federal law.

I. Mission Statement, Goals, and Objectives

The mission is to facilitate relationship-building by the SRO such that students, faculty, staff, and community members see the SRO as contributing to a positive school climate. This will be realized by supporting and fostering the safe and healthy development of all students in the District *[or at the School]* through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion are indispensable to achieving positive outcomes for youth and public safety.

The Parties are guided by the following goals and objectives (the "Goals and Objectives"):

- To foster a safe and supportive school environment that allows all students to learn and flourish regardless of race, religion, national origin, immigration status, gender, disability, sexual orientation, gender identity, gender expression, or socioeconomic status;
- To promote a strong partnership and communication between school and police personnel and clearly delineate their roles and responsibilities;
- To establish a framework for principled conversation and decision-making by school and police personnel regarding student conduct and students in need of services;
- To ensure that school personnel and SROs have clearly defined roles in responding to student conduct and that school administrators are responsible for code of conduct and routine disciplinary violations;

- To minimize the number of students unnecessarily out of the classroom, arrested at school, or court-involved;
- To provide requirements and guidance for training, including SRO training required by law and consistent with best practices and training for school personnel as to when it is appropriate to request SRO intervention;
- To outline processes for initiatives that involve the SRO and school personnel, such as violence prevention and intervention and emergency management planning, that can be provided upon request; and
- To offer presentations and programming to the school focusing on criminal and juvenile justice issues; community and relationship building; and prevention, health, and safety topics.

Nothing in this Agreement shall limit an officer's ability to exercise lawful authority consistent with all laws of the Commonwealth.

II. Roles and Responsibilities of the SRO and School Administrators and Staff in Student Conduct

A "school resource officer" is a duly sworn municipal police officer, or a special officer appointed by the chief of police, with all necessary training and up-to-date certificates, including special school resource officer certification as required by subsection (b) of section 3 of chapter 6E of the General Laws and is charged with: (i) providing law enforcement; (ii) promoting school safety and security services to elementary and secondary public schools; and (iii) maintaining a positive school climate for all students, families and staff.

The Parties agree that school officials and the SRO play important and distinct roles in responding to student conduct to ensure school safety and promote a positive and supportive learning environment for all students.

Under state law, the SRO shall not (i) serve as school disciplinarian, enforcer of school regulations, or in place of licensed school psychologists, psychiatrists, or counselors; or (ii) use police powers to address traditional school discipline issues, including non-violent disruptive behavior.

The principal or principal's designee shall be responsible for student code of conduct violations and routine disciplinary violations. The SRO shall be responsible for investigating and responding to potential criminal or delinquent offenses as well as student conduct that requires immediate intervention to maintain safety, as described below. The Parties acknowledge that many acts of student conduct that may contain all the necessary elements of a criminal offense are best handled through the school's disciplinary process. The SRO shall read the student code of conduct for both the District and the school and seek clarification on any questions the SRO has.

The principal or principal's designee and the SRO shall use their reasoned professional judgment and discretion to determine whether SRO involvement is appropriate for addressing student conduct. In such instances the guiding principle is whether conduct rises to the level of criminal and delinquent conduct that (1) poses substantial harm to the physical well-being of another person or (2) is willful and malicious and causes substantial harm to the property of the school or (3) constitutes the taking of property of substantial value belonging to another with intent to permanently deprive the property owner of the property. The Parties acknowledge that it may be appropriate for school administrators rather than the SRO deal with low-level offenses including but not limited to misdemeanor allegations of threats, assault and battery, larceny, receiving stolen property, and willful, malicious, or wanton destruction or injury to

personal property. School staff shall not ask an SRO to serve as a school disciplinarian or enforcer of school regulations.

In instances of student conduct that do not require a law enforcement response, including any incident involving misconduct by a student under 12 years of age, the principal or principal's designee shall determine the appropriate disciplinary response, allowing the student to remain in school unless doing so would pose a serious safety or security risk. The principal or principal's designee should prioritize school or community-based accountability programs and services, including but not limited to, peer mediation, restorative justice, and mental health resources, whenever possible.

For student conduct that requires immediate intervention to maintain safety (whether or not the conduct involves criminal conduct), the SRO may act to de-escalate the immediate situation (where feasible) and to protect the physical safety of members of the school community. To this end, school personnel may request the presence of the SRO when they have a reasonable and articulable fear of an imminent threat to their safety or the safety of students or other personnel.

The SRO shall inform the principal or principal's designee, where practicable, to facilitate supportive intervention by school staff on behalf of the student in an emergency situation where a student may be in immediate need of emergency medical or psychological assistance. Such intervention is appropriate when a school nurse, psychologist, or social worker is not available, and the SRO believes that failure to intervene would create a substantial likelihood of serious harm to the student, other students, school personnel or result in destruction to school property by reason of mental illness or psychological trauma.

When the SRO or other Police Department employees have opened a criminal investigation, school personnel shall not interfere with such investigation or act as agents of law enforcement. To protect their roles as educators, school personnel shall assist in a criminal investigation only as witnesses or to otherwise share information consistent with Section VI, except in cases of emergency. Nothing in this paragraph shall preclude the principal or principal's designee from undertaking parallel disciplinary or administrative measures that do not interfere with a criminal investigation.

The SRO shall consult with the principal or principal's designee prior to an arrest whenever practicable, and the student's parent or guardian shall be notified as soon as practicable after an arrest. A summons is the preferred method for bringing all juveniles to court unless there is reason to believe the juvenile will not appear upon a summons. In the event of an investigation by the SRO that leads to custodial questioning of a juvenile student, the SRO shall notify the student's parent/guardian or interested adult in advance and offer them the opportunity to be present during the interview.

At least annually, it shall be the responsibility of the District to provide training and information to educators and other school staff on the distinct roles of school administration and SROs in addressing student conduct, consistent with this Section and this Agreement, as well as the Standard Operating Procedures accompanying this Agreement and described in Section X.

III. The Process for Selecting the SRO

The Parties acknowledge that the selection of the SRO is important to achieving the purpose, goals, and objectives of this MOU, and that it is important for the Parties and the school community to have a positive perception of and relationship with the SRO.

In accordance with state law, the Chief of Police shall assign an officer whom the Chief believes would foster an optimal learning environment and educational community and shall give preference to officers who demonstrate the requisite personality and character to work in a school environment with children and educators and who have received specialized training including, but not limited to: continuing

professional development in child and adolescent development, conflict resolution and diversion strategies, de-escalation tactics, trauma informed practices, diversity, equity, and inclusion, behavioral health and any other training required by the Municipal Police Training Committee established in [Section 116 of Chapter 6](#). The Chief of Police, or any employee of the state police assigning an officer, shall work collaboratively with the Superintendent in identifying officers who meet these criteria and in selecting the officer who is ultimately assigned as the SRO.

Should the Superintendent request assignment of an SRO and the Chief, in consultation with the Superintendent, determines there are not sufficient resources to assign an SRO to serve the city, town, regional school district, or county agricultural school, the Chief shall consult with the Department of State Police regarding the option of an officer being assigned, subject to appropriation, and pursuant to all requirements under the MOU and governing state law (e.g., regarding SRO training).

The Chief shall consider the following additional factors in the selection of the SRO:

- Proven experience working effectively with youth;
- Demonstrated ability to work successfully with a population that has a similar racial and ethnic makeup and language background as those prevalent in the student body, as well as with persons with physical and mental disabilities, including persons with special educational needs, persons on the autism spectrum, and persons with behavioral health challenges;
- Demonstrated commitment to making students and school community members of all backgrounds feel welcomed and respected;
- Demonstrated commitment to de-escalation, diversion, and/or restorative justice, and an understanding of crime prevention, problem-solving, and community policing in a school setting;
- Knowledge of school-based legal issues (e.g., confidentiality, consent), and demonstrated commitment to protecting students' legal and civil rights;
- Knowledge of school safety planning and technology;
- Demonstrated commitment and ability to engage in outreach to the community;
- Knowledge of school and community resources;
- A record of good judgment and applied discretion, including an absence of validated complaints and lawsuits, documented in annual reviews conducted pursuant to Section VII.

In endeavoring to assign an SRO who is compatible with the school community, the Chief shall receive and consider input gathered by the Superintendent from the school principal(s) and representative groups of teachers, parents, and students, in addition to the Superintendent. In accordance with state law, the Chief shall not assign an SRO based solely on seniority.

The Chief shall consider actual or apparent conflicts of interest, including whether an officer is related to a current student at the school to which the officer may be assigned as an SRO. As part of the application process, officers who are candidates for an SRO position shall be required to notify the Chief about any relationships with current students or staff members or students or staff members who are expected to join the school community (e.g., children who are expected to attend the school in the coming years). Any SRO who has a familial or other relationship with a student or staff member that might constitute an actual or apparent conflict of interest shall be required to notify the SRO's appointing authority at the earliest opportunity. The appointing authority shall determine the appropriate course of action, including whether to assign another officer to respond to a particular situation, and will advise the SRO and the District accordingly. Nothing in this paragraph is intended to limit the ability of the SRO to respond to emergency situations in District schools.

IV. Annual Review of the SRO

In accordance with state law, the Chief and the Superintendent shall annually review the performance of the SRO, including the success and effectiveness in meeting the goals and objectives of this MOU. The review shall be conducted at the end of each school year in a meeting among the SRO, the Chief, and the Superintendent. A copy of the review shall be supplied to each attendee.

The Chief and Superintendent shall jointly develop and agree in advance on the metrics for measuring the SRO's performance. The review shall include measures that reward the SRO's performance, subject to the terms of any applicable collective bargaining agreements, for compliance with the terms of this Agreement and the SRO's contributions to achieving the mission, purpose, goals, and objectives as set forth in Sections I and II. The review shall consider SRO efforts to prevent unnecessary student arrests, citations, court referrals, and other use of police authority. The review shall also assess the extent of the SRO's positive interactions with students, families, and staff and the SRO's participation in collaborative approaches to problem-solving, prevention, and de-escalation.

The Chief and Superintendent shall provide a mechanism for receiving feedback from the school community, including principal(s), teachers, students, and families of the school(s) to which the SRO is assigned. The Chief shall seriously consider any such feedback and shall make a good faith effort to address any concerns raised; however, the final selection and assignment of the SRO shall be within the sole discretion of the Chief. If the Superintendent recommends that the SRO not be assigned to a specific school, the Chief shall provide an explanation of any decision to maintain the SRO's assignment.

V. Mechanisms to Incorporate the SRO into the School Environment, including School Safety Meetings

The Parties acknowledge that proper integration of the SRO can help build trust, relationships, and strong communication among the SRO, students, and school personnel.

The District shall be responsible for ensuring that the SRO is formally introduced to the school community, including students, parents, and staff. The introduction shall include information about the SRO's background and experience, the SRO's role and responsibilities, what situations are appropriate for SRO involvement, and how the SRO and the school community can work together, including how and when the SRO is available for meetings and how and when the school community can submit questions, comments, and constructive feedback about the SRO's work. The introduction for parents shall include written information on procedures for communicating with the SRO in languages other than English. The SRO shall also initiate communications with students and teachers to learn their perceptions regarding the climate of their school.

The SRO shall regularly be invited to and attend staff meetings, assemblies, and other school convenings. The SRO shall also be invited to participate in educational and instructional activities, such as instruction on topics relevant to criminal justice and public safety issues. If the District has access to a student rights training through a community partner or the District Attorney's Office, the school shall consider offering such a training to students, where practicable, at the start of each school year. The SRO shall make reasonable efforts to attend such training. The SRO shall not be utilized for support staffing, such as hall monitor, substitute teacher, or cafeteria duty.

The Parties acknowledge that the SRO may benefit from knowledge of accommodations or approaches that are required for students with mental health, behavioral, or emotional concerns who have an individualized education program ("IEP") under the Individuals with Disabilities Education Act or a plan under Section 504 of the Rehabilitation Act ("504 Plan"). School personnel shall notify parents or guardians of such students of the opportunity to offer the SRO access to the portions of the IEP document or 504 Plan that address these accommodations or approaches. It is within the sole discretion of the parents or guardians to decide whether to permit the SRO to review such documents. The consent of the

parent or guardian must be informed and in writing. The consent must specifically designate the exact IEP or 504 Plan documents to be shared, describe the purpose for sharing the record, and specifically authorize access to the SRO. Whenever possible, the school shall make available a staff member who can assist the SRO in understanding such documents and, as appropriate, take other actions to help the student, the student's family, and the SRO to develop a positive relationship.

The SRO shall participate in any District and school-based emergency management planning. The SRO shall also participate in the work of any school threat assessment team to the extent any information sharing is consistent with obligations imposed by the Family Educational Rights and Privacy Act ("FERPA") (20 U.S.C. § 1232g) (see further information in Section VI).

VI. Information Sharing Between SROs, School Staff, and Other Partners

The Parties acknowledge the benefit of appropriate information sharing for improving the health and safety of students and also the importance of limits on the sharing of certain types of student information by school personnel. The Parties also acknowledge there are distinctions between personally identifiable information about students contained in education records and information about students not contained in such records as well as student information shared for law enforcement purposes and student information shared to support students and connect them with necessary mental health, community-based, and related services.

A. Points of Contact for Sharing Student Information

In order to facilitate prompt and clear communications, the Parties acknowledge that the principal (or principal's designee) and the SRO are the primary points of contact for sharing all types of student information in accordance with this Agreement. The Parties also acknowledge that, in some instances, other school officials or Police Department employees may serve as key points of contact for sharing information. Such school officials and Police Department employees are identified below:

- Chief of Police
- Superintendent of Schools
- Director of Business and Finance, MPS
- Director of Student Services, MPS
- Director of Curriculum and Instruction, MPS
- Director of Special Education, MPS

B. Compliance with FERPA and the Massachusetts Student Record Regulations

At all times, school officials must comply with the Family Educational Rights and Privacy Act ([20 U.S.C. § 1232g](#); [34 CFR Part 99](#)) (FERPA), and the Massachusetts Student Records Regulations, [603 CMR 23.00](#). These rules permit disclosures of personally identifiable information about students ("Student PII") contained in educational records, without consent, under specific circumstances.

When the District "has outsourced institutional services or functions" to the SRO consistent with 34 C.F.R. § 99.31(a)(1)(i)(B) of FERPA and 603 CMR 23.07(3) of the Massachusetts Student Records Regulations, the SRO can qualify as a "school official" who can access, without consent, Student PII contained in education records about which the SRO has a "legitimate educational interest." To demonstrate compliance with 34 C.F.R. § 99.31(a)(1)(i)(B), the Parties affirm and agree to the following:

1. School safety is an institutional service for which the District would otherwise use its employees.
2. The District will only disclose to SROs Student PII in education records for the purposes consistent with Sections I and II of this agreement.
3. The SRO is subject to use and re-disclosure requirements in FERPA and the Massachusetts Student Records Regulations, 34 C.F.R. §99.33(a), 603 CMR 23.07(4). The SRO will use Student PII contained in education records only for the purposes described in paragraph 2 (directly above) of this section and will not re-disclose Student PII contained in education records to outside parties, who are not "school officials," without consent or unless the disclosure satisfies an exception to FERPA or the Massachusetts Student Records Regulations.
4. The District will update its annual notification, required under 34 C.F.R. § 99.37(a) and 603 CMR 23.10, to include SROs as "school officials" and to describe purposes from paragraph 2 (directly above) of this section among "legitimate educational interests" for accessing education records. If the District does not update the annual notification accordingly, the SRO's access will be limited to education records not containing Student PII, non-education records containing Student PII, and education records containing Student PII disclosed for health and safety emergencies, as described in 34 C.F.R. §§99.31(10), 99.36.

Consistent with 34 C.F.R. §§ 99.31(10) and 99.36 of FERPA, the SRO (or other Police Department employee identified in Section V.A.) may gain access, without consent, to Student PII contained in education records "in connection with an emergency if knowledge of the [Student PII] is necessary to protect the health or safety of the student or other individuals."

FERPA and the Massachusetts Student Records Regulations apply only to Student PII contained in education records. These rules do not apply to Student PII contained in records of a Law Enforcement Unit or to communications or conversations about what school staff have observed or derived from sources other than education records.

In addition to FERPA and the Massachusetts Student Records Regulations, the Parties agree to comply with all other state and federal laws and regulations regarding confidentiality, including, as applicable, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other rules that protect data privacy. The Parties agree to collect only that student information necessary and relevant to fulfilling their respective roles, to share such information with each other only where required or allowed under this Agreement, and not to disclose such information beyond what is contemplated in this Agreement unless required by state or federal law. The Parties shall not collect or disclose information on a student's immigration status except as required by law.

C. Disclosure to a Law Enforcement Officer or Agency

As required by section 37L of chapter 71 of the General Laws, school department personnel and SROs shall not disclose to a law enforcement officer or agency, including local, municipal, regional, county, state and federal law enforcement, through an official report or unofficial channels, including, but not limited to, text, phone, email, database and in-person communication, or submit to the department of state police's Commonwealth Fusion Center, the Boston Regional Intelligence Center or any other database or system designed to track gang affiliation or involvement, any information relating to a student or a student's family member from its databases and other recordkeeping systems including: (i) immigration status; (ii) citizenship; (iii) neighborhood of residence; (iv) religion; (v) national origin; (vi) ethnicity; or (vii) suspected, alleged, or confirmed gang affiliation, unless it is germane to a specific unlawful incident or to a specific prospect of unlawful activity the school is otherwise required to report.

Nothing in this paragraph shall prohibit the sharing of information: (i) for the purposes of completing a report pursuant to section 51A of chapter 119; (ii) upon the specific, informed written consent of the eligible student, parent or guardian; (iii) to comply with a court order or lawfully issued subpoena; (iv) in connection with a health or safety emergency pursuant to the provisions of 603 C.M.R. 23.07(4)(e); or (v) for the purposes of filing a weapon report with the local chief of police pursuant to this section.

D. Information Sharing by School Personnel

1. For Law Enforcement Purposes

Where the principal or principal's designee learns of conduct by a student for which a law enforcement response may be appropriate (as described in Section II), the principal should inform the SRO. If a teacher has information related to such conduct, the teacher should communicate such information to the principal or the principal's designee. The Parties agree that the sharing of such information does not necessarily require a law enforcement response on the part of the SRO but shall instead prompt a careful consideration of whether the conduct is best addressed by law enforcement action, by a school disciplinary response, or by other alternative school-based methods that may include but are not limited to: restorative practices, positive behavior interventions and supports, mediation, conflict resolution and other evidence-based strategies.

Notwithstanding the foregoing, if student information is obtained solely during a communication with school staff deemed privileged or confidential due to the staff member's professional licensure, such communication shall only be disclosed with proper consent or if the communication is subject to the limits and exceptions to confidentiality and is required to be disclosed (e.g., mandatory reporting, immediate threats of harm to self or others). Additionally, if such student information is gathered as part of a "Verbal Screening Tool for Substance Abuse Disorders," such information shall only be disclosed pursuant to the requirements of G.L. c. 71, § 97.

The Parties acknowledge that there may be circumstances in which parents or guardians consent to the disclosure of student information for law enforcement purposes (e.g., as part of a diversion program agreement) and that the sharing of information under such circumstances does not violate this Agreement.

The Parties also acknowledge that, from time to time, an emergency situation may arise that poses a real, substantial, and immediate threat to human safety or to property with the risk of substantial damage. School personnel having knowledge of any such emergency situation should immediately notify or cause to be notified both the Police Department (or the SRO if appropriate to facilitate a response) and the principal or principal's designee. This requirement is in addition to any procedures outlined in the school's student handbook, administrative manual, and/or School Committee policy manual.

Nothing in this section or this Agreement shall prevent the principal or principal's designee from reporting possible criminal conduct by a person who is not a student. Nothing in this section or this Agreement shall prevent school personnel from complying with reporting requirements in state law, including those found in G.L. c. 71, § 371, G.L. c. 269, § 18, and G.L. c. 71 § 370.

2. For Non-Law Enforcement Purposes

Based on their integration as part of the school community, SROs may periodically require access to student information for purposes that fall outside of the SRO's law enforcement role outlined in Section II.

Student information received by the SRO (or other Police Department employee identified in Section VI.A.) that is not related to criminal conduct risking or causing substantial harm shall not be used to take law enforcement action against a student but may be used to connect a student or family with services or other supports. Prior to such a disclosure, whenever possible, the principal or principal's designee shall notify the student's parent/guardian, the student, or both, when such information will be shared with the SRO.

E. Information Sharing by the SRO with the Principal or Principal's Designee

Subject to applicable statutes and regulations governing confidentiality, the SRO shall inform the principal or principal's designee of any arrest of a student, the issuance of a criminal or delinquency complaint application against a student, the SRO's perception that a student may be in immediate need of emergency medical or psychological assistance, or a student's voluntary participation in any diversion or restorative justice program if:

- The activity involves criminal or delinquent conduct that poses a (present or future) threat of harm to the physical well-being of the student, other students or school personnel, or school property;
- The making of such a report would facilitate supportive intervention by school personnel on behalf of the student (e.g., because the SRO may be aware of a situation outside of school suggesting the student may benefit from supportive services in school).

When the SRO observes or learns of student conduct in school for which a law enforcement response is appropriate (as described in Section II), the SRO shall convey to the principal or principal's designee as soon as reasonably possible the fact of that conduct and where practicable the nature of the intended law enforcement response.

VII. Organizational Structure, including Supervision of SROs, Lines of Communication between the School District and Police Department, and Complaint Resolution

The SRO shall be a member of the Police Department and report directly to the Chief of Police, Middleborough Police Department. To ensure clear and consistent lines of communication, the SRO shall meet at least monthly with the principal or principal's designee and any other school officials identified in Section VI.A. The SRO shall ensure that the principal remains aware of material interactions and information involving the SRO's work, including, but not limited to, arrests and searches of students' persons and property, consistent with Section VI.D.

The salary and benefits of two SROs shall be covered by the Middleborough Police Department. The costs of the training required by this Agreement and any other training or professional development shall be paid by Middleborough Police Department.

The District will make available to the SRO a secure office space that allows the SRO to engage in confidential conversations, a desk, chairs, and access to any technology needs. The Police Department will provide technology to the SROs to carry out essential functions of the job.

The Parties shall develop and implement a simple and objective complaint resolution system for all members of the school community to register concerns that may arise with respect to the SRO. The

system shall comply with Police Department policies and shall provide for timely communication of the resolution of the complaint to the complainant. The system shall also allow parents and guardians to submit complaints in their preferred language and in a confidential manner that protects the identity of the complainant from the SRO consistent with the SRO's due process rights and any applicable employment protections.

All students, parents, guardians, teachers, and administrators shall be informed of the complaint resolution system and procedures at the beginning of each school year. Upon execution, the complaint resolution system should be placed on file at the office of the Chief of Police, the Superintendent, and the Department of Elementary and Secondary Education.

The Parties shall develop and implement a system that allows for the SRO and other Police Department officers to register concerns, including concerns about misconduct by teachers or administrators, that may arise.

VIII. Training for SROs

In accordance with section 23 of chapter 253 of the Acts of 2020, the Municipal Police Training Committee shall provide training for SROs including but not limited to:

- (i) the ways in which legal standards regarding police interaction and arrest procedures differ for juveniles compared to adults;
- (ii) child and adolescent cognitive development, which shall include instruction on common child and adolescent behaviors, actions and reactions as well as the impact of trauma, mental illness, behavioral addictions such as gaming and gambling disorder, and developmental disabilities on child and adolescent development and behavior;
- (iii) engagement and de-escalation tactics that are specifically effective with youth; and
- (iv) strategies for resolving conflict and diverting youth in lieu of making an arrest.

Such program shall also include training related to:

- (i) hate crime identification and prevention training curriculum including acquisition of practical skills to prevent, respond to and investigate hate crimes and hate incidents and their impact on victim communities;
- (ii) anti-bias, anti-racism and anti-harassment strategies;
- (iii) identification of youth at risk of or who are being commercially sexually exploited;
- (iv) bullying and cyberbullying; and
- (v) helping school resource officers interact effectively with school personnel and victim communities and building public confidence with cooperation with law enforcement agencies.

Additional areas for continuing professional development may include:

- Restorative justice practices
- Cultural competency in religious practices, clothing preferences, identity, and other areas
- Positive behavior interventions and supports
- Training in proper policies, procedures, and techniques for the use of restraint
- Teen dating violence and healthy teen relationships
- Relationship building and positive youth development
- Understanding and protecting civil rights in schools
- Special education law
- Student privacy protections and laws governing the release of student information

- School-specific approaches to topics like cyber safety, emergency management and crisis response, threat assessment, and social-emotional learning

The SRO shall attend a minimum of 12 hours of training per year.

Where practicable, the District shall also encourage school administrators working with SROs to undergo training alongside SROs to enhance their understanding of the SRO's role and the issues encountered by the SRO.

IX. Data Collection and Reporting

In accordance with section 37P(d) of chapter 71 of the General Laws, "[a]nnually, not later than August 1, the superintendent shall report to the department of elementary and secondary education and publicly present to the relevant school committee: (i) the cost to the school district of assigning a school resource officer; (ii) a description of the proposed budget for mental, social or emotional health support personnel for the school; and (iii) the number of school-based arrests, citations and court referrals made in the previous year disaggregated as required by the department of elementary and secondary education."

To accomplish this, the Parties agree that:

- The Superintendent shall submit such reports and data to the Department annually, not later than August 1, according to the guidance and rules contained in relevant Data Handbooks issued by the Department. With respect to item (iii) above, the Department must receive individual student level data from the District on school-based arrests, citations and court referrals made in the previous academic year.
- The Chief agrees to provide the District with regular access to data in their possession, on an individual level, as needed to fulfill the District's data reporting responsibilities.

X. Accompanying Standard Operating Procedures

The Chief, in consultation with the Superintendent, shall establish operating procedures to provide guidance to SROs about daily operations, policies, and procedures. At a minimum, the operating procedures as established by the Chief shall describe the following for the SRO and shall be consistent with this Agreement:

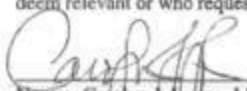
1. the school resource officer uniform;
2. use of police force, arrest, citation, and court referral on school property;
3. a statement and description of students' legal rights, including the process for searching and questioning students and circumstances requiring notification to and presence of parents and administrators;
4. chain of command, including delineating to whom the SRO reports and how school administrators and the SRO work together;
5. performance evaluation standards, which shall incorporate monitoring compliance with this Agreement and use of arrest, citation, and police force in school;
6. protocols for diverting and referring at-risk students to school and community-based supports and providers; and
7. information sharing between the SRO, school staff, and parents or guardians.

XI. Effective Date, Duration, Applicability, and Modification of Agreement

This Agreement shall be effective as of the date of signing.

This Agreement shall be reviewed annually prior to the start of the school year. This Agreement remains in full force and effect until amended or until such time as either of the Parties withdraws from this Agreement by delivering written notification to the other Party.

Upon execution of this Agreement by the Parties, a copy of the Agreement shall be placed on file in the offices of the Chief and the Superintendent. The District or school shall annually file the Agreement with the Department of Elementary and Secondary Education. The Parties shall also provide this Agreement to the SRO, the principals of any schools where the SRO will work, and any other individuals whom they deem relevant or who request it.



Name: Carolyn A. Lyons, J.D.
Superintendent of Schools

Date: 1/27/23



Name: Joseph M. Perkins
Chief of Police, Middleborough

Date: 2/6/23

MIDDLEBOROUGH PUBLIC SCHOOLS

NOTICE OF EQUAL OPPORTUNITY

The Middleborough Public Schools reaffirms that they do not discriminate on the basis of race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability in admission to, access to, treatment in or employment in its programs or activities. Consistent with M.G.L. 76:5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability. Any harassment on the basis of race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability will not be tolerated and will be punishable to the full extent of the law.

If you have any questions about the district's policy, please feel free to contact the office of the Superintendent.

If you should have a complaint or concern that there has been discrimination, you may also utilize the following procedure:

1. Report the violations to any staff member in the Middleborough Public Schools. A person will notify the building Principal. The building Principal will meet with you and others persons who might have information about the issue promptly and will attempt to resolve the issue. Any additional investigation will be commenced by the school district investigators in each area, within a reasonable period of time. The building Principal will issue their decision in writing to you within ten (10) days of the conclusion of the investigation.
2. If the complaint is not resolved, it can then be appealed to the district's Equal Opportunity, Title IX, Section 504, ADA Coordinator. This appeal must be in writing, describing the circumstances, and the relief you seek. This appeal should be taken within one week after receipt of the Principal's decision.
3. The Equal Opportunity, Title IX, Section 504, ADA Coordinator will meet with you within a reasonable time. Following a review of the materials presented to the Principal and any additional investigation which will be conducted promptly, the Coordinator will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator will indicate the steps to be taken to correct it.

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J.W. McCormack POCH, Room 222, Boston, MA 02109-4557.

LEGAL REFS.: Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
 Executive Order 11246, as amended by E.O. 11375
 Equal Pay Act, as amended by the Education Amendments of 1972 Title IX,
 Education Amendments of 1972
 Rehabilitation Act of 1973
 Education for All Handicapped Children Act of 1975
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
 M.G.L. 76:5; Amended 2011
 M.G.L.76:16
 BESE regulations 603CMR 26.00

Amended 2012 BESE regulations
603CMR 28.00

CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination
GBA, Equal Employment Opportunity JB, Equal
Educational Opportunities

School Bus Rules

The bus contractor will establish bus stops/routes with consideration of Middleborough Police Safety Officer, as appropriate. The Superintendent of Schools or their designee will have the final determination in dispute cases.

1. The bus driver is not required to wait beyond their scheduled time for picking up students. It is the responsibility of Parents/Guardians to have pupils at the assigned stop when the bus arrives. The bus driver will inform the students and Parents/Guardians as to the time drivers will pick up the riders.
2. Buses are for the transportation of pupils to and from school only. No pupil can be permitted to leave the bus at any point enroute to school in the morning or enroute home at the close of the school day. The entire trip to and from school must be completed.
3. No student will be permitted to change his regularly scheduled transportation except in cases of emergency with approval from school administration. In such cases, a pupil wishing to change his regular bus for a specific day must present a written request from the parent/guardian giving the date, reason, and telephone contact for the request.
4. The assignment of seats is left to the discretion of the bus driver and/or school authorities. When entering a bus, students are to go immediately to a seat. Changing seats may be allowed with the driver's permission and at their discretion, but only when the bus is not in motion. Seat belts, where provided, must be worn at all times when the bus is in motion.
5. Students are expected to conduct themselves in exactly the same way they are expected to conduct themselves in school while waiting for and riding on the bus. All school discipline rules will extend to the bus ride. The bus driver has the authority to judge conduct, to maintain discipline, and to report pupils to the respective school administrator when necessary.
6. No large items such as musical instruments, school projects, etc., skateboards, live animals, or hazardous materials of any kind may be transported on school buses.
7. Shouting, profanity, and vulgarity will not be tolerated on the bus.
8. Use or possession of weapons, tobacco, alcohol, drugs or other controlled substances, will not be tolerated on the bus.
9. Eating, drinking, or gum chewing will not be permitted on the bus.
10. The opening of bus windows and doors is left to the discretion of the bus driver: arms, hands, and heads are to be kept inside the bus at all times.
11. Tampering with emergency equipment, including the emergency door and/or bus equipment, will not be tolerated.
12. Disciplinary Procedures for non-compliance with School Bus Rules:
 - a) On the first reported offense, the bus driver will notify the appropriate school administrator who will notify

the parent/guardian.

- b) On the second reported offense, the offender may be suspended from the bus for up to three school days.
- c) On the third reported offense, the offender may be suspended for up to five school days at the discretion of the Principal or their designee and based on the severity of the offense.
- d) Repeated offenses may result in suspension of bus privileges for the remainder of the school year.
- e) In cases of serious offenses affecting the safety of the school bus and/or its occupants, the offender may lose their bus privilege immediately.

13. Parents/Guardians of any student(s) proven to have done damage to a bus will be held financially responsible.

14. A copy of these rules is published in each school's student handbook.

15. The Building Administrator reserves the right to modify any of these rules.

WELLNESS POLICY

General Policy Statement:

The Middleborough Public Schools are committed to providing a school environment that promotes and protects children's health, well-being, and ability to learn by supporting nutrition and physical activity education that promotes lifelong wellness while still providing healthy choices. This correlates with our district mission "to prepare all students to excel as educated, responsible, global citizens". We also believe that a staff that engages in a healthy lifestyle supports our objective of a healthy school community. The district believes that we will achieve success in this endeavor through the combined efforts of the school community, parents, and the community at large.

- Communication with parents/guardians, staff, students, and the community regarding policy goals and guidelines is essential to the success of our policy.
- The district will establish a Health and Wellness Committee which will meet regularly to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies.
- Physical activity education and goals for the school community will encourage activities that support an active, healthy community of learners. These activities will consist of both structured (K-12 Physical Education/curriculum frameworks) and co-curricular (recess, intramurals, sports teams, after school) activities.
- As the types of food and beverages made available to students influence lifelong eating habits, the district will continue to increase the availability of and sale of nutritious selections and discourage the sale and consumption of beverages and foods of low nutritional value on school grounds up to 30-minutes before the beginning of the school day until 30-minutes after the end of the school day.
- Nutrition education will aim to teach, encourage, and support life-long healthy nutritional behaviors. Opportunities for staff in-service education to share best practices, which incorporate nutrition, physical activity, and wellness across the curriculum, will be pursued.

The following Wellness Policy Procedural Directive is approved for implementation and monitoring by the Middleborough School Committee.

Wellness Policy Procedural Directive Guidelines

Health and Wellness Committee

The Health and Wellness Committee will serve as a resource to the school community in the implementation of school nutrition, physical activity, and wellness policies and procedures. The Committee will consist of a group of individuals from the schools and community that is representative of school staff, educators, students, parents, health professionals, and community members. They will plan to organize and subsequently meet regularly during

the academic school year.

Setting Nutrition Education Goals:

The primary goal of nutrition education is to encourage students and staff to make lifelong healthy food choices.

The Middleborough Public Schools will:

- Adhere to the revised Nutrition Standards for Competitive Foods and Beverages in Public School regulations (105 CMR 225.000) effective August 1, 2012.
- Provide nutrition education for all students K-12 in accordance with the Massachusetts Health Curriculum Frameworks.
- Work to integrate physical activity and nutrition lessons into other subject areas.
- Work to develop collaboration among physical education/ health/consumer science teachers, health services staff, and food service providers in developing on-going nutrition education and activities for students, staff, and the community. These programs will address nutrition and physical activity as components of overall wellness.
- Send home nutrition information, post nutrition information and relevant web links on the school website, and promote healthy and acceptable food choices consistent with dietary guidelines and Action for Healthy Kids recommendations.
- Pursue professional development opportunities and events for all food service staff and teaching staff in the areas of physical education, nutrition, and wellness.
- Provide the Middleborough School Committee a compiled body mass index (BMI) report showing by grade the number of students screened and the percentage of students in each category. BMI measurements are compiled annually for grades 1, 4, 7, and 10 and comparison charts will be presented annually in March to measure the effectiveness of this directive.

Setting Physical Activity Goals

The primary goal of physical education is for all students to develop the skills and knowledge necessary to not only participate in specific physical activities, but to understand the short and long-term benefits of a physically active and healthy lifestyle.

The Middleborough Public Schools will:

- Ensure that District policy for physical education is consistent with Massachusetts Curriculum Frameworks for Physical Education.
- Continue to provide students opportunities for physical activity through P.E. classes, recess opportunities for elementary school students, extra-curricular activities at the secondary level, and encourage incorporation of physical activity into the academic curriculum (short activity breaks between lessons/classes when appropriate).
- Support curriculum/programs that include health-related physical fitness concepts such as target heart rate, aerobic activity, injury prevention, emotional health and growth, and tobacco cessation and drug/alcohol prevention.
- Encourage all students to consult with their parents/guardians and primary care physician to establish individual personal fitness goals.
- Continue to provide students opportunities for additional physical activity through a range of before and after school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- Ensure that all playgrounds/equipment/physical activity facilities meet current safety standards and incorporate age appropriate physical fitness opportunities into new designs as equipment is replaced.
- Explore ways to further encourage parents and guardians to support their children's participation in

physical activity, to be physically active role models, and to include physical activity in family activities.

- Allow the MIIA to continue the development of activities for all staff that promote and encourage a healthy lifestyle.

Establishing Nutrition Standards for All Foods Available on School Campus during the School Day
Students' lifelong eating habits are greatly influenced by the types of food and beverages available to them. The goal of establishing nutrition standards is to ensure the availability of healthy food choices sold or served in the school setting.

The Middleborough Public Schools will:

- Ensure that all school meals meet, as a minimum, the applicable requirements of federal and state standards and regulations (see attached regulations).
- Establish nutrient standards for all foods sold to students in our schools in accordance with federal and state guidelines.
- Encourage all children to have breakfast at home or participate in the school breakfast program in order to meet their nutritional needs and enhance their ability to learn. Creative ways to promote the importance of breakfast will be encouraged in each school (posters, contests, daily announcements, etc.).
- Encourage all staff to model healthy eating by offering healthier choices at school meetings and events, and refrain from using food as rewards to students. A list of alternatives will be provided to all staff and its use encouraged.
- There will be no sharing of food at any time of the school day.
- Classroom parties for holidays and other special occasions will not include food items for Preschool through grade 8. Special events involving food may be allowed at the High School level only with prior approval from the principal in consultation with the Food Service Director and the School Nurse/School Nurse Leader. All foods provided during the school day must be in compliance with the Nutrition Standards for Competitive Foods and Beverages in Public Schools regulations (105 CMR 225.000).
- Schools will not use food or beverages as rewards for good behavior or academic achievement unless it is part of a student's Individual Educational Plan or directed by a Medical Professional.
- Courses offered at the High School level involving food will comply with DESE standards. The principal and school nurse will be consulted to provide a safe learning environment for students with life-threatening allergies or medical concerns.
- Prohibit the sale of low nutritional food items on school grounds up to 30-minutes before the beginning of the school day until 30-minutes after the end of the school day. This exemption shall not apply to competitive foods sold through vending machines, which shall comply with these standards at all times.
- Encourage parents/guardians to send lunches/snacks from home that are based on healthy food guidelines. This information will be available on the school website or in paper form if requested by a parent/guardian.
- For the purpose of this Directive, "low nutritional food" is defined as any food not found on the current A-list developed by the John C. Stalker Institute at Framingham State University.

Setting Goals For Other School-Based Activities Designed to Promote Student/Staff Wellness

The purpose of setting goals for other school based activities is to create an environment that provides consistent wellness messages, is conducive to healthy lifestyle choices, and supports social, mental, and emotional well-being in order to promote academic success.

Middleboro Public Schools will:

- Encourage fundraisers that promote physical activity.
- Enable the Health and Wellness Committee to research and make available a list of alternative fundraising activities while encouraging fundraisers that minimize the focus on food items.
- Allow the promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products.
- Encourage parents, teachers, staff, administrators, students, and community members to serve as role models in practicing healthy nutrition and physical activity, both in school and at home.
- Develop and promote activities for school staff that encourage healthy eating, physical activity, and other elements of a healthy lifestyle.
- Encourage students and staff to balance work and recreation and help them become aware of stressors that may interfere with healthy development and lifestyles. Resources will be available upon request.
- Support an environment where students, parents/guardians, and staff are respected, valued, and accepted with high expectations for personal behavior and accomplishments.
- Work with staff, students, and the community in conjunction with local law enforcement agencies to maintain a school environment that is tobacco, alcohol, and drug free.

Setting goals for Measurement and Evaluation

Implementation of the revised Wellness Policy Procedural Directive will commence on March 1, 2014 upon approval of this directive by the Middleborough School Committee.

Middleborough Public Schools will:

- Establish membership on the Health and Wellness Committee and set meeting dates two to four times annually.
- Enable the Health and Wellness Committee to convene on a regular schedule to develop, implement, and evaluate the activities and goals set forth in the Middleborough Public Schools Wellness Policy.
- Enable the Health and Wellness Committee to offer revisions to the policy to the School District Administration and School Committee as needed.
- Will convey clearly and consistently to all concerned (with the support of the Health and Wellness Committee and The School Administration) that all activities involving food, nutrition, and/or physical activity must be consistent with the goals and guidelines set forth in this policy.
- Ensure that compliance with policy guidelines is monitored at the building level by the Principal and at the district level by the Superintendent of Schools and the Health and Wellness Committee.
- Report annually in March to the Middleborough School Committee the effectiveness of this directive as previously outlined.

Policy Review and Revision:

Review and revision of this policy shall occur by the Health and Wellness Committee and the Middleborough School Committee.

References

Nutrition Regulations 105 CMR 225.000

Section 204 of Public Law – June 30, 2004: Child Nutrition and WIC Reauthorization Act of 2004 A-list - John C. Stalker Institute at Framingham State University

VIII. APPENDIX B: MASSACHUSETTS STATE LAWS

Chapter 71: Section 37H. Policies Relative to Conduct of Students

(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 a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion by the school, school district or by the principal.

- (b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school- sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, the principal may, in its 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) A student who is suspended for more than 10 consecutive days shall be entitled to continue to receive educational service pursuant to the school's educational service plan during the time of removal.
- (e) Any student who has been expelled from 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 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.
- (f) 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.

General Laws of Massachusetts Chapter 71: Section 37H1/2

Felony complaint or conviction of a student; suspension; expulsion; right to appeal.

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

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

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

- (2) A student who is suspended for more than 10 consecutive days shall be entitled to continue to receive educational service pursuant to the school's educational service plan during the time of removal.

- (3) 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 this 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. Upon expulsion of such student, no school or school district shall be required to provide educational services to such student.

General Laws of Massachusetts Chapter 71: Section 37L. Reports of Students Possessing or Using Dangerous Weapons on School Premises; Transferred Students' School Records

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.

Chapter 76: Residency Requirements

In accordance with Chapter 76 of the General Laws of the Commonwealth of Massachusetts, students shall attend the public schools of the town where they actually reside. Students, who are not residents of Middleborough, may attend the schools with the proper approval of the superintendent of schools. Such students may be required to pay tuition.

Chapter 76: Section 1. School Attendance

GL c76, s1 requires that every child, with certain expectations, between ages established by the State Board of Education, must attend a public day school, or some other approved school, during the times when public schools are in session. The school committee is charged with the duty to provide for and enforce the school attendance of all children actually residing in the city or town. Home schooling must be approved by the superintendent. Absences by a student may not exceed 7-day sessions or 14 half-day sessions in any six-month period.

Every child between the minimum and maximum ages established for school attendance by the board of education, except a child between fourteen and sixteen who meets the requirements for the completion of sixth grade of the

public school as established by said board and who holds a permit for employment in private domestic service or service on a farm, under section eighty-six of chapter one hundred and forty-nine, and is regularly employed thereunder for at least six hours per day, or a child between fourteen and sixteen who meets said requirements and has the written permission of the superintendent of schools of the town where he resides to engage in non-wage-earning employment at home, or a child over fourteen who holds a permit employment in a cooperating employment, as provided in said section eighty-six, shall, subject to section fifteen, attend a public day school in said town, or some other day school approved by the school committee, during the number of days required by the board of education in each school year, unless the child attends school in another town, for said number of days, under sections six to twelve, inclusive, or attends an experimental school project established under and experimental school plan, as provided in section one G of chapter fifteen, but such attendance shall not be required of a child whose physical or mental condition is such as to render attendance inexpedient or impracticable subject to the provisions of section three of chapter seventy-one B or of a child granted an employment permit by the superintendent of schools when such superintendent determines that the welfare of such child will be better served through the granting of such permit, or of a child who is being otherwise instructed in a manner approved in advance by the superintendent of the school committee. The superintendent of schools may transfer to any specialized type of school on a full-time basis any child who possesses the educational qualifications enumerated in this section and in the opinion of the superintendent would be benefited by such transfer. The superintendent, or teachers in so far as authorized by him or by the school committee, may excuse cases of necessary absence for other causes not exceeding seven day sessions or fourteen half day sessions in any period of six months. Absences may also be permitted for religious education at such times as the school committee may establish: provided, that no public funds shall be appropriated or expended for such education or for transportation incidental thereto: and provided, further, that such time shall be no more than one hour each week. For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but shall not withhold such approval on account of religious teaching, and, in order to protect children from the hazards of traffic and promote their safety, cities and towns may appropriate money for conveying pupils to and from any schools approved under this section.

Except as herein provided, pupils who attend approved private schools and elementary and high school grades shall be entitled to the same rights and privileges as to transportation to and from school as are provided by law for pupils of public schools and shall not be denied such transportation because their attendance is in a school which is conducted under religious auspices or includes religious instruction in its curriculum. Each school committee shall provide transportation for any pupil attending such an approved private school within the boundaries of the school district, provided, however, that the distance between said pupil's residence and the private school said pupil attends exceeds two miles or such other minimum distance as maybe established by the school committee for transportation of public school students. Any school committee which is required by law to transport any pupil attending an approved private school beyond the boundaries of the school district shall not be required to do so further than the distance for the residence of such pupil to the public school he is entitled to attend.

The school committee of each town shall provide for and enforce the school attendance of all children actually residing therein in accordance herewith.

The terms "permit for employment" and "employment permit", as used in this chapter, shall mean an employment permit referred to in section eighty-six of chapter one hundred and forty-nine.

Chapter 150: An Act Relative to Weapons Carried on School Grounds

Whoever not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm or hereinafter defined, loaded or unloaded, in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle, or smoothbore arm from which a shot, bullet, or pellet can be discharged by whatever means.

Chapter 150: Possession of a Weapon

Chapter 150, an act relative to weapons carried on school grounds. (Pursuant to M.G.L. Chapter 269 Section IOU), the possession of a firearm or other dangerous weapon in any building or on the grounds of a secondary school is a crime punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. This is a serious breach of school regulations and will result in suspension, police will be notified, and the person/student will be arrested and prosecuted. Refer to Appendix B, MGL, Section 37H regarding expulsion proceedings. The Superintendent of Schools will be notified for expulsion proceedings.

Chapter 209A: An Abuse Prevention Order

An Abuse Prevention Order, sometimes called a "209A order", "protective order" or "restraining order", is a civil court order that seeks to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. The Abuse Prevention Order has recently been expanded to include substantive dating relationships.

Unless there are specific conditions excluding contact on school grounds or in specific classes from the terms of the order, a 209A order must be obeyed by the abuser during school hours and on school grounds. A violation in any way of certain terms of a Temporary or Permanent 209A Protective Order is a criminal offense and the proper authorities will be notified. Once the school is notified that a Protective Order exists between students, a separate meeting will be scheduled by administration, with each student involved to review the order and outline the steps that will be taken by the school to implement the order.

A "Safety Plan" will be established with the victim to address their needs, including "Safety Stops", and staff to report to if concerns arise or a violation occurs. Schedule changes and other adaptations such as changes of lockers, seating assignments, etc. may need to be made to avoid face-to-face contact with the defendant. In such cases, the victim's schedule will be accommodated, not the abuser's.

The local police will be notified immediately if it is believed that any violation has occurred.

Massachusetts General Law (MGL) Chapter 71 Sections 37H and 37 H ½ of 2010 have been amended to include Chapter 222 of the Acts of 2012.

Chapter 222 ensures opportunity for students to make academic progress while suspended or expelled:

- Amends sections 37H and 37H½ to require districts and charter schools to continue to provide educational services to any student suspended or expelled under these sections;
- Requires principals and headmasters to create a "school-wide education service plan" for all students who are suspended or expelled for more than 10 consecutive school days, whether in or out of school, so that students have an opportunity to make academic progress. Education service plans may include, but are not limited to, tutoring, alternative placement, Saturday school, and online or distance learning;
- States that students who are suspended from school for 10 or fewer consecutive school days, whether in or out of school, must be provided an opportunity to make academic progress during the period of suspension, to make up assignments, and earn credits missed;
- Establishes that if a student moves to another district during a period of suspension or expulsion, the new district must either admit the student or provide educational services to the student during the period of suspension or exclusion;
- Provides for partial reimbursement under G.L. c 71B, § 5A, the circuit breaker provision, for the instructional costs of providing alternative educational services to suspended and expelled students. First payments will be made in fiscal year 2016, partially reimbursing eligible costs incurred in the 2014-15 school year.

Section 37H3/4(b) (effective 11/08/2022):

“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.”

Middleborough Public Schools Process & Procedures for Adherence to Chapter 222 Requirements

The process for securing academic supports and home instruction are the same as for all other reasons. Please refer to the **Protocol and Procedure for Home & Hospital Instruction Program** for further instructions.

Chapter 227: Drug Free School Zone

The controlled substance act provides that any person convicted of possessing, selling or using drugs within 1,000 feet of public or private school (elementary, vocational, middle or secondary) whether or not in session shall be punished by a minimum of a two-year term of imprisonment. The registrar shall suspend, without a hearing, the license or right to operate a motor vehicle of a person who is convicted of violation of this statute, however, that the period of such suspension shall not exceed five years; provided further that any person who is under the age of eighteen (18) and who has violated this provision shall not be licensed to operate a motor vehicle until such person reaches the age of 21 years.

Chapter 269: An Act Prohibiting the Act of Hazing

Massachusetts General Laws (Ch. 269 section 19) requires the distribution of Ch. 269, sections 17-19 to the following groups and individuals:

- Every student group and every member, pledge or applicant for membership in that group or organization
- Every non-school affiliated organization of which the school has knowledge

Chapter 269: Section 17 Hazing; organizing or participating; hazing defined

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.

Chapter 269: Section 18. Failure to report hazing

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

Chapter 269: Section 19. Issuance to students and student groups, teams and organizations; report

Section 19. 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 sections 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 board of higher education and in the case of secondary institutions, 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 higher education 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.

Chapter 385 of the Acts of 2002: An Act Further Protecting Children

Section 1: Chapter 6 of the General Laws is hereby amended by inserting after section 172F the following sections:

Section 172H: Notwithstanding section 172 or any other general or special law to the contrary, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less that accepts volunteers, shall obtain all available criminal offender record information from the criminal history systems board prior to accepting any person as a volunteer. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

Section 172I: Notwithstanding section 172 or any other general or special law to the contrary, taxicab companies that have contracted to provide transportation of pupils pursuant to section 7A of chapter 71 shall submit the names of any employee who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to transporting any pupil. The school committee or superintendent shall obtain all

available criminal offender record information on such employees from the criminal history systems board pursuant to section 38R of chapter 71.

Section 2: Chapter 71 of the General Laws is hereby amended by striking out section, 38R, as appearing in the 2000 Official Edition, and inserting in place there of the following section:

Section 38R: The school committee and superintendent of any city, town, or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town or regional school district shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective employee or volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children. Such school committee, superintendent or principal shall periodically, but not less than every 3 years, obtain all available criminal offender record information from the criminal history systems board on all such employees and volunteers during their term of employment or volunteer service. Said school committee; superintendent or principal shall also have access to all criminal offender record information of any subcontractor or laborer commissioned by the school committee of any city, town, or regional school district to perform work on school grounds, and who may have direct and unmonitored contact with children. Access to such information shall be obtained in accordance with sections 167 to 168, inclusive of chapter 6. A school committee, superintendent or principal obtaining information under this section shall prohibit the dissemination of such information for any purpose other than to further the protection of school children.

Section 5: Within 90 days of the effective date of this act, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less shall obtain all available criminal offender record information for any person other than providing volunteer service, as a condition of continued service. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

603 CMR 46.00: Physical Restraint

The purpose of 603 CMR 46.00 is to ensure that every student participating in a Massachusetts public education program is free from the unreasonable use of physical restraint. Physical restraint shall be used only in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and

To prevent or minimize any harm to the student as a result of the use of physical restraint.

POLICY ON RESTRAINT OF STUDENTS

The Middleboro Public Schools complies with the Department of Elementary and Secondary Education (hereinafter "DESE") regulations governing the use of restraint, which can be found at 603 CMR 46.00 et seq. (hereinafter "Regulations"). According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. A brief overview of the Regulations is provided below.

Purpose. The purpose of this policy is to ensure that every student attending the Middleboro Public Schools is free from the unlawful use of physical restraint. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

Use of Restraint. Physical restraint shall be considered an emergency procedure of last resort, and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions and/or alternatives or such interventions and/or alternatives are deemed to be inappropriate under the circumstances. Prone restraint is prohibited except in limited circumstances set forth in the 603 CMR 46.03. All physical restraints, including prone restraints where permitted, shall be administered in compliance with 603 CMR 46.05.

Physical restraint shall not be used:

- (a) as a means of discipline or punishment;
- (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
- (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a policy or directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm
- (d) as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

The Regulations do not limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services.

Proper Administration of Physical Restraint. Only Middleboro Public Schools personnel who have received training pursuant to the Regulations shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. Nothing in this policy shall preclude a teacher, employee or agent of the Middleboro Public School from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

Staff Training. All school staff must receive training with respect to the district's restraint prevention and behavior support policy and requirements when restraint is used. Training shall include information on the role of various individuals in preventing restraint, the restraint prevention and behavior support policy and procedures, interventions that may preclude the need for restraint, types of permitted physical restraints and related safety considerations, and administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student.

Additionally, the school must identify specific staff that are authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training in the use of physical restraint and implementation of the Regulations.

Reporting Requirements. Program staff shall report the use of any physical restraint, as required by the Regulations. The staff member who administered the restraint shall notify the principal verbally as soon as possible and in writing no later than the next school working day. The report shall be maintained by the school and made available for review by the Parent(s) or the DESE upon request.

The principal or designee shall make reasonable efforts to inform the Parent(s) of the restraint within 24 hours of the event, and shall notify the Parent(s) by written report within three school working days of the restraint. The information in the report shall be in conformance with 603 CMR 46.06(4). The written restraint report must be provided to the Parent(s) in the language in which report cards and other necessary school-related information are customarily provided.

The Principal or designee shall review restraint data weekly to determine whether one or more students may have been restrained multiple times during the week. If so, the Principal shall convene one or more teams as deemed appropriate to assess the students' progress and needs, with the goal of reducing or eliminating the need for restraint. The Principal shall also conduct a monthly review of school-wide restraint data and take steps to reduce or eliminate the use of restraint within the school where appropriate.

All physical restraints that result in injury must be reported to DESE. In addition, the district will collect and annually report data relating to the district's use of restraints to DESE.

Prevention of Dangerous Behavior. As set forth in the Regulations, the Middleboro Public Schools shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning, behavior intervention plans, and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student.

Parent Engagement. In accordance with the regulations, the Middleboro Public Schools shall engage Parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure.

Complaints. Complaints and investigations regarding restraint practices are covered by the District Policy Office of Pupil Personnel Services who can be reached at 508-946-2013.

Additional information, including a copy of the regulations, can be obtained from the Office of Pupil Personnel Services who can be reached at 508-946-2013. A copy of the regulations may also be obtained at www.doe.edu/lawsregs/603cmr46.html.

23.05 : Privacy and Security of Student Records

Regulatory Authority: 603 CMR 23.00: M.G.L. c. 71, 34D, 34F

1. The school principal or their designee shall be responsible for the privacy and security of all student records maintained in the school.
2. *The superintendent of schools or their designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal, for example, former students' transcripts stored in the school department's central administrative offices or student records of school-age children with special needs who have not been enrolled in a public school.*
3. The principal and superintendent of schools shall ensure that student records under their supervision are kept physically secure, that authorized school personnel are informed of the provisions of 603 CMR 23.00 and M.G.L. c. 71, § 34H and are educated as to the importance of information privacy and confidentiality; and that any computerized systems employed are electronically secure.

23.06 : Destruction of Student Records

Regulatory Authority: 603 CMR 23.00: M.G.L. c. 71, 34D, 34F

- (1) The student's transcript shall be maintained by the school department and may only be destroyed 60 years following their graduation, transfer, or withdrawal from the school system.
- (2) During the time a student is enrolled in a school, the principal or their designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the

eligible student and their parent are notified in writing and are given opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice shall be placed in the temporary record.

- (3) The temporary record of any student enrolled on or after the effective date of 603 CMR 23.00 shall be destroyed no later than seven years after the student transfers, graduates, or withdraws from the school system. Written notice to the eligible student and their parent of the approximate date of destruction of the record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. Such notice shall be in addition to the routine information letter required by 603 CMR 23.10.
- (4) In accordance with M.G.L. c 71, section 87, the score of any group intelligence test administered to a student enrolled in a public school shall be removed from the record of said student at the end of the school year in which such test was administered.

23.07 : Access to Student Records

Regulatory Authority: 603 CMR 23.00: M.G.L. c. 71, 34D, 34F

- (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/guardians.** 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/guardians 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/guardians 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 their 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 they 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/guardians 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 Children and Families, 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/guardians; 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 Children and Families 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 the 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.

Chapter 71: Section 34H. Non-custodial parents/guardians; receipt of information for child enrolled in public elementary or secondary schools; notice to custodial parent

Each public elementary and secondary school shall provide student records, including, but not limited to, the

following information, in a timely and appropriate manner to the parents/guardians of a child enrolled in the school if the parents/guardians are eligible for information under this section and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program established under chapter 71A; notification of absences; notification of illnesses; notifications of any detentions, suspensions or expulsion; and notification of permanent withdrawal from school. Each school shall also make reasonable efforts to ensure that other written information that is provided to the custodial parent but not specified in the preceding sentence be provided to the requesting parent if that parent is eligible for information under this section. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare, which are not granted through the award of custody. For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation. All such documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district shall be placed in the student's record.

A parent requesting information under this section shall submit a written request to the school principal.

Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district and shall immediately notify the custodial parent of the receipt of the request. Notification must be made by certified mail and by first class mail in both the primary language of the custodial parent and in English. The notification shall also inform the custodial parent that information requested under this section shall be provided to the requesting parent after 21 days unless the custodial parent provides to the principal of the school documentation of any court order which prohibits contact with the child, or prohibits the distribution of the information referred to in this section or which is a temporary or permanent order issued to provide protection to the child in the custodial parent's custody from abuse by the requesting parent unless the protective order or any subsequent order which modifies the protective order, specifically allows access to the information described in this section.

At any time the principal of a school is presented with an order of a probate and family court judge which prohibits the distribution of information pursuant to this section the school shall immediately cease to provide said information and shall notify the requesting parent that the distribution of information shall cease.

The Department of Education shall promulgate regulations to implement the provisions of this section. Said regulations shall include provisions, which assure that the information referred to in this section is properly marked, to indicate that said information may not be used to support admission of the child to another school.

23.08: Amending the Student Record

Regulatory Authority: 603 CMR 23.00: M.G.L. c. 71, 34D, 34F

- (1) The eligible student or the parent shall have the right to add information, comments, data, or any other relevant written material to the student record.
- (2) The eligible student or the parent shall have the right to request in writing deletion or amendment of any information contained in the student record, except for information which was inserted into that record by an Evaluation Team. Such information inserted by an Evaluation Team shall not be subject to such a request until after the acceptance of the Evaluation Team Educational Plan, or, if the Evaluation Team Educational Plan is

rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:

- (a) If such student or parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student record, either student or parent shall present the objection in writing and/or have the right to have a conference with the principal or their designee to make the objections known.
- (b) The principal or their designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such student or parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the student or parent, the principal or their designee shall promptly take such steps as may be necessary to put the decision into effect.

Chapter 622: Discrimination

Chapter 622 of the Massachusetts General laws, an act prohibiting discrimination in school reads as follows: "No person shall be excluded from or discriminated against admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin."

An Act to Protect Children and Families from Harmful Pesticides

Pesticides shall not be applied indoors while children are on the property, except for antimicrobial pesticides such as bleach; rodenticides placed in tamper resistant baits; insecticidal baits; ready-to-use dusts, gels, or powder formulations; and certain lower risk pesticides. Until November 1, 2001 other pesticides can be applied indoors when children are NOT present on the property.

Pesticides shall not be applied on the outdoor property of a school, day care center or school age child care program while children are located in, on or adjacent to the area of the pesticide application.

All parents/guardians, staff and children will have to be provided with standard written notification of any pesticide application that is made outdoors on school property. The notification will also have to be posted in a common area. The information to be contained in the standard written notification will be obtained from the licensed pesticide applicator that performs the work.

Tobacco Products

In accordance with the Massachusetts Education Reform Act of 1993, the use of any tobacco products within school buildings or facilities or on school grounds or buses by any individual is prohibited.

Discipline of Students with Disabilities

All students are expected to meet the requirements for behavior as set forth in this discipline code. Chapter 71B of the Massachusetts General Laws, known as Chapter 766, requires that additional provisions be made for students who have been found by an evaluation TEAM to have special needs and whose program is described in an Individualized Education Program (IEP).

The following additional requirements apply to the discipline of students with disabilities:

- a. The IEP for every student with disabilities will indicate whether the student can be expected to meet the regular discipline code or if the student's handicapping condition requires a modification. Any modification will be described in the IEP.
- b. The principal or designee will notify the Special Education Office of the offense warranting a suspension of a special need student and a record will be kept of such notices.
- c. When it is known that the suspension(s) of a student with disabilities will accumulate to ten (10) days in a school year, a review of the IEP as provided in Section 333 of the Chapter 766 Regulations will be held to determine the appropriateness of the student's placement program. The TEAM will make a finding as to the relationship between the student's misconduct and his or her handicapping condition and either:
 1. Design a modified program for the student or

2. Write an amendment to provide for the delivery of special education services during the suspension and any needed modification of the IEP relative to discipline code expectations.

Protocol and Procedure for Home & Hospital Instruction Program 603 CMR 28.03(3)(c) and 28.04(4)

Background:

The Home and Hospital Instruction Program provides on-going educational instruction to students who are unable to attend the regular school day for a period of two weeks (14 days) or longer due to a temporary illness, psychiatric placement, surgery, chronic medical condition or adherence to Chapter 222 regulations. Home/Hospital serves all students (general education and special education) enrolled in the Middleborough Public Schools. The Home & Hospital Instruction process begins at the student's school in one of several ways: school administrator determination, request by a parent/guardian, notification from a physician or hospital (for psychiatric or medical reasons).

The Home & Hospital Process takes up to five school working days to initiate depending on each situation.

- A) For students who will miss two weeks of school or less, classwork/homework should be provided by the classroom/subject teachers and arrangements made with the parents/guardian for these materials to be picked up and dropped off in some manner.
- B) Students who are placed in a psychiatric or medical facility receive tutoring services each day. The facility is responsible for setting up the tutoring (typically thru Education Inc.) and notifying the school department. Once notification is received, the PPS Department will inform the school and request work be compiled for the student to complete during their hospitalization. This should be completed and ready for the parent/guardian to pick up within two school working days.
- C) Students with chronic illnesses who have recurring home/hospital stays of less than 14 consecutive school days, when such recurrences have added up to or expected to add up to more than 14 school days in a school year, are eligible for services if they are requested and the medical need is documented by the physician.
- D) Students who are home-bound and unable to attend school for more than two weeks (14 days) must provide the school with a signed Physician's Statement for Temporary Home or Hospital Education form prior to services being provided.

For students who will be absent for longer than two weeks, the following procedure should be followed:

- 1.) It is the responsibility of the school to notify the school's Special Ed Coordinator of Pupil Personnel Services of all requests received by the school.
- 2.) The Special Ed Coordinator will notify the Director of Pupil Personnel Services to discuss each situation. The amount of tutoring services will be determined on an individual basis dependent upon the severity of the student's needs and/or special circumstances.
- 3.) It is the responsibility of the school to obtain all required documentation for any and all Home Tutoring request and submit it to the Office of Pupil Personnel Services within 48 hours of the request having been received by the school. Simultaneously, the school should work on finding an appropriate/licensed tutor for the student. School-based teachers should be asked first, preferably a teacher who knows the student. If there are no available school-based teachers, the district will contract with Education Inc. Regardless of the provider, the school is responsible for completing a Master Student Report which indicates the subject areas, special assignments, and amount of time required; in addition to collecting needed books and materials for the student.
- 4.) Once all of the required paperwork has been received by the Office of Pupil Personnel Services, notification will be sent to the Superintendent of Schools.
- 5.) The Special Ed Coordinator should inform the school (Principal, Nurse, Guidance Counselor, etc.) and the parent of the number of tutoring hours and determine (for students with disabilities) if the TEAM must reconvene to discuss the change in placement and consider evaluation needs. The need for a TEAM meeting is dependent upon the length of the required home-bound instruction (more than

sixty (60) school days in any school year).

- a. Safety should be discussed to determine the most appropriate location for tutoring to occur. Tutoring can take place in the home if appropriate or a community-based location such as the library.

It is the tutor's responsibility to:

- 1) Contact the parent/guardian to schedule tutoring sessions,
- 2) Inform the Special Ed Coordinator of the scheduled days, times and location of tutoring services,
- 3) Notify the Special Ed Coordinator of any concerns or issues that may occur (including cancellations, no shows, etc.),
- 4) Submit completed work to the school on a weekly basis.

* Tutors are Mandatory Reporters of suspected abuse and neglect and must inform the school immediately if they obtain any information regarding the student and/or any individual under the age of 16 years in the student's home. The Tutor, along with a school representative, will work together to file a needed 51A with the Department of Child & Family Services.

Please note the following:

1. Home/Hospital instruction is not considered "special education" unless the student has been found eligible for special education.
2. Tutoring should not commence until after all of the required paperwork has been completed and approval has been given by the Office of Pupil Personnel Services.
3. In most cases, instruction should commence no sooner than the 11th day of absence and no later than five school working days after the paperwork has been submitted and approved by the Director of Pupil Personnel Services.
4. It is the parent/guardian's responsibility to contact the student's school to request and obtain work to be completed for any illness lasting less than fourteen school days OR for the period of time PRIOR TO commencement of any approved Home Instruction.
5. Tutoring is only to occur on days that school is in session.
6. Tutoring does not occur during school vacations or the summer break.
7. If the student/parent cancels a tutoring session it will not be made up. Missed hours cannot be "saved" and used as additional hours in the future.
8. If a student misses three (3) tutoring sessions, the tutor should notify the school Special Ed Coordinator of Pupil Personnel Services) to discuss issues and concerns and determine the appropriateness of continued services.
9. Home-bound instruction is not intended to assist students in preparing for standardized testing.
10. A new application packet (including a new signed Physician's Statement) is required every school term (each semester or every two quarters).
11. A new application packet (including a new signed Physician's Statement) is required each school year if services will extend into the following school year.

04/22/16

M.G.L. Chapter 76, Section 5 - Place of attendance; violations; discrimination (see also DESE Guidance "Guidance for Massachusetts Public Schools Creating a Safe and Supportive School Environment")

- o ...No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, immigration or citizenship status, disability or sexual orientation.

IX. APPENDIX C: FEDERAL LAWS

Due Process

The discipline code of the Early Childhood Center and Elementary Schools is administered within the guidelines set by the U.S. Supreme Court with regard to due process for students. The Supreme Court holds that the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires that a student facing temporary (up to ten days) suspension from a public school be given oral or written notice of the charge(s) against him or her. Explanation for the basis for the accusation(s) and an opportunity to present his or her version of the facts is given. In addition, the Court holds that unless the student's continued presence at school endangers persons or property or "threatens disruption of the academic process," the hearing must precede rather than follow his or her suspension. The Court points out that due process does not require that hearings in connection with suspension be trial-like in nature. Therefore, school officials are not required to give the student an opportunity to secure counsel, to confront and cross examine witnesses supporting the charges, or to call his or her supporting witnesses.

Massachusetts Granted Flexibility from Portions of No Child Left Behind Act to Focus on Innovative Methods for Ensuring All Students Achieve at High Levels.

No Child Left Behind Waiver

Level 1: On track to college and career readiness

Level 2: Not meeting gap closing goals

Level 3: Focus: Lowest performing 20% of schools (including schools with the largest gaps)

Level 4: Priority: Lowest performing schools

Level 5: Priority: Chronically underperforming schools

For more detailed information see the article from the Department Of Elementary and Secondary Education at <http://www.doe.mass.edu/news/news.aspx?id=6666>

Qualified Teacher

Compliance with P.L. 107-110, Section 1111(h) (6) (A)

The Federal *No Child Left Behind* Act of 2001 requires school districts that receive federal Title 1 funding to notify parents/guardians of their right to know the professional qualifications of the classroom teachers who instruct their child. As a recipient of these funds, Middleborough Public Schools will provide you with this information in a timely manner if you request it. Specifically, you have the right to request the following information about each of your child's classroom teachers:

- Whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he or she teaches.
- Whether the teacher is teaching under emergency or provisional status because of special circumstances.
- The teacher's college major, whether the teacher has any advanced degrees, and the field of discipline of the certification or degree.
- Whether paraprofessionals provide services to your child and, if so, their qualifications.

The Middleborough Public Schools is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. If you would like to receive any of the information listed above for you child's teacher, please contact Holly Hargraves, Director of the Memorial Early Childhood Center.

The second "right to know" provision centers on notifying Parents/Guardians in Title 1 schools when their child is taught for four or more weeks by a teacher who is not highly qualified. The Middleborough Public Schools shall provide each individual parent/guardian timely notice that their child has been assigned or has been taught for four or more consecutive weeks by a teacher who is not highly qualified.

Searches

Both the Fourth Amendment to the United States Constitution ("Fourth Amendment") and Article 14 of the Declaration of Rights of the Massachusetts Constitution hold that school administrators are subject to the

constitutional prohibition on unreasonable searches and seizures. School administrators may search students only when there is reason to believe that the student has violated the law or school rules and when the search, as conducted, is reasonably designed to produce evidence of the violation. These constitutional provisions state the following:

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article 14

Every subject has a right to be secure from all unreasonable searches, and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Family Educational Rights and Privacy Act (FERPA)

The Federal law protects the privacy rights of students' educational records under the Family Educational Rights and Privacy Act. Parents/Guardians have certain rights to their child's educational records and these same rights transfer to the student when they reach the age of eighteen. Once the student is of age, they are now defined as the "eligible student." Parents/Guardians and eligible students have the right to inspect and review the educational records and can request the school to correct any records they believe are inaccurate or misleading. Schools may disclose "directory" information without consent; however, the school must inform Parents/Guardians and eligible students about the directory information and allow them adequate time to decide if they do not want to disclose "directory" information.

Title IX

Title IX of the Federal Education Amendment of 1972, requires non discrimination on the basis of sex in its education programs, activities or employment policies as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to; Carolyn Lyons, c/o Middleborough Public Schools, 112 Tiger Drive, Middleborough, MA 02346, 508-946-2013 or to the Director Health, Education and Welfare, Washington, D.C.

Important Notice

Student handbooks are published and issued free of charge to all Middleborough Public Schools students each year. Extra copies are always available at your respective main office(s). The handbook can also be found on each school's webpage. This handbook shall be on file with the Department of Education for the Commonwealth of Massachusetts and the Office of the Superintendent for the Middleborough Public Schools.

The Middleborough Elementary Schools do not discriminate on the basis of race, color, national origin, age, sex, religion, gender identity, sexual orientation, homelessness, or disability.