

**EAST LONGMEADOW
PUBLIC SCHOOLS**

**CODE OF CONDUCT
AND DISCIPLINE POLICY**



STUDENT HANDBOOK

2009-2010

East Longmeadow, Massachusetts

CODE OF CONDUCT AND DISCIPLINE POLICY STUDENT HANDBOOK

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August, 2009

Dear Parents, Legal Guardians, Students and Community Members:

One of the chief goals of the East Longmeadow Public Schools is to insure a safe and secure environment. All students, parents, legal guardians, educators and other staff should expect an environment that is safe, secure, well maintained and appropriate for effective learning.

The student policy handbook of the East Longmeadow Public Schools, in accordance with Chapter 71: Section 37H of the Massachusetts General Laws, contains policies of the East Longmeadow School Committee that clearly reinforce and help maintain our adherence to the goal of safety and security. All students are expected to adhere to this policy handbook so that the common good of all can be assured and the safety and security of the individual can be maintained.

Civility is a characteristic of a healthy society. This handbook is an attempt on the part of the East Longmeadow Public Schools to enhance, maintain, and increase our ability to be civil to each other, as well as to maintain an orderly, safe and secure environment.

Please read this handbook. It was prepared for you.

Very truly yours,

Dr. Edward W. Costa, II
Superintendent of Schools

EAST LONGMEADOW PUBLIC SCHOOLS

School Committee

William Fonseca, Chairman

Greg Thompson, Vice Chair

Daniel Manley

Robert Mazzariello

Angela Thorpe

Central Office – 180 Maple Street

All Offices: 525-5450

Staff

Dr. Edward W. Costa II, Superintendent

Theresa A. Olejarz, Business Manager

Dr. Joanne Welch, Admin. of Student Services

Elaine Santaniello, Curriculum, Instruction & Assessment

Tracy Gamble, Transportation Manager

Kathy Celetti, Exec. Secretary

Diane Tiago, Exec. Secretary

Teresa Lo, Finance Dept. Bookkeeper

Tammy Brown, Finance Dept. Payroll

Lisa Mascaro, SpEd. Secretary

Cathy Wolfenden, SpEd. Secretary

Kelly LaBombard, Head Nurse

Mapleshade School – 175 Mapleshade Avenue

525-5485

Staff

Brenda Houle, Principal

Elaine Lucci, Secretary

Mountain View School – 77 Hampden Road

525-5490

Staff

Carolyn Wallace, Principal

Melanie McCarthy, Secretary

Meadow Brook School – 607 Parker Street

525-5470

Staff

Judith Fletcher, Principal

Holly Martin, Asst. Principal

Cynthia Hutchinson, Secretary

Donna Miller, Secretary

Birchland Park Middle School – 50 Hanward Hill

525-5480

Staff

Kathleen Hill, Principal

Paul Plummer, Assistant Principal

Debra Thompson, Secretary

Linda Gorman, Secretary

East Longmeadow High School – 180 Maple Street

525-5460

Staff

Richard Freccero, Principal

Michael Knybel Assistant Principal

Matthew Bean, Athletic Director/Dean of Students

Theresa Hellyer, Secretary

Linda Bushey, Secretary

Louise Disa, Secretary

School Cancellations:

Listen to

Watch News40 or 22News

Check online at www.wggb.com or www.wvlp.com

Blackboard-Connect phone messages delivered to your phone
no later than 6AM

(parents can ask to be excluded from the phone call list)

EEOC Statement

IT IS THE POLICY OF THE EAST LONGMEADOW PUBLIC SCHOOLS TO PROVIDE EQUAL EMPLOYMENT OPPORTUNITIES WITHOUT REGARD TO RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, OR NATIONAL ORIGIN, EQUAL EMPLOYMENT OPPORTUNITY SHALL, RESPECTFULLY, BE MADE AVAILABLE IN ACCORDANCE WITH APPLICABLE FEDERAL AND STATE LAWS.



CHARACTER

During the 2001-2002 school year, a committee of parents, teachers, administrators, businessmen and women and town officials met to discuss character traits for our students and staff. The final product from the year of meetings reflects the character traits we will incorporate into our daily environment of our schools.

KINDNESS:	Helpful, sympathetic, compassionate, favor, forbearing, caring, generous, considerate, thoughtful, understanding
PERSEVERANCE:	Strive, continued belief, steadfastness, diligence, determined, persistence, commitment, endurance
RESPECT:	Thoughtfulness, courtesy, consideration, esteem, appreciation, high-regard, deference, full attention
RESPONSIBILITY:	Accountable, answerable, reliable, conscientious, dependable, trustworthy
CARING:	Interest, concern, empathetic, fondness
COURAGE:	Strength, persevere, brave, overcome fear, firmness of mind/will
EMPATHY:	Feelings, understand, sensitive, awareness, identification, ... of others
HONESTY:	Not lying, truthful, genuine, straightforward, fairness, moral, display integrity, candor, sincerity
INCLUSIVE:	Broad, all-encompassing, contain, group everything, comprehensive, welcoming

1. GOALS/PHILOSOPHY OF THE CODE OF CONDUCT AND DISCIPLINE POLICY

The purpose of the public schools is to enable students to become educated to their potential and to prepare them to become contributing and responsible members of their community. Therefore, reasonable disciplinary measures which limit a student's participation in public education should only be used when a student does not respect the rights of classmates, staff or other persons in the educational system or demonstrates an inability or unwillingness to abide by school regulations and policies.

In applying reasonable disciplinary measures, administrators and staff are encouraged to use their expertise and knowledge of individual students in light of the facts and circumstances accompanying the acts or incidents in question.

In an effort to improve a student's behavior, administrators may, at their discretion, assign additional requirements beyond an exclusion from school, including, but not limited to, oral or written apologies, community service in the school the student attends, meetings with specific personnel, specific assessment, tests and evaluations by the school or a private agency, and attendance and cooperation with outside treatment programs.

Two major goals of this Code of Conduct and Discipline Policy are to encourage accountability for one's behavior and to assist students in recognizing the important decisions that must be made in learning to become independent and productive members of a democratic society.

2. SCHOOLS' RESPONSIBILITIES

The schools will provide an environment conducive to learning. All school staff will treat students with respect and in a positive manner.

The school will, to the extent financially feasible, provide school-related activities such as athletics, band, choir, and/or field trips at age appropriate levels.

School personnel will maintain communication with the home and have an "open-door" policy with parent(s)/legal guardian(s) within the guidelines of each school and the School District.

Subject to the circumstances of a given situation, the school will apply reasonable disciplinary measures consistently and fairly.

Buses will be provided to all students who are eligible under state and local guidelines.

Classroom interruptions, including loudspeaker announcements, sporting events and rehearsals, will be kept to a reasonable minimum.

In school buildings containing grades nine to twelve, inclusive, the rules pertaining to the conduct of students will be reviewed annually by a handbook review committee consisting of: the school principal, who shall chair the review committee, three teachers, elected by the teachers of the building, parent(s)/legal guardian(s) of the children attending the school, chosen by the School Council, one other person from the community appointed by the School Council and three students attending the school elected annually by the students.

The handbook review committee may be an already existing committee within the school building that meets the above representation requirements.

The handbook review committee shall conduct its annual review each spring for the handbook that will be in use starting in September of the following school year. The committee may also be convened at other times during the school year in order to consider any handbook policy changes. The annual handbook review shall cover all areas of student conduct. The handbook review committee shall submit the results of its review, including any recommended additions or revisions to the Code of Conduct, to the School Committee for its consideration.

3. C.O.R.I. REQUIREMENTS

Massachusetts General Laws chapter 71, section 38R was amended to require that all school districts conduct criminal background checks on current and prospective employees, volunteers, school transportation providers, and others who may have direct and unmonitored contact with children.

Pursuant to this law and Massachusetts Department of Education policy, the East Longmeadow Public Schools shall also obtain all available Criminal Offender Record Information (C.O.R.I.) from the Criminal History Systems Board for any prospective employers or volunteers of the school district, prior to hiring the employee(s) or accepting individuals as volunteers. The East Longmeadow Public Schools may also seek such information for any subcontractor or laborer who performs work on school grounds.

The Department of Education C.O.R.I. Advisory of February 17, 2003 states the following:

Direct and unmonitored contact with children means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.

C.O.R.I. information is not subject to the public records law and shall be kept in a secure location separate from personnel files for not more than three (3) years. School districts must obtain this information at least every three years during an individual's term of employment or service. Access to this information is restricted to only those individuals certified to receive such information.

For further information regarding the District's C.O.R.I. policy and procedure, please contact the Superintendent of Schools.

4. NO CHILD LEFT BEHIND ACT of 2001:

The No Child Left Behind Act (NCLB) enacted by the United States Congress took effect in 2002. This Act sets new standards for student achievement in the areas of reading, math, and eventually science, testing, and school district accountability, and assists the federal, state and local governments in reviewing progress in those areas. Starting with the 2002-2003 school year, state test results are reported to the public. This report includes student achievement in statewide tests, a comparison of students at basic, proficient, and advanced levels of academic achievement, high school graduation and drop-out rates, number of names and school identified for improvement, the professional qualifications of teachers, and the percentage of students not tested. School districts must also prepare annual reports for parents and the public on the academic achievement of all schools, both individually and combined, and will contain the same information as the state report. For further information on NCLB, please contact the Superintendent of Schools. You may also visit NCLB's website at www.NoChildLeftBehind.gov.

5. STUDENT RIGHTS AND RESPONSIBILITIES

Students have the right to pursue an education, the right to privacy within an educational setting and the right to due process within the Discipline Policy. Students are protected by the United States and Massachusetts Constitutions and federal and state statutes and regulations.

Student responsibilities include regular school attendance, promptness to school and class, a conscientious effort in classroom work and conformance to school and classroom rules. Students share with the administration and faculty a responsibility to develop a climate within the school that is conducive to learning.

It is the responsibility of each student to respect his or her school, to keep it clean, and to refrain from defacing walls, woodwork, and furniture. It is also the student's responsibility to ensure that books and materials belonging to the East Longmeadow Public Schools be returned in good condition. Student who lose, damage or deface school property, including computers and software, shall be subject to disciplinary action and restitution for damages.

No student has the right to interfere with the education of other students. It is the responsibility of each student to respect the rights of all who are involved in the educational process. Students who violate the Discipline Policy may have their privilege to participate in field trips and extra-curricular activities restricted or denied.

6. ACADEMIC HONESTY

The school expects all students to be academically honest. Students have the responsibility to acknowledge the work of others, only taking credit for work that is solely their own.

CHEATING is defined in The Random House Dictionary of the English Language as the following:

1. "to take an examination or test in a dishonest way, as by improper access to answers."
2. "to defraud or to practice deceit; to violate rules or regulations."

Cheating on tests, copying assignments, or sharing work in any way not directly assigned by the teacher are forms of academic dishonesty. Giving or receiving help on tests or projects unless specifically permitted by the teacher are also forms of cheating.

PLAGIARISM is defined in The Random House Dictionary of the English Language as the following: "The unauthorized use or close imitation of the language or thoughts of another author and the representation of them as one's own original work."

To use the ideas or words of others without giving them credit is plagiarism.

Cheating and plagiarism are prohibited in all areas of study, including, but not limited to, the following areas: homework, tests, quizzes, lab reports, research papers, projects, and computer discs.

Discipline applies to any student who cheats or plagiarizes and/or any student who willingly assists another student in cheating or plagiarizing.

In the event that a student cheats or plagiarizes, the process will be as follows:

1. The student may receive a failing grade for the assignment;
2. The teacher may notify the student's parent(s)/legal guardian(s) of the incident; and
3. The teacher will notify the administration who may take further disciplinary action, including a conference with the parent(s)/legal guardian(s), student, and guidance counselor, as well as detention, suspension, and/or expulsion if deemed appropriate.

7. ATTENDANCE POLICY

Students are subject to compulsory school attendance and truancy laws as required by the statutes of the State of Massachusetts and regulations of the State Board of Education found at M.G.L. c. 76, §§ 1, 16, and 20. Regular and punctual school attendance is essential for success in school. The School Committee does recognize that parents of children attending our schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law.

Therefore, students may be excused temporarily from school attendance for the following reasons:

1. Illness or quarantine.
2. Bereavement or serious illness in the family.
3. Weather so inclement as to endanger the health of the child.
4. Observance of major religious holidays.

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

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

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

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

All absences will be counted. Excused absences may be granted to a student by the school administration upon request of the parent, guardian or person having care and custody of the student for the following reasons: confirmed illness, accident, injury, medical and dental appointments, death in the family, religious holidays, emergency situations, school related business, and legal responsibilities.

A student who is participating in a school-sponsored activity and has received the prior approval of the principal will receive an excused absence.

An unexcused absence is defined as any absence in which a student is absent from class without approval of the school administration.

1. Each child who has reached the age of six (6) years or is under the age of sixteen (16) years and who has not finished four (4) years of high school work must be enrolled in school. If parents/guardians elect to enroll a child in kindergarten they are subject to this policy.

2. In the event of a student's absence, the absence will be considered to be accruing toward truancy as defined in Massachusetts statutes. It is the responsibility of the parent(s) to notify the school when a student is absent. A parental statement is required indicating the reason for absence. Notes from parent(s) will be kept on file at the school, as they may be needed for documentation purposes. However, when the validity of the communication is questionable, the school will attempt to establish its authenticity.
3. Each student is responsible for making arrangements with teachers for the instruction missed during any absence approved by the school administration.
4. The School administration discourages students missing school for family vacations. Clearly, missed teacher presentations, lectures, classroom discussions, laboratory experiments and such cannot be made up as homework. However, the reality exists that parents do take their children out of school for such trips and these absences will count against the attendance policy. When this occurs, the following procedures will be used:
 - a. The parent(s) will contact the administration in advance of the planned vacation.
 - b. The parent(s) and administration or its designee will discuss the duration of the absence, the procedure for students to follow for completion of their work upon their return and the date such work is due to the teacher(s). The administration or its designee will share this information with the teacher(s) involved.
 - c. The student will be held responsible for making specific arrangements with teacher(s) for assignments. Work will be offered to students upon their return from an absence from school. Please do not ask teachers to prepare student assignments in advance of your child's trip. All work will be offered to the student for full value credit upon the return of the student to class.

First Grade – Eighth Grade

Absences

In grades 1-8, a student must be present 90% of school year. **All absences** will be counted. The school will notify the parent in writing after the thirteenth absence. When a student has accrued more than 18 days of absences the following actions will be taken:

1. Retention will be considered by the Site administration.
2. Referrals may be made to the appropriate State Agencies /or a court of competent jurisdiction by the administration.

Tardies - Early Dismissals

1. Late arrivals or early dismissals are strongly discouraged.
2. Seven (7) tardies will be counted as one day of absence.
3. Middle school students who are chronically tardy may be referred for Saturday Morning Detention.

Appeals

The principal or his/her designee shall make a final determination of all appeals. At this time, parents/guardians may present information explaining absences. Information from the classroom teacher and appropriate guidance counselor may also be considered. The decision of the building Principal shall be final.

East Longmeadow High School

In grades 9 – 12, a student must be present 90% in a class in order to receive credit for that class. **All absences** will be counted. If a student is absent from a class more than 10% of the time, the grade earned will be recorded.

TARDY TO CLASS: Students have 5 minutes to pass between 84-minute classes and 2 minutes before 41-minute classes. Students must be seated when the block starts. If students are more than 10 minutes late for class (5 minutes for 41 minute classes), they will be considered absent unless they have a pass from a teacher or the appropriate administrative pass.

ABSENCE: Students shall not have more than nine (9) absences in a semester course, eighteen (18) absences in a full year course, five (5) absences for a Junior PE, Senior PE, Junior Exploratory and Senior Advisory regardless of the reason with the exception of school business. Students with more than nine (9) absences in a semester course, more than eighteen (18) absences in a full year course, and more than five (5) absences in Junior PE, Senior PE, Junior Exploratory, and Senior Advisory, will lose credit for that course. (All students have the right to the appeals process).

DISMISSALS: Students who are dismissed during the school day for any reason other than school-related business will be considered absent from any class missed. If a student misses more than ten minutes of a class she/he will be considered absent from that class (5 minutes for a 41 minute class).

NOTIFICATION: Written notification will be completed by the classroom teacher after the sixth (6th) and tenth (10th) absence of a semester course, after the thirteenth (13th) and nineteenth (19th) for a full year course and after the second (2nd) and sixth (6th) absence for Junior PE, Senior PE, Junior Exploratory and Senior Advisory. Students have the right to appeal the loss of credit before the Assistant principal. At that time, students and parents/guardians may present information explaining student's absences. Information from the classroom teacher and appropriate guidance counselor may also be considered.

APPEALS: The principal or his/her designee shall make a final determination of all appeals. Students with more than nine (9) absences in a semester course, 18 absences in a full year course, or five absences in Junior PE, Senior PE, Junior Exploratory, and Senior Advisory have the right to appeal the loss of credit before the Assistant principal. At that time, students and parents/guardians may present information and/or written documentation explaining students absences. Information from the classroom teacher and appropriate guidance counselor may also be considered.

If a parent/legal guardian wishes further review of the loss of credit after the appeal with the assistant principal, the parent/legal guardian may request in writing a review by the building Principal. The building Principal will conduct a hearing regarding the request and notify the parent/legal guardian in writing of the results of his/her review. The decision of the building Principal is final.

8. MAKE-UP WORK POLICY

A student's understanding of the importance of day to day school work is an important factor in the shaping of his/her character. Parents can help their children by refusing to allow them to miss school needlessly. However, when a student is absent, the following processes will be used in making up missed instructional work.

A. Make-up Work Due to Illness:

1. Students may request, complete, and receive credit for make-up work for any absence during any school day or partial school day, with the exception of absence due to truancy.
2. Make-up work will be granted for absences upon the student's request. Student requests for make-up work shall be initiated within two (2) consecutive school days after returning from an absence. Make-up work shall be completed and returned to the respective teacher(s) following the absence(s), at the rate of one make-up day for each day of illness – plus one additional day. Absences will be documented by the parent or physician and administration.
3. Work will be offered to students upon their return to school from an illness. Parents may pick up missed work by contacting the appropriate school.

B. Make-up Work Due to Non-Illness/Vacations:

The school administration neither encourages nor condones students missing school for family vacations. Clearly, missed teacher presentations, lectures, classroom discussions, laboratory experiments and the like can not be made up as homework. However, the reality exists that parents do take their children out of school for such trips. These absences will be considered unexcused, but the student will not be considered truant if the following procedures are followed:

1. The parent(s) will contact the school in advance of the planned vacation.
2. The parent(s) and school will discuss the duration of the absence, the procedure for students to follow for completion of their work upon their return and the date such work is due to the teacher(s). (The principal will share this information with the teacher(s) involved. However, the teacher(s) will not be obligated to initiate arrangements with the student.)
3. The student will be held responsible for making specific arrangements with teacher(s) for assignments. Work will be made available to students upon their return from an absence from school. Please do not ask teachers to prepare student assignments in advance of your child's trip. All work will be offered to the student for full value credit upon the return of the student to class.

C. Make-up Work Due to Suspensions:

Make-up work will be made available to students while on suspension in accordance with Massachusetts state law. Please contact your building principal for arrangements.

9. STUDENT PROJECTS: GUIDELINES FOR PARENTAL ASSISTANCE

1. Know and understand the teacher's guidelines for the project's construction, the amount of parental assistance permitted and how the project will be graded. Recognize that they may be different from year to year and from teacher to teacher.
2. Avoid last minute pressure. Help your child to be aware of the deadlines and timetables established by the teacher for successful completion of the assigned project.
3. Help with transportation needs to the library, research site, the display site, and other places.
4. Ask questions. Can your child describe and explain his or her project to you? Do they know how their project will be graded? Can they tell you the next deadline date?
5. Encourage the student to take responsibility for his or her own learning. When your child asks you questions, help them to research the answers rather than providing the answers yourself.
6. Please provide encouragement and guidance, but make sure your children are the ones earning their grades. Allow them to do the project themselves. Everyone learns best by actually doing- and the quality of the learning experience will be greatly enhanced if the students do the work. The parents' role as coach and mentor to their child is always important and strongly encouraged, but the use and preparation of appropriate materials and the actual creation of the project are ultimately the student's sole responsibility.

10. PROMOTION/RETENTION AND PLACEMENT OF STUDENTS

Consistent with laws prohibiting discrimination based on race, sex, sexual orientation, national origin, religion or handicap, the building principal, acting reasonably and in good faith, has the final decision regarding the promotion or retention of a student, the placement of a student with a particular teacher, and the placement of a student in a designated course at a specific level of academic sophistication and/or one that has specific pre-requisite requirements.

While building principals are encouraged to involve parents whenever feasible in significant decisions that affect their children, the ultimate authority concerning promotion, retention, and placement of students rests with school officials. Also see "Parent Waiver".

11. RIGHT OF STUDENTS TO FREEDOM OF EXPRESSION

Pursuant to Massachusetts General Laws, Chapter 71, Section 82, "the right of students to freedom of expression in the public schools of the Commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. Freedom of expression shall include, without limitation, the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols, (b) to write, publish and disseminate their views, and (c) to assemble peaceably on school property for the purpose of expressing their opinions."

Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the school Principal or his/her designee.

"No expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school official shall be held responsible in any civil or criminal action for any expression made or published by the students."

For the purpose of this section, the word "student" shall mean any person attending a secondary school. The word "school official" shall mean any member or employee of the East Longmeadow School Committee.

The East Longmeadow Public Schools may regulate student speech and assembly based upon legitimate educational needs, including, but not limited to, the time, place, manner of student speech and assembly, and institute reasonable methods to insure non-interference with the learning process.

12. DISCIPLINARY PROCEDURES IN THE CLASSROOM/DETENTION

A. Teachers are responsible for establishing standards of conduct within the classroom. They should use common sense to diffuse or stop situations which interfere with the educational process. They need to recognize the individual differences of students. Teachers are strongly encouraged to refer students to guidance counselors when appropriate, as there may be underlying causes for a student's disruptive behavior.

In their attempts to effect student behavior, teachers are encouraged to utilize all school resources including guidance counselors, social workers, nurses, student support teachers, the teacher support team, other teachers and administrators. These resources should be utilized by teachers before situations need the attention of the Principal or Assistant principal.

Teachers are encouraged to contact parent(s)/legal guardian(s) and/or notify guidance counselors when appropriate to enhance communication between home and school.

There are some areas of discipline which should remain in the classroom and be handled by the classroom teacher. These include, but are not limited to:

1. Tardiness to class;
2. Being unprepared for class;
3. Talking and other minor disruptions;
4. Passing notes;
5. Minor horseplay;
6. Chewing gum, candy, etc.;
7. Non-participation in classroom activities/assignments; and
8. Cheating (see Academic Honesty, contained herein; disciplinary action by administrators may occur).

Students should not bring to school or operate in school any of the following: laser devices, electronic games, walkmans, radios, tape players, and/or CD players in class/school buildings. Parent(s)/legal guardian(s) are requested to support this policy. The school will not be responsible for any loss of these items if they are brought to school.

The use of lasers, laser pens, laser pointers, or devices which project intensive light upon surfaces is not allowed on school grounds or in school buildings.

The use of matches or lighters is not allowed on school grounds or in school buildings.

The use of pagers/beepers, cellular phones, radios, walkmans, and other electronic communication devices is not allowed on school grounds or in school buildings except for documented reasons.

The use and possession of hand-held electronic games, video cameras, tape recorders, and similar devices are not allowed on school grounds or in school buildings without the permission of school administration.

B. A student should only be sent to the administration for repeated offenses or serious disruptions as outlined in Sections 10, 13, 15, and 16 of this Policy. When a student is removed from a classroom, he or she must report to the administration immediately.

C. Detention

When a student has persisted in a behavior contrary to this Discipline Policy, a teacher may assign the student to classroom detention. The student will be given twenty-four (24) hours notice before he/she must serve detention. This notice may only be waived by the mutual consent of both parties for students enrolled in grades 9-12; for students in grades K-8, this notice may only be waived with parental consent.

Classroom teachers are encouraged to discuss with students the violation(s) of the Discipline Policy leading to the detention and alternative ways of reacting in similar situations.

Classroom detentions can be for any length of time, but cannot exceed sixty (60) minutes from the end of school. Teachers are not to leave students unsupervised on school grounds.

If a student misses a second detention without prior approval of the teacher, the student is to be referred to administration for an office detention or suspension (internal or external). The student is still responsible to attend a detention with the classroom teacher.

Office detentions after school are assigned to a student by the administration. Reasons include, but are not limited to:

1. Tardiness to school;
2. Missing classroom detention;
3. Being disruptive in a non-classroom setting (lunch, hallways, etc.);
4. Being involved in multiple minor offenses; and
5. Throwing objects.

13. MIDDLE SCHOOL SOCIAL PROBATION

When a middle school student has demonstrated a repeated disregard for class and school rules, the student may be placed on social probation for a period of ten school weeks. During this period, parents will be notified, staff will be involved, and the school guidance office may provide some intervention. While on social probation, a student's right to participate in school activities, trips not related to the required school program, and school dances and traditional end of year grade level activities will be temporarily revoked.

14. PROCEDURES FOR REPORTING/SENDING STUDENTS TO ADMINISTRATORS DUE TO VIOLATION OF THE DISCIPLINE CODE

Teachers who send students to the office MUST complete a disciplinary referral form which provides a specific description of the misbehavior (what the student did or said). This form is sent to the office either with a student or within a reasonable period of time after the student's referral. One copy of the form is returned to the teacher marked with the disciplinary action taken by the administration. One copy is retained by the administrator for the student's temporary records. A third copy is either sent home with the student or mailed to the parents. Depending upon the severity of the misbehavior and the consequences imposed, administrators will notify parents by phone.

15. DISCIPLINARY ACTION BY ADMINISTRATORS

In addition to excluding a student from his or her school program by means of short-term and long-term suspensions, administrators have the right to institute alternative disciplinary measures, including, but not limited to, the following:

- restitution
- school-based community service
- referral for and/or participation in counseling
- referral for a risk assessment
- letters of apology
- suspension of driving privileges on school property
- creation of a discipline contract
- random testing for illegal drugs, controlled substances, and/or alcohol
- exclusion from extra-curricular activities
- restriction from co-curricular activities.

Administrators may also order a change in placement of any student to an interim alternative educational setting for up to forty-five (45) days if the student violates any of the grounds for short-term or long-term suspension (see Sections 15 and 16, following).

The principal or his or her designee may also request to meet with a student who has been assigned short-term or long-term suspension or who has been assigned to an interim alternative educational setting for forty-five (45) days prior to the student's re-entry into his or her regular school. At that time, the student shall provide the principal or his or her designee with any documents which are required as a condition for re-entry, such as written proof of participation in a drug counseling program.

HIGH SCHOOL DISCIPLINE POINT SYSTEM

It is hoped that all students will cooperate with the reasonable rules and procedures of East Longmeadow High School. If it is necessary to deal with uncooperative students, the following will be employed.

Under the present point system, "violation points" will be assigned by an administrator. After a student has accumulated a pre-set number of points, either the Detention program or suspension will result. However, this need not occur (except in the case of rule violations which bring automatic suspension) because under the point system, violation points accumulated by a student will be reduced by three points for one week without a rule violation. This encourages students to develop positive behavior to avoid being suspended.

HOW IT WORKS

1. Students will be assigned points depending on the nature of the infraction.
2. It is the student's responsibility to monitor her/his own point status.
3. When a student reaches thirteen (13) points, a parent may choose between the Detention program or a two-day external suspension. After a detention/suspension is administered and served, points are then reduced.
4. Ways to reduce points:
 - a. For every week of no-points-added, three (3) points will be deducted.

- b. For every hour spent after school with a teacher for extra help, three (3) points will be deducted if the student requests a slip and the teacher brings the slip to the office.
 - c. For every hour of positive work for the school on a voluntary basis, three (3) points will be deducted.
5. The school reserves the right to return to a detention system at any time without notice.

ASSIGNMENT OF POINTS

Points will be assigned by an administrator for the following:

- 1. Skipping a class.
- 2. Misbehavior in school, on school property, on field trips or on school business, as well as school buses.
- 3. Misbehavior at school activities (off campus).
- 4. Absence from school without permission (truancy).
- 5. Loitering anywhere on school property.
- 6. Failure to report for a teacher detention.
- 7. Possession of tobacco products and paraphernalia.
- 8. Obscenities.
- 9. Public displays of affection.
- 10. Running in the halls.
- 11. Disruptive behavior in the halls during class time.
- 12. Tardies.
- 13. Hazing.
- 14. Civil Rights violation.
- 15. Vandalism.
- 16. Purposeful misrepresentation of the facts.
- 17. Cheating/Plagiarism.
- 18. Computer violations.
- 19. Use of cellular phones and all personal electronic devices.

20. Insubordination to a staff member.
21. Improper use and/or parking of a motor vehicle.
22. Skateboarding/rollerblading within the building.
23. Any use of playing cards.
24. Gambling.
25. Improper disposal of food and/or trash.
26. Bullying.
27. Dress Code Violations
28. Abuse of Teacher's Pass privileges
29. Leaving the building/campus without permission
30. Any other acts that interfere with the learning opportunities of other students and/or interfere with the operation of the school.

BIRCHLAND PARK MIDDLE SCHOOL GROUNDS FOR SATURDAY DETENTION

- A) Chronic Tardiness;
- B) Leaving the school during school hours without permission;
- C) Truancy from school or from class;
- D) Repeated unexcused absences from teacher detention;
- E) Inappropriate cafeteria behavior
- F) Throwing snowballs (also see suspension)
- G) Administrative Discipline

16. DUE PROCESS

Under Goss v. Lopez, 419 U.S. 565 (1975), the United States Supreme Court held that students have the right to certain minimal due process protections when school officials seek to impose short-term suspensions. The Court stated that in such cases, the student is entitled to oral or written notice of the charge(s) against him/her, an explanation of the basis for the accusation(s), and an opportunity to present his/her version of the facts. This "informal hearing" must be provided in advance of the suspension except where the student's continued presence at school endangers persons or property or "threatens disruption of the academic process." In the exceptional cases where immediate suspension is justified, the notice and hearing must follow as soon as practicable. Finally, the United States Supreme Court indicated that where school officials seek to suspend a student for more than ten (10) days (long-term suspension), depending on the length of the exclusion, greater due process protections may be required.

Prior to the informal hearing, oral or written notice of the charges shall be given to the student by the administration.

The informal hearing will then proceed in the following manner:

1. The evidence against the student will be reviewed with the student.
2. The student will be given the opportunity to explain or make statements in defense of his/her action or in mitigation of his/her conduct.
3. The administrator shall record a summary of the facts and disputed evidence.
4. The administrator shall have the discretion to take whatever action is necessary to clarify facts, but the student should be informed of all such actions.
5. After the informal hearing, the student will be notified in writing of the decision of the administrator.

When a student is suspended:

1. A phone call will be made to the parent(s) or legal guardian(s) informing him/her that the student is suspended immediately and that he/she is going to be sent home. If the administration is unable to reach the parent or legal guardian, the student will remain in the building until regular dismissal time. The parent(s)/legal guardian(s) shall have the right to discuss the suspension in person with the administration if the parent(s)/legal guardian(s) so chooses. (Note: After reasonable efforts to contact the parent or legal guardian have been made by the administration, the suspension shall take effect and not be stayed.) An externally suspended student will not be allowed to return to school during the period of suspension even if the administration is unable to reach the parent(s) or legal guardian(s).
2. Within 24 hours, a notice shall be mailed/delivered to the parent(s)/legal guardian(s) including the following:
 - a) A statement of the reasons for suspension and the exact term of the suspension.
 - b) A statement that provisions will be made for the student to continue school assignments during the suspension.
 - c) If the parent or legal guardian was not present at the hearing before the administration, he/she may, within three (3) school days of the suspension, request a conference with the administration to review the reasons for the suspension.
 - d) If the parent(s)/legal guardian(s) wishes further review of the action after the conference with the administration, the parent(s)/legal guardian(s) may request a review by the Superintendent of Schools, within five (5) school days of the suspension. The request for review will be sent to the Superintendent or his/her designee who will review the suspension and notify the parent(s)/legal guardian(s) in writing of the results of his/her review. There is no right to further review of a short-term suspension.

In addition to the minimal protections afforded to a student where a short-term suspension is imposed, additional due process rights arise under federal and Massachusetts law when a long-term suspension or an expulsion is sought.

Prior to the imposition of a long-term suspension, expulsion, or interim alternative educational placement, shall ensure that the parent(s) or legal guardian(s) (or student, if he/she is eighteen (18) years old or older) receive timely written notice, in the language of the home, by certified and first-class mail, postage prepaid, of the following:

1. That a hearing will be held to determine whether or not to impose a long-term suspension, expulsion, or interim alternative educational placement.
2. The date/time/place of the hearing;
3. A brief summary of the nature of the evidence supporting the allegation(s) against the student;
4. The specific sections of the Student Handbook alleged to have been violated;
5. A list of witnesses who will appear on behalf of the school;
6. A summary of the procedures to be followed and the rights afforded to the student at the hearing, to wit:

During the course of the hearing, the School will first present direct and corroborative evidence from the above-named individual(s). After presentation of any rebuttal evidence, you will be able to present any evidence related to the above alleged acts on behalf of your son/daughter. You will then be able to present an argument concerning the information presented followed by a brief argument by the School.

AT THE HEARING, YOU AND YOUR SON/DAUGHTER HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL OR AN ADVOCATE OF YOUR CHOICE. DEPENDING UPON THE NATURE OF THE INDIVIDUAL, YOU MAY HAVE THE RIGHT TO CROSS-EXAMINE SCHOOL WITNESSES (NOTE: IN SOME CASES, THE NEED TO PROTECT AN INDIVIDUAL MAY OUTWEIGH A STUDENT'S RIGHT TO CROSS-EXAMINE A WITNESS, FOR EXAMPLE, ANOTHER STUDENT.) IN ADDITION, YOU MAY PRESENT WITNESSES ON BEHALF OF YOUR SON/DAUGHTER, AND HAVE YOUR SON/DAUGHTER, IF YOU SO CHOOSE, TESTIFY IN HIS/HER OWN BEHALF IF YOU SO DESIRE. YOU ARE ENTITLED TO A COPY OF THE TAPE RECORDING OF THE HEARING. IN ADDITION, YOU OR YOUR COUNSEL OR ADVOCATE MAY REVIEW ANY AND ALL STATEMENTS BY PROPOSED SCHOOL WITNESSES PRIOR TO SAID HEARING. ARRANGEMENTS FOR SUCH REVIEW CAN BE MADE BY CONTACTING THE BUILDING PRINCIPAL. FINALLY, YOU HAVE THE RIGHT TO A REASONABLY PROMPT WRITTEN DECISION, INCLUDING THE SPECIFIC GROUNDS FOR THE DECISION, AFTER THE HEARING IS CONCLUDED.

Please be advised that all reasonable efforts will be made to protect the confidentiality of the hearing.

Please note that the allegations against the student must be supported by a preponderance of evidence before a long-term suspension/expulsion is imposed.

Please also note that this is not a court proceeding. Evidence which is relevant, though hearsay, may be admitted.”

6. Use or possession of contraband items such as matches, lighters, fireworks, stink bombs, animal scents, electrical charges, lasers, laser pens or pointers, or any devices which project intensive light. Possession of a short blade without threat or display. Depending on its severity, such an offense may result in a long-term suspension/expulsion and referral to law enforcement agencies (See Massachusetts General Laws, Chapter 272, Sections 16 and 53). Repeated offenses may result in long-term suspension.
7. Use of pagers/beepers, cellular phones, or other electronic communication devices except for documented reasons.
8. Smoking/Tobacco in a school building, on school grounds, in a school bus or at school functions. (See Tobacco Free Policy, contained herein).
9. Exhibitionism, lewd, wanton and lascivious behavior, disorderly conduct and distracting and inappropriate sexual contact between students. Depending on its severity, such an offense may result in a long-term suspension/expulsion and referral to law enforcement agencies (See Massachusetts General Laws, Chapter 272, Sections 16 and 53).
10. The possession, dissemination, or use of obscenity in any form, including, speech, writing or explicit sexual pictures or drawings. The use of this language or material in an intentional, disrespectful and disruptive manner will not be tolerated in a school setting and may result in a long-term suspension/expulsion and referral to law enforcement agencies (See Massachusetts General Laws, Chapter 272, Sections 29 and 31).
11. Intentional acts threatening the health and safety of self and/or others (i.e. fights, false fire alarms, tampering with fire alarms, extortion, engaging in seriously unhealthy acts, etc.) on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. A determination regarding the severity of such acts will be made by the appropriate administrator and staff member, and a long-term suspension/expulsion and referral to law enforcement agencies may be recommended.
12. Lack of respect for school staff and visitors, including, but not limited to, insubordination, failure to identify oneself to a teacher or administrator, disobedience to a teacher, administrator or staff member, the willful disregard of express or implied directions by a teacher, administrator or staff member, including the refusal to take or responding inappropriately to tests or exams and/or the failure to attend a mandated program, and the use of insulting and/or profane language and gestures.
13. Theft or vandalism to school property or the property of others and/or possession of stolen property in a school setting, whether during or after school hours or at any school activity such as athletic events, dances, field trips, etc. Reasonable proof of the offender is necessary. Restitution by the offender is required. If the offense is judged particularly severe by the appropriate administrator, a long-term suspension/expulsion and referral to law enforcement agencies may be recommended. (See Massachusetts General Law, Chapter 266, Sections 30, 98, 100, 127A, etc.).
14. Chronic school offender: The student who repeatedly disturbs or interrupts the educational process, refuses to work, who falsifies signatures on reports, who refuses to return signed papers to teachers or administrators, who refuses to report to appropriate school personnel, who exhibits offensive behaviors on an ongoing basis, and/or who repeatedly violates the Code of Conduct.
15. Organizing or participating in "hazing." (See Hazing - Penalties, contained herein).

16. Violation of Civil Rights - Students have the right to be free from discrimination based upon race, color, religious creed, national origin, ancestry, gender, sexual orientation, disability or handicap. Such discrimination includes, but it is not limited to, verbal and physical attacks on students directed at their racial, ethnic or religious background, or their disability, and any form of sexual harassment.
17. Violation of rules approved by the East Longmeadow School Committee and filed with the Commissioner of Education for an individual school or program (See Massachusetts General Laws, Chapter 71, Section 37H).
18. Violation of federal or Massachusetts law.
19. Bullying in any form, including verbal abuse, harassment, taunting, name-calling, threats in any form, extortion, intimidation, slander, defamatory statements (verbal, written, or electronic), pushing, shoving, and tripping. This includes asking anyone to verbally abuse, threaten or intimidate another student on one's behalf.
20. Disruptive behavior at other schools, other school's functions, or in other school systems.
21. Fighting.
22. Accumulation of excessive points.
23. Cheating/Plagiarism.
24. Purposeful misrepresentation of the facts, i.e. lying about event(s), to school officials
25. Computer/Internet violations.
26. Harassment (all kinds, all types)
27. Unexcused absence(s) from Saturday Morning/Detention Program.
28. Unauthorized buying or selling of any kind between students.
29. Repeated dress code violations.
30. Alcohol use and/or possession (may also be long-term suspension)
31. Any school related act, on or off school property, which interferes with or restricts another student's ability to enjoy the educational benefits afforded or offered within, and outside of, the school setting. Such acts include, but are not limited to incidents that interfere with or threaten the well-being or order of the school or its staff, students, or the general public.

In assigning short-term suspensions, administrators should strive to minimize the resulting interruption of a student's educational program while still:

1. aiming to improve a student's behavior;
2. maintaining a safe and orderly school environment; and
3. providing for necessary communication between parent(s)/legal guardian(s) and school personnel.

Therefore, suspensions and time out of school should be usually progressive in nature. First offenses should usually result in less loss of school time than subsequent offenses. In determining the length of a suspension, administrators should also consider the student's prior school behavior.

PROCEDURES FOR SHORT-TERM SUSPENSION

1. See Due Process, Section 6 of this handbook.
2. The student will be allowed to make up any school work missed in the time established by the Attendance Policy, contained herein. Upon re-entry into the school, the student will report to the school administration and receive a blank admission form to be filled out by each teacher.
3. Parent(s)/legal guardian(s) should accompany the student upon his/her return from a suspension.
4. All teachers and counselors should be informed by the administration when one of their students is suspended.
5. There are no appeals of short-term suspensions.

18. LONG-TERM SUSPENSIONS AND EXPULSIONS

DEFINITIONS OF LONG-TERM SUSPENSION AND EXPULSION

Long-term suspension is the removal of a student from his/her educational program for more than ten (10) school days but less than thirty-one (31) school days.

Expulsion is the exclusion of a student from school either permanently or for more than thirty (30) school days (for example, the remainder of the school year, one semester, one calendar year, etc.).

During the period of the long-term suspension, a student may not appear on school property, and may not attend extra-curricular activities such as athletic events and school dances either as a spectator or participant. Depending on the reason for suspension, a student may be prohibited from attending extra-curricular activities beyond the suspension period. Suspensions which carry over a weekend or vacation period will also eliminate that student's participation in any extra-curricular events which take place on those weekends or during the vacation period.

Students under suspension remain responsible for completion of all school work and will receive credit accordingly. Suspended students will have the opportunity to take tests and exams given during the suspension period when they return to school. Teachers are under no obligation to provide help to a student while he or she is under suspension other than to provide notice of assignments, either during the period of suspension or upon the student's return to school.

Long-term suspensions and expulsions, while a necessary part of this Disciplinary Policy, should only be used in serious cases.

GROUND FOR LONG-TERM SUSPENSION/EXPULSION

The Principal/Director may expel a student who has violated paragraphs (A) through (F) and (I), below. Only the School Committee may expel a student under paragraphs (G), (H), (J), and (K).

- A. Possession of a firearm on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. This includes imposter or imitation firearms. (see United States Code, Section 921 of Title 18);
- B. Possession of a dangerous weapon, other than a firearm, on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school (see Massachusetts General Laws, Chapter 269, Section 10.) This includes BB guns, paint guns, knives, blades, shanks, imitation weapons, imposter weapons and any item deemed dangerous by the school administration;
- C. Assault/assault and battery by means of a dangerous weapon on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school (see Massachusetts General Laws, Chapter 265, Sections 15A and 15B);
- D. Assault/assault and battery upon a principal, assistant principal, teacher, teacher's aide, or other school staff member on school premises, and assault/assault and battery upon a student resulting in serious bodily injury, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See Massachusetts General Laws, Chapter 265, Sections 13A and 13D);
- E. Possession, use, being under the influence of, and/or distribution of a controlled substance and/or illegal drug as defined in Massachusetts General Laws, Chapter 94C, including, but not limited to, marijuana, cocaine, crack and heroin, etc. and imposter drugs on school premises, and assault and battery upon a student with the likelihood of substantial injury at school-sponsored or school-related events, including field trips and athletic games, and to and from school;
- F. Misuse of inhalants, glue, or any other similar substance, on school premises, at school-sponsored or school-related events, including field trips and athletic events, and to and from school.
- G. Making a bomb threat by any means, including, but not limited to, verbally, electronically, or in writing.
- H. Use or possession of a bomb or any other explosive or incendiary device, including an object that appears to be a bomb or other such device.
- I. Pursuant to Massachusetts General Laws, Chapter 71, Section 37H 1/2, a student charged with a felony or who is the subject of a felony delinquency complaint may be suspended, or a student convicted, adjudicated, or admitting guilt with respect to a felony or felony delinquency may be expelled, provided that the Principal determines, after hearing, that the student's continued presence poses a substantial detrimental effect on the general welfare of the school.
- J. Possession, use, distribution of alcohol, or being under the influence of alcohol on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school; and
- K. Serious offenses as defined in Section 17, Grounds for Short-Term Suspension, Items 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 26, and 31 on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school.

PROCEDURES FOR LONG-TERM SUSPENSION/EXPULSION

1. See "Due Process," contained herein;

2. The student shall be notified in writing of a long-term suspension/expulsion hearing before the Principal or School Committee, provided, however, that the student may have representation, at his/her expense, along with the opportunity to present evidence and witnesses on his/her own behalf, at said hearing;
3. After said hearing, the Principal shall expel from school, for a period of not less than one calendar year, a student who has been determined by the Principal to have violated paragraph (A), above.
4. After said hearing, the Principal shall expel, or in his/her discretion, decide to suspend rather than expel, or place the student in an interim alternative educational setting, a student who has been determined by the Principal to have violated paragraphs (B) through (F), and (I) above.
5. After said hearing, the Principal may suspend a student and may recommend to the Superintendent that the School Committee consider expelling a student who has been determined by the Principal to have violated paragraphs (G) through (K), above.
6. Any student who has been expelled from school by the Principal shall have the right to appeal to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent in writing of his/her appeal. The student has the right to be represented by counsel, at his/her expense, at a hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section. The Superintendent may modify the expulsion of a student on a case-by-case basis.
7. The Principal shall provide written notification to the Superintendent of any long-term suspension/expulsion. A copy of said notification shall be mailed or hand-delivered to the student's parent(s) or legal guardian(s) in the language of the home. A copy shall also be maintained in the student's temporary cumulative file.
8. The student may return to school only upon the written approval of the Principal. Parents and legal guardians are strongly urged to accompany their child upon returning to school.
9. The Principal shall provide written notification to the Attendance Officer if the student does not return to school upon completion of his/her suspension.
10. If suspended, the student will be allowed to make up any school work missed in the time established by the Attendance Policy, contained herein.
11. The Principal shall ensure that all personnel assigned to his/her school report in writing to him/her an incident involving a student's possession or use of a dangerous weapon on school premises at any time. The Principal shall file a report concerning the weapon with the Superintendent. The Principal shall file copies of said weapon report with the local Chief of Police, the Department of Social Services, and the Director Office of Student Services, who shall arrange an assessment of the student involved in said weapon report. The 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 Department of Education. Upon completion of a counseling session, a follow-up assessment shall be made of the student by those involved in the initial assessment.
12. The Director of Student Services may require an assessment of a student involved in a violation of paragraph (A) through (K), above.

13. A student transferring into the East Longmeadow Public Schools shall provide the building Principal with complete school records. Said records shall include, but not be limited to, any incidents involving suspension(s)/expulsion(s) or violation(s) of criminal acts or any incident reports in which such student was previously excluded from school.
14. When a student is expelled under the provisions of this section and applies for admission to another school, the Superintendent, once notified, shall inform the Superintendent of the receiving school of the reasons for the pupil's exclusion from the East Longmeadow Public Schools (Ch.71, Sec.37H.)
15. The Principal shall notify the East Longmeadow Police Department whenever a student has committed an assault/assault and battery upon a school staff member, an assault/assault and battery by means of a dangerous weapon, is in possession of a dangerous weapon, distributes a controlled substance, including alcohol, or is in possession of a controlled substance, including alcohol, for the second/subsequent time.
16. The Principal may, at his/her discretion, notify the East Longmeadow Police Department whenever a student is in possession of a controlled substance, including alcohol, for the first time, or commits a delinquent/criminal act in violation of federal or Massachusetts law not specified in the above paragraph.

19. CONFISCATED PROPERTY

Parents must pick up student property that has been confiscated by and is in the possession of school officials, due to an infraction of the Discipline Policy, within 48 hours from the school office. The East Longmeadow Public Schools will not be liable for any property not picked up by parents within 48 hours of notification.

20. DISCIPLINARY ACTION RELATIVE TO STUDENTS WITH DISABILITIES

DISCIPLINARY ACTION – STUDENTS WITH DISABILITIES

Eligible students with disabilities, as defined by the reauthorized Individuals with Disabilities Education Act (IDEA 2004) and Massachusetts General Laws, Chapter 71B (Chapter 766), as well as Section 504 of the Rehabilitation Act, shall be subject to the provisions of the East Longmeadow Student Handbook/Code of Conduct Discipline Policy except as otherwise provided in this section.

Federal and Massachusetts laws, regulations and policies do not prohibit the exclusion of students with disabilities in all cases. However, when it is permitted, the long-term removal of a student from the program which is prescribed in his/her Individualized Education Program (IEP) or Section 504 Accommodation Plan must be preceded by a more deliberate review of the causes and reasons for the proposed suspension and the development of an alternative program, consistent with federal and state law.

With respect to the exclusion of students with disabilities for more than ten (10) consecutive days, or a cumulative pattern of exclusions resulting in a change of placement, federal law (see 20 United States Code, Section 1415(k)) requires parental consent, or where the parent(s)/legal guardian(s) does not consent, the securing of an administrative or judicial order authorizing the exclusion, except for violations involving dangerous weapons, controlled substances, or fighting resulting in serious bodily injury.

With respect to the removal of students with disabilities from public schools, Massachusetts follows federal laws and regulations.

PROCEDURES FOR THE EXCLUSION OF STUDENTS WITH DISABILITIES PURSUANT TO FEDERAL AND MASSACHUSETTS REGULATIONS

Disciplining Students with Disabilities: Procedures Applicable for Exclusions of More than Ten (10) Consecutive School Days or a Pattern of Exclusions Resulting in a Change of Placement:

The following provisions shall apply whenever a school administrator proposes to suspend a student with disabilities for more than ten (10) school days

Definition of Suspension:

Suspension shall be defined as any action which results in the removal of a student from the program prescribed in his/her Individualized Education Program (IEP) or Section 504 Accommodation Plan. The term includes in-school suspension as well as any exclusion from transportation services which prohibits the student's participation in his/her prescribed program.

General Requirements:

Each school shall ensure that:

- a. Its Code of Conduct is on file with the Department of Education and all student handbooks contain the specific procedures in these regulations for the exclusion of a student with disabilities;
- b. It has an appropriate procedure to notify the Administrator of Student Services of the misconduct for which exclusion of a student with disabilities for more than ten (10) school days is proposed so that the required procedures can be implemented consistently;
- c. The number and duration of exclusions of students with disabilities is recorded and maintained by school administrators;
- d. The IEP or 504 Accommodation Plan of every student with disabilities indicates whether the student is or is not expected to meet the school's discipline code, and, if not, describes modifications of the code; and
- e. No student with disabilities may be excluded for more than ten (10) school days resulting in a change of placement except as provided hereunder.

Manifestation Determination Meeting:

When it is known that the exclusion(s) of a student with disabilities approaches ten (10) school days, a review of the IEP and other relevant information will be conducted. Participants in the meeting shall include, but not be limited to, individuals who are trained in the area of the student's special needs as well as the parent(s). At that review, the review TEAM will determine whether the student's misconduct is a direct and substantial manifestation of the student's disabilities, or results from an inappropriate special education program/placement or an IEP that was not fully implemented. School personnel may consider any unique circumstances on a case-by-case basis before deciding whether a change in placement is warranted. Depending on the result of the determination, exclusion may or may not be implemented.

Circumstances under which the student may **not** be suspended for more than ten (10) school days:

1. If the TEAM concludes that the student's misconduct is directly and substantially related to the student's disability(ies) or results from an inappropriate special education program or placement or an IEP that was not fully implemented, the student shall not be excluded. Instead, the student's IEP shall be revised to reflect a new program or placement designed to meet the student's needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken by the school to ensure that the IEP is fully implemented. If revision of the student's IEP is required, development of an amended or new IEP shall occur;
2. If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parental approval of the IEP. If the parent(s)/legal guardian(s) refuses consent to the IEP, the school or parent(s)/legal guardian(s) may request a hearing to determine the appropriateness of the program. Alternatively, the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in his/her last agreed upon educational placement (the placement in effect when the dispute arose), unless another placement is agreed upon by the school and the student's parent(s)/legal guardian(s), or a court or hearing officer's order permits the school to change the student's placement based on a showing that the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

Circumstances under which exclusion may be imposed for more than ten (10) school days:

1. If the school wishes to impose a suspension/expulsion which results in more than ten (10) school days, and the TEAM concludes that: the student's misconduct is not a manifestation of the student's disabilities and/or is not the result of an inappropriate special education program/placement, and the current IEP was fully implemented, the school shall:
 - a. Conduct a Functional Behavioral Assessment and develop a Positive Behavioral Intervention Plan;
 - b. Provide an appropriate interim alternative educational plan for the delivery of services to the student during the period of the exclusion; and
 - c. Present the interim alternative educational plan to the student's parent(s)/legal guardian(s).
2. A copy of the interim alternative educational plan must be included in the student's file, which shall also include documentation which demonstrates that:
 - a. The school has complied with procedures required by Goss v. Lopez and by the school's Code of Conduct;
 - b. The school has complied with procedures required by Section 1415(k) of the IDEA;
 - c. The disciplinary action is for a stated number of days;
 - d. The action is necessary in light of the needs of the student and others;
 - e. The school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.

For further information regarding students with disabilities, please see the “Notice of Procedural Safeguards” (formerly entitled the “Parent’s Rights Brochure”) by the Massachusetts Department of Education contained herein.

Exception for Students on Section 504 Accommodation Plans for Drug-Related Offenses:

Section 504 of the Rehabilitation Act makes an exception for students on Section 504 Accommodation Plans who have been disciplined for drug-related offenses and are currently using illegal drugs. Section 504 permits a district to take the same disciplinary action against such a student as it would against a regular education student, including exclusion. In its definition of “student with a disability,” Section 504 specifically exempts from its protections a student who is currently engaged in drug use. Once a student is involved with using drugs, he/she forfeits his/her right to services during the period of his/her exclusion. The due process procedures of the Section 504 implementing regulation also do not apply to such disciplinary actions. See 29 U.S.C. § 705(20)(c)(iv).

Since no services are provided to regular education students who have been excluded from school for using drugs, a district is not required to provide them to students on a Section 504 Accommodation Plan. The U.S. Department of Education, Office for Civil Rights, which oversees Section 504, has stated, however, that districts “may” provide such services if they wish to. However, schools are not required under the law to provide such services during the period of exclusion. When the exclusion period ends, the student returns to school under the same Section 504 Accommodation Plan that existed prior to the offense and suspension.

IDEA 2004 STATUTORY REQUIREMENTS:

Section 1415(k) of the Individuals with Disabilities Education Act (“IDEA 2004”) sets forth the following procedures with respect to disciplining students with disabilities, as well as protections for those students who have not yet been found eligible for special education services. The IDEA was amended by Congress in 2004 and became effective July 01, 2005.

Massachusetts law defers to Section 1415(k) of IDEA 2004 with regard to disciplining students with disabilities. In addition, students who fall under Section 504 of the Rehabilitation Act of 1973 also have a right to almost all of the procedural protections enumerated in Section 1415(k) as follows:

(k) PLACEMENT IN ALTERNATIVE EDUCATIONAL SETTING

(1) AUTHORITY OF SCHOOL PERSONNEL-

(A) CASE-BY-CASE DETERMINATION- School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

(B) AUTHORITY- School personnel under this subsection may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).

(C) ADDITIONAL AUTHORITY- If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to subparagraph (E), the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner and for the same duration in which the procedures would be applied to children without disabilities, except as provided in section 612(a)(1) although it may be provided in an interim alternative educational setting.

(D) SERVICES- A child with a disability who is removed from the child's current placement under subparagraph (G) (irrespective of whether the behavior is determined to be a manifestation of the child's disability) or subparagraph (C) shall—

(i) continue to receive educational services, as provided in section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP; and

(ii) receive, as appropriate, a functional behavioral assessment, behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

(E) MANIFESTATION DETERMINATION-

(i) IN GENERAL- Except as provided in subparagraph (B), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent, and relevant members of the IEP Team (as determined by the parent and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents to determine—

(I) if the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or

(II) if the conduct in question was the direct result of the local educational agency's failure to implement the IEP.

(ii) MANIFESTATION- If the local educational agency, the parent, and relevant members of the IEP Team determine that either subclause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

(F) DETERMINATION THAT BEHAVIOR WAS A MANIFESTATION- If the local educational agency, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall—

(i) conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change of placement described in subparagraph (C) or (G);

(ii) in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and

(iii) except as provided in subparagraph (G), return the child to the placement from which the child was removed, unless the parent and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

(G) SPECIAL CIRCUMSTANCES- School personnel may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child--

(i) carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;

(ii) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or

(iii) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

(H) NOTIFICATION- Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parents of that decision, and of all procedural safeguards accorded under this section.

(2) DETERMINATION OF SETTING- The interim alternative educational setting in subparagraphs (C) and (G) of paragraph (1) shall be determined by the IEP Team.

- (3) **APPEAL-**
- (A) **IN GENERAL-** The parent of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.
- (B) **AUTHORITY OF HEARING OFFICER-**
- (i) **IN GENERAL-** A hearing officer shall hear, and make a determination regarding, an appeal requested under subparagraph (A).
- (ii) **CHANGE OF PLACEMENT ORDER-** In making the determination under clause (i), the hearing officer may order a change in placement of a child with a disability. In such situations, the hearing officer may--
- (I) return a child with a disability to the placement from which the child was removed; or
- (II) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.
- (4) **PLACEMENT DURING APPEALS-** When an appeal under paragraph (3) has been requested by either the parent of the local educational agency—
- (A) the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(C), whichever occurs first, unless the parent and the State or local educational agency agree otherwise; and
- (B) the State or local educational agency shall arrange for an expedited hearing, which shall occur within twenty (20) school days of the date the hearing is requested and shall result in a determination within ten (10) school days after the hearing.
- (5) **PROTECTIONS FOR CHILDREN NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES-**
- (A) **IN GENERAL-** A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
- (B) **BASIS OF KNOWLEDGE-** A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred—
- (i) the parent of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
- (ii) the parent of the child has requested an evaluation of the child pursuant to Section 614(a)(1)(B); or
- (iii) the teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.
- (C) **EXCEPTION-** A local educational agency shall not be deemed to have knowledge that the child is a child with a disability if the parent of the child has not allowed an evaluation of the child pursuant to section 614 or has refused services under this part or the child has been evaluated and it was determined that the child was not a child with a disability under this part.
- (D) **CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE-**
- (i) **IN GENERAL-** If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary

measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

(ii) LIMITATIONS- If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this subsection, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

(6) REFERRAL TO AND ACTION BY LAW ENFORCEMENT AND JUDICIAL AUTHORITIES-

(A) RULE OF CONSTRUCTION- Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(B) TRANSMITTAL OF RECORDS- An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(7) DEFINITIONS- In this subsection:

(A) CONTROLLED SUBSTANCE- The term ‘controlled substance’ means a drug or other substance identified under schedule I, II, III, IV or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(B) ILLEGAL DRUG- The term ‘illegal drug’ means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(C) WEAPON- The term ‘weapon’ has the meaning given the term ‘dangerous weapon’ under section 930(g)(2) of title 18, United States Code.

(D) SERIOUS BODILY INJURY- The term ‘serious bodily injury’ has the meaning given the term ‘serious bodily injury’ under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

21. HAZING - PENALTIES

Massachusetts General Laws, Chapter 269, §§ 17-19, and 603 CMR 33.00 states the following:

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars 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 (18) and nineteen (19), 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 conducts 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.

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen (17) 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.

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 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 acknowledgment 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 deliver, at least annually, before or at the start of enrollment, to each person who enrolls as a full time student in such institution, a copy of this section and sections seventeen and eighteen.

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

22. SEXUAL HARASSMENT and BULLYING POLICY

GENERAL STATEMENT

All persons have the right to be free from sexual harassment/bullying; therefore, sexual harassment/bullying in any form is strictly forbidden in school, on school grounds, or at school related activities.

DEFINITIONS OF SEXUAL HARRASSMENT/BULLYING

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when 1) submission to that conduct or communication is made a condition of obtaining services; 2) used as a factor in decisions affecting one's education; or 3) that conduct or communication has the purpose or effect of substantially interfering with an individual's education, or creating an intimidating, hostile, humiliating, or sexually offensive educational environment.

Sexual harassment is not, by definition, limited to prohibited conduct by a male toward a female. A male, as well as a female, may be the victim of sexual harassment, and a female, as well as a male, may be the harasser. Further, the victim does not have to be of the opposite sex from the harasser. The victim does not have to be the person to whom the unwelcome sexual conduct is directed. Finally, any adult may be the victim of sexual harassment by a student. A student may be the victim of sexual harassment by an adult. Furthermore, sexual harassment may occur between adults or between students.

Bullying is a form of violence that hurts others. School bullying happens at school or during school sponsored activities when a student or a group of students intentionally and repeatedly uses their actions and/or words to hurt other individuals or groups. Bullies' actions can come from their physical strength, ages, financial status, popularity, social status, technology skills, words, or by association (people they know, who they associate with, or family), as defined by the National School Safety Center.

EXAMPLES

Examples of sexual harassment include, but are not limited to: demanding sexual favors accompanied by threats; engaging in reprisals as a result of an individual's refusing to engage in sexual behavior; contact with any sexual part of another's body (e.g., touching, patting or pinching); touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has indicated that such touching is unwanted; displaying sexually suggestive pictures or objects; calling a person a demeaning, sexualized term, or making a reference to a person's physical characteristic when that person has indicated he/she does not wish to be addressed or referred to in that manner; leering (i.e., prolonged staring) at a person's body; sexual language or conduct in another's presence, even if not directed to said individual, once it is known that he/she objects.

Examples of bullying include, but are not limited to: intimidation, either physical or psychological; threats of any kind, stated or implied; assaults, including those that are verbal or physical; attacks on personal property; reprisal, retaliation, or a false accusation against a target, witness, or one with reliable information about an act of bullying. Remember, cyber bullying is now considered a criminal act that can be investigated by police, and state/federal law enforcement agencies.

REPORTING

Any student who believes he/she is a victim of sexual harassment/bullying should talk to his/her building Principal or any another adult in a position of authority in the school as soon as possible. Students should avoid trying to solve the problem of sexual harassment/bullying alone.

All persons shall promptly report knowledge of actual or reasonably suspected sexual harassment/bullying to the building Principal or his/her designee.

INVESTIGATION

All complaints or reports of sexual harassment/bullying shall be thoroughly investigated by the building Principal or his/her designee, including notifying the person who has been accused of harassment/bullying and permitting a response to said allegation(s).

The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods deemed pertinent.

In addition, the building Principal or his/her designee may take immediate steps, at his/her discretion, to protect the complainant, students and employees pending completion of the investigation of alleged sexual harassment/bullying.

DISCIPLINARY ACTION

If there are reasonable grounds to believe that sexual harassment has occurred, the person accused of sexual harassment/bullying will have a confidential disciplinary hearing before the building Principal or his/her designee.

If the building Principal or his/her designee, after the above hearing, determines that sexual harassment/bullying has actually taken place, disciplinary and corrective action will occur to prevent any further incidents. The range of discipline and corrective action may include one or more of the following: an education component; apology to the victim; mandatory counseling; detention; short-term suspension; long-term suspension; or recommendation for expulsion.

If either the victim or person accused of sexual harassment/bullying is aggrieved by the finding(s) or action taken by the building Principal or his/her designee, he/she may appeal said action to the Superintendent of Schools.

The Superintendent shall conduct a hearing and shall indicate his/her disposition of the appeal within two (2) days of such appeal, and shall furnish a copy thereof to the aggrieved party and the East Longmeadow School Committee.

REPRISAL

Reprisal, threats, or intimidation of the victim or a person who provides information regarding a claim of sexual harassment/bullying will be treated as a most serious offense, which may result in a recommendation of permanent separation from the school community through expulsion from school.

NOTIFICATION TO/BY PARENT(S)/LEGAL GUARDIAN(S)

After investigation, if there are reasonable grounds to believe that sexual harassment/bullying has occurred, the building Principal or his/her designee shall notify a student's parent(s)/legal guardian(s) if the student is the victim of, or is accused of, sexual harassment.

Parent(s)/legal guardian(s) are strongly encouraged to report incidents of sexual harassment/bullying to their son's/daughter's building Principal or to the Superintendent of Schools.

FRIVOLOUS COMPLAINTS

When a complaint of sexual harassment/bullying is unfounded, frivolous, or maliciously fabricated, the complainant shall be subject to a range of disciplinary and corrective actions consistent with the Code of Conduct.

REPORT TO POLICE

Depending upon the seriousness and frequency of incidents, the East Longmeadow or Massachusetts State Police and other law enforcement agencies may be contacted by the school administration.

23. NON-SCHOOL RELATED TEEN DATING VIOLENCE

The East Longmeadow Public Schools is dedicated to providing an atmosphere free from actual or threatened psychological, physical, or sexual abuse, including teen dating violence. The District believes that education plays a critical role in establishing healthy relationships for its students. East Longmeadow's comprehensive health curriculum for grades K-12 includes instruction on establishing safe, non-violent relationships. In addition, a Teen Safety Plan may be developed and implemented by the school.

It is the policy of the East Longmeadow Public School that teen dating violence related to school, including school-sponsored activities, shall not be tolerated.

FILING A COMPLAINT OF TEEN DATING VIOLENCE

Complaints of teen dating violence related to school, including school-sponsored activities, may be filed verbally or in writing by a victim, student, faculty/staff member or a parent. The complaint may relate to verbal, nonverbal, written, physical or sexual behaviors which are observed, reported, or experienced. The complaint should be filed with the Building Principal, but if the victim is more comfortable talking with another staff member, that staff member must report the incident to the Building Principal. It is important to note that, pursuant to Massachusetts General Laws chapter 209A, school staff are required by law to report to the Department of Social Services if they have reasonable cause to believe that a child under the age of 18 is suffering serious physical, emotional abuse or neglect, or sexual abuse, including rape and indecent assault and battery.

When a complaint related to school, including school-sponsored activities, is received, the Building Principal or his/her designee will initiate an immediate investigation of the allegations. It will be conducted in such a way as to maintain confidentiality, and will include private interviews with the victim and/or person filing the complaint. The person alleged to have committed the behavior will also be interviewed separately. Upon completion of the report, both parties will be informed of the results by the Building Principal.

DISCIPLINARY ACTION

When it is determined that inappropriate behaviors have occurred related to school or school-sponsored activities, disciplinary and corrective action will occur. The range of disciplinary and corrective action may include one or more of the following: an education component; apology to the victim; mandatory counseling; detention; short-term suspension; long-term suspension; or recommendation for expulsion.

RESTRAINING ORDERS

It is the responsibility of the student to inform the Building Principal if he or she has obtained a restraining order against an individual. Once the Building Principal is notified of the restraining order, he or she, or

his/her designee, may meet with the student and his/her parents to review the order and its implications. An appropriate safety plan will be developed in collaboration with the school psychologist, guidance counselor, and faculty. The Building Principal or his/her designee may also meet with the defendant to review the terms of the order, the expectations concerning appropriate behavior, and the consequences for violation of the order. Violation of a restraining order is a criminal offense, and must be reported to the police department.

When complaints of teen dating violence that is not related to school or school-sponsored activities and is made known to school officials, the student will be informed of available services. If the student agrees, a referral(s) to appropriate resources may be made. Parental involvement shall be encouraged.

24. HATE CRIMES AND BIAS INCIDENTS POLICY

GENERAL STATEMENT

The East Longmeadow Public Schools are committed to providing a safe environment in which all students have an equal opportunity to learn, regardless of their race, ethnicity, national origin, sexual preference, gender, religion, or disability. Hate crimes and bias incidents, by their nature, are confrontational; they create tension and promote social hostility. Such incidents will not be tolerated in the East Longmeadow Public Schools because they interfere with every student's right to an education. In addition to jeopardizing academic achievement, hate crimes and bias-related harassment can undermine a student's physical and emotional well-being, provoke retaliatory violence, damage the school's reputation, and create or exacerbate tensions in the wider community.

The East Longmeadow Public Schools will comply with all applicable federal and state laws governing hate crimes. Massachusetts law defines hate crimes as "any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender or sexual orientation prejudice, or which otherwise deprives another person of his constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation." M.G.L. c. 22C, § 33; M.G.L. c. 12, §§ 11H, 11I.

In addition, federal regulations prohibit the intentional use of force or threat of force against a person because of race, religion, ethnicity, handicap, gender or sexual orientation for the purpose of interfering with a student's enrollment or attendance in any public school or college. 18 U.S.C. § 245. Both federal and state statutes and regulations contain serious criminal penalties for persons convicted of hate crimes and the resulting civil rights violations.

This policy applies to hate crimes, bias incidents, civil rights violations, and bias-related harassment which occur in school buildings or on school grounds, or during the course of any and all school-sponsored activities, including those which take place outside of school, or in any situation where there is a detrimental effect on the school or the educational climate.

DEFINITIONS

A hate crime occurs when a student or group of students is targeted for physical assault, threat of bodily harm, intimidation, verbal abuse, and/or damage to personal property because he or she is a member of a different race, religion, ethnic background, gender, or has a handicapping condition or different sexual orientation.

Bias incidents are less serious acts that are also motivated by race, religion, ethnic background, gender, handicap(s), or sexual orientation issues.

EXAMPLES

Examples of hate crimes and bias incidents include, but are not limited to, the following:

Hate crimes:

- bias-related drawings, markings, symbols, graffiti
- harassing and/or threatening hate mail and/or e-mail messages
- verbally abusive and/or threatening phone calls
- damage to personal property or belongings; arson; vandalism
- stalking: repeated, purposeful following of a student, together with evident bias against the victim's actual or perceived group status
- assault and battery against a student based upon their actual or perceived group status
- physical conduct which puts a student in fear of imminent harm, together with name-calling of a bigoted nature

A student who has committed a hate crime may also be subject to criminal prosecution for that crime.

Bias incidents:

- insults, jokes, mimicking, and name-calling based upon a student's race, religion, ethnicity, handicapping condition, or sexual orientation
- use of racial, ethnic, religious, sexual, or anti-gay slurs
- negative comments on an student's manner of speaking or racial customs, surname, religious traditions
- unwelcome verbal, written, or physical conduct directed at a student because of their race or skin color, such as nicknames which emphasize stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs
- conduct directed at the characteristics of a student's national origin, such as negative comments regarding surnames, manner of speaking, customs, language
- conduct directed at the characteristics of a student's sexual orientation, whether actual, perceived, or asserted – such as negative name-calling and imitating mannerisms
- conduct directed at the characteristics of a student's disabling condition, such as imitating their manner of speech or movement, or interfering with that student's necessary equipment
- unwelcome verbal, written or physical conduct, directed at the characteristics of a student's religion, such as derogatory comments regarding surnames, religious traditions, religious jewelry or clothing

When a student has been subjected to behaviors such as those described above, and is reasonably fearful of his or her own safety, a hostile environment has been created for that student. It may be created by a series of minor incidents, or by one serious incident. The existence of a hostile environment is a violation of the student's civil rights, as it prohibits him or her from obtaining an education.

A hate crime or bias incident will be deemed to have occurred even where the harasser is mistaken about the victim's race, ethnicity, or other targeted characteristics. In addition, targeting students simply because they associate with another student or students who are members of a particular racial, ethnic, religious, or other targeted group may also be the basis of a hate crime or bias incident.

REPORTING

The designated Civil Rights Administrator for the East Longmeadow Public Schools is:

Name	Director of Student Services
Address	180 Maple Street East Longmeadow, MA 01028
Phone number	(413) 525-5450, ext. 3

Incidents may be reported by students, staff, or any interested third party. Students should report any incidents to an adult with whom they feel most comfortable – a teacher, guidance counselor, or other staff member. Staff members should report incidents to the Building Principal or the school district’s Civil Rights Administrator for investigation and handling. Confidentiality will be maintained to the extent possible, but it should be understood that where a serious crime is involved, the police, and other governmental agencies such as the Office of the Attorney General, will be alerted. When a student has complained of a bias incident but does not wish to file a written complaint, school officials or the designated administrator will conduct an informal inquiry into the circumstances of the incident, and will keep a written record of the inquiry, in the event that further incidents involving the complaining student and the alleged harasser take place.

INVESTIGATION

Upon receiving notice that a hate crime or bias incident is alleged to have taken place, the Building Principal and/or his/her designee will immediately take steps to ensure that the victim or victims are safe and secure, and will notify the Civil Rights Administrator of the allegation. All victims and witnesses will be interviewed within five (5) days following the incident, followed by interviews with any other individuals who may have knowledge pertaining to the incident and the persons involved in it. Physical evidence, if any, will be gathered. The investigator will then make a determination as to whether a hate crime or bias incident has occurred, taking into consideration the definitions contained above, the surrounding circumstances, the relationships of the parties involved, and the context in which the incident(s) took place. In addition, the investigator will determine whether there are, or have been, any related incidents of harassment, and will evaluate the kinds of damage that may have been caused, both to the victim(s) and to the school environment. The investigator will issue his/her report within five (5) school days.

NOTIFICATION TO/BY PARENTS/LEGAL GUARDIANS

After investigation, if there are reasonable grounds to believe that a hate crime or bias incident has occurred, the Building Principal and/or his/her designee shall notify a student’s parent(s)/legal guardian(s) if the student is a victim of, or is accused of, a hate crime or bias incident.

Parent(s)/legal guardian(s) are strongly encouraged to report hate crimes or bias incidents to their child’s Building Principal or to the Superintendent of Schools.

INFORMAL RESOLUTION PROCEDURE

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser which is facilitated by a school employee or by the designated Civil Rights Administrator. Both the complainant and the alleged harasser may be accompanied by a person of their choice for support and guidance. If the complainant and the alleged harasser feel that a resolution has been achieved, the conversation then will remain confidential and no further action will be taken.

The results of the informal resolution will be reported, in writing, to the building Principal and the Superintendent of Schools. If either party feels that the informal conversation process is inadequate, or has not been successful, they may proceed to the formal complaint procedure. Either party may also choose to forego the informal process and proceed directly to the formal complaint procedure.

FORMAL COMPLAINT PROCEDURE

The designated administrator will fill out a harassment complaint form based on a student's written or oral allegations that an incident or incidents have taken place. The complaint form will be kept in a secure location, and will describe in detail the facts and circumstances of the incident(s).

If an involved student is under the age of 18, his or her parents or legal guardian will be notified immediately after consultation with the student, unless such notification is determined not to be in the best interests of the student.

An investigation will take place within five (5) school days of the date of the complaint or report. The investigator may determine that immediate steps need to be taken to protect the complaining student, the alleged harasser, and any potential witnesses, and will notify school administrators of such a determination.

The investigation will be completed as soon as possible, but no later than five (5) school days after the date of the complaint, and a written report made to the building Principal and the Superintendent of Schools. The report will contain a determination as to whether the allegations have been substantiated as factual, and whether they constitute a violation of this policy. The investigator will also recommend to the building Principal and the Superintendent what action, if any, is required. The complainant and the alleged harasser will be informed of the results of the investigation, and whether disciplinary action will be taken.

All written reports of investigations will be kept by both the building Principal and the Superintendent of Schools. The East Longmeadow Public Schools recognizes that both the complainant and the alleged harasser have strong interests in maintaining the confidentiality of this process. The privacy of all parties, including witnesses, will be respected as much as possible, consistent with the School District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations which may be necessary due to the severity of the incident(s), the potential involvement of the police department, the District Attorney's Office, the Office of the Attorney General, and the potential involvement of a civil and/or criminal trial.

DISCIPLINARY ACTION

Disciplinary and/or corrective action will be taken as soon as possible following completion of the investigation of an incident of hate crime or a bias-related incident, and will have as its goal the elimination of the offensive conduct, the prevention of reoccurrences, and the re-establishment of a healthy school environment, especially for the victim(s). Such action will take into account the severity of the incident and the age and identity of the victim and harasser, and the effect upon the victim. Disciplinary and/or corrective action may include one or more of the following:

- participation in an educational program about hate crimes and bias incidents for the perpetrator;
- an apology to the victim(s);
- mandatory counseling;
- community service;
- placement in an alternative educational setting;
- detention;

- short-term or long-term suspension; and/or
- recommendation for expulsion.

In addition, perpetrators of hate crimes which rise to the level of criminal activity may be subject to criminal punishment as mandated by state and federal laws pertaining to such crimes. Consistent with the Memorandum of Understanding between the East Longmeadow Public Schools and the East Longmeadow Police Department, police will be notified when a probable hate crime has taken place, and in particular will be notified in an emergency situation.

RETALIATION

The East Longmeadow Public Schools will deal seriously with any and all threats or acts of retaliation against an individual who reports a hate crime or bias incident. School staff will maintain constant contact with victims and persons who report such incidents in order to ensure that no threats or acts of retaliation take place. Any person found to have threatened to retaliate and/or actually retaliated will be subject to severe disciplinary action, including potential exclusion from school. Should the retaliation rise to the level of criminal activity, school staff are required to report it to the local law enforcement agency.

25. FIREARMS AND DANGEROUS WEAPONS

Massachusetts General Laws, Chapter 269, Section 10, states in part the following:

“Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him/her, carries on his/her person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, without the written authorization of the board or officer in charge of such elementary or secondary school, 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.” M.G.L. c. 269, § 10(j).

Any officer in charge of an elementary or secondary school, or any faculty member or administrative officer of an elementary or secondary school, failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

Massachusetts General Laws, Chapter 269, Section 10, states in part that air rifles, BB guns, knives, blades, clubs, blackjack, are all considered dangerous weapons. Additionally, East Longmeadow Public School administration can and will determine if any object carried or used by a student is a dangerous weapon while in school or on school grounds.

Imposter/ fake/ artificial firearms and weapons will all be treated as if they are real firearms and weapons. There is no place for artificial firearms or weapons on school campuses, buses, or any school event. Weapons are serious issues- do not carry or possess anything that can be mistaken as a weapon. As a student, you also have the responsibility to report any weapon you see or hear about while at school.

26. VIOLENT JUVENILE OFFENDER BILL

Effective October 1, 1996, Massachusetts General Laws, Chapter 265, Section 44, has been amended by adding the following section:

“Whoever commits an assault and battery on a child under the age of eighteen for the purpose of causing or coercing such child to join or participate in a criminal conspiracy in violation of section seven of chapter two hundred and seventy-four, including but not limited to a criminal street gang or other organization of three or more persons which has a common name, identifying sign or symbol and whose members individually or collectively engage in criminal activity, shall, for the first offense, be punished by imprisonment in the state prison for not less than three nor more than five years or by imprisonment in the house of corrections for not more than two and one-half years; and for a second subsequent offense by imprisonment in the state prison for not less than five nor more than ten years.”

27. LOCKERS/DESKS/COMPUTERS/VEHICLES - SEARCHES OF STUDENTS

Students may be issued lockers, with or without private combinations, desks, computers, etc., at the opening of school or thereafter. **STUDENTS SHOULD HAVE NO EXPECTATION OF PRIVACY IN SCHOOL LOCKERS, DESKS, COMPUTERS, VEHICLES, ETC.** Lockers, desks, and computers are for the use of students but remain the property of the East Longmeadow Public Schools.

Students are advised that lockers, desks, computers, etc., may be inspected without notice by school administrators to insure cleanliness, safety, and adherence to federal, state, and local laws and regulations, as well as the Code of Conduct. The use of police drug dogs may also be employed at the discretion of school administration.

The legality of a search of a student, his/her clothing, vehicle, and/or possessions depends simply on the reasonableness, under all circumstances, of the search. The search by a school official *of* a student and/or his/her possessions is “justified at its inception” when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or the rules of the school.

Such a search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student(s) and the nature of the infraction. The Massachusetts Supreme Judicial Court has ruled that a warrant requirement is unsuited to the school environment, and that school officials need not obtain a warrant before searching a student who is under their authority.

28. PARENT’S AND STUDENT’S RIGHTS UNDER SECTION 504, TITLES II, IV, VI, IX AND THE AMERICANS WITH DISABILITIES ACT

It is the policy of the East Longmeadow Public Schools to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as well as those contained in Title II, Title IV, Title VI, Title IX, and the Americans with Disabilities Act (“ADA”). These Acts prohibit discrimination against persons in any program which receives federal funding.

Section 504 of the Rehabilitation Act of 1973 and the ADA prohibit discrimination against persons with a handicap. A person with a handicap is defined as one who:

- has a mental or physical impairment which substantially limits one or more major life activities;
- has a record of such impairment; or
- is regarded as having such impairment.

The East Longmeadow Public Schools recognizes its responsibility to avoid discrimination in policies and practices involving both students and staff. No discrimination against anyone who falls under the provisions of Section 504 or the ADA will knowingly be permitted in any program or practice of the East Longmeadow Public Schools. Accordingly, the East Longmeadow Public Schools acknowledges that it has specific responsibilities to identify such handicapped persons, to evaluate such persons, and, if they are eligible under Section 504, to provide them with reasonable accommodations to access appropriate educational services.

Any student, parent or legal guardian who believes that he or she has been discriminated against on the basis of a handicap should immediately file a written complaint with the Director of Student Services of the East Longmeadow Public Schools, who will then investigate the complaint.

No student, parent or guardian who has filed such a complaint will be subject to coercion, intimidation, interference or retaliation for registering a complaint or assisting in the investigation of the complaint.

PARENT(S)/GUARDIAN(S) NOTICE OF RIGHTS UNDER SECTION 504

You have the right to:

1. Have your child take part in, and receive benefits from public education programs without discrimination based on his/her handicapping conditions(s).
2. Have the school district advise you of your rights under the Federal law;
3. Receive notice with respect to identification, evaluation, or placement of your child;
4. Have your child receive a free, appropriate public education. This includes the right to be educated with non-handicapped students to have the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities;
5. Have your child educated in facilities and receive services comparable to those provided to non-handicapped students;
6. Have evaluation, educational, and placement decisions based upon a variety of sources by persons who know the student, the evaluation data, and placement options;
7. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district;
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district;
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program and placement;
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records;
11. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records;

12. Request amendment of your child’s educational records if there is a reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing;
13. File a grievance;
14. Request mediation or an impartial due process hearing related to decisions or actions regarding your child’s identification, evaluation, educational program, or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing and mediation requests may be made to: Commonwealth of Massachusetts, Department of Education, Bureau of Special Education Appeals, 350 Main Street, Malden, MA 02148-5023. Phone – (781)338-3000;
15. Appeal to the Office of Civil Rights (OCR), Region 1, John W. McCormack, Post Office and Court House Square, Room 222, Boston, MA 02700. Phone (617) 223-9662.

The person in this district who is responsible for assuring compliance with Section 504, Titles II, IV, VI, IX and the Americans with Disabilities Act is the Section 504, Titles II, IV, VI, IX, and Americans with Disabilities Act District Coordinator:

Name: Director of Student Services
Address: 180 Maple Street
East Longmeadow, MA 01301
Phone: (413) 525-5450 ext. 3

GRIEVANCES

The East Longmeadow Public Schools has established an internal procedure in order to provide for prompt and equitable resolutions of complaints alleging any action prohibited by the United States Department of Justice regulations implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. Title II of the ADA regulations largely reinforces Section 504 of the Rehabilitation Act of 1973. This procedure is also to be followed when lodging complaints involving alleged violations of Title IV, Title VI and Title IX.

Title II states, in part, that “no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities” sponsored by a public entity.

Title IV of the 1964 Civil Rights Acts provides that no person shall on the ground of race, color, or national origin be excluded from participating in any program receiving federal financial assistance.

Section 901(a) of Title IX of the Education Amendments of 1972 prohibits any educational program or activity from discriminating on the basis of sex.

Section 504 of the Rehabilitation Act of 1973 protects the rights of individuals with disabilities within the work and school setting. Section 504 is a federal civil rights statute.

Section 601 of Title VI prohibits discrimination on the basis of race, color, or national origin.

(Note: complaints that do not allege discriminatory conduct should be directed to the building principal.)

GRIEVANCE PROCEDURE

A. DEFINITIONS

A “Grievance” is a complaint made pursuant to, and arising out of, the East Longmeadow Public Schools obligations under Section 504 of the Rehabilitation Act, Title II, Title IV, VI, Title IX, and the ADA.

An “Aggrieved Party” is a person or persons making the complaint.

B. PURPOSE

The purpose of this grievance procedure is to secure prompt and equitable solutions to grievances which may, from time to time, arise pursuant to Section 504 , Title II, Title IV, Title IX, and the ADA.

C. GENERAL

No aggrieved party will be subject to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

All documents, communications, and records dealing with the filing of a grievance will be kept confidential to the full extent provided by law.

Forms for filing grievances will be provided upon request by the East Longmeadow Public Schools’ Section 504, Title II, Title IV, Title IX and ADA District Coordinator whose address appears above.

D. PROCEDURE

When the aggrieved party is a student or student’s parent/guardian:

1. The aggrieved party should complete the Grievance Form and return it to the Section 504 School Coordinator of the school building in which the alleged grievance occurred. The complaint should be filed within fifteen (15) days after the complainant becomes aware of the alleged violation. (Allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis). Assistance will be provided, upon request, to enable an individual to complete the Grievance Form and pursue the grievance process.

2. Within ten (10) school days after receiving the grievance, the Section 504 School Coordinator shall meet with the aggrieved party in an effort to resolve the grievance. This investigation into the complaint is contemplated to be thorough, but informal, in nature. All interested persons and their representatives, if any, shall be afforded an opportunity to be heard and to submit evidence relevant to the complaint. If the grievance is not resolved, it will be forwarded to the Section 504 District Coordinator.

3. Within thirty (30) school days of receipt of an unresolved grievance, the Section 504 District Coordinator will conduct a hearing to determine what, if any, action shall be taken in response to the grievance. The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures, including:

- a. the opportunity for the aggrieved party to present the grievance in any suitable manner;
- b. the right of the aggrieved party to an impartial hearing officer;
- c. the right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party's expense (the aggrieved party should notify the Section 504 District Coordinator if he/she will be represented by counsel);
- d. the right of the aggrieved party to a prompt decision.

4. A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the Section 504 District Coordinator and forwarded to the complainant no later than fifteen (15) working days after its filing. The determination of the validity of the complaint and the description of the resolution will be provided in an alternate format, upon request, if needed for effective communication.

5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within fifteen (15) working days following receipt of the written determination to the Superintendent of the East Longmeadow Public Schools.

6. The right of a person to a prompt and equitable resolution for the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. These rules shall be construed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that the East Longmeadow Public Schools comply with the ADA and Section 504 implementing regulations.

8. Copies of all resolutions and findings made under this procedure shall be filed with the Superintendent's office of the East Longmeadow Public Schools.

29. CONFIDENTIALITY

Any action taken by the East Longmeadow Public Schools in the application of this Disciplinary Policy shall be documented in the student's temporary cumulative record. Disclosure of this information without the prior written consent of the student's parent(s)/legal guardian(s) and the student if he or she is fourteen (14) or older or a ninth grader is prohibited except as allowed by law.

30. STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the school district to maintain extensive and sometimes personal information about them and their families. It is essential that pertinent information in these records be readily available to a student's parent(s)/legal guardian(s) and/or the student in accordance with the law, and yet be guarded as confidential information.

Pursuant to state and federal statutes and regulations, no third party, other than authorized school or Department of Education personnel, shall have access to information in or from an education record without the specific informed consent of the eligible student or the parent(s)/legal guardian(s), subject to certain exceptions. Court officers, health officials and authorized school personnel may have access to school records of the students without "the specific informed consent" of the student or his/her parent(s)/legal guardian(s).

These laws include the Family Educational Rights and Privacy Act (FERPA), found at 20 U.S.C. § 1232g, the Individuals with Disabilities Education Act (IDEA), found at 20 U.S.C. § 1400 et seq., and M.G.L. c. 71, §§ 34A, B, D, E, and H, as well as the regulations promulgated under these statutes.

FERPA also allows disclosure of education records without the consent of parent(s)/guardian(s) and/or students to any school officials, including teachers, who have a legitimate educational interest in them; during lawsuits brought against the school by a student or against a student by the school; in the event of a health or safety emergency; and, among other exceptions, upon receipt of a Court Order or lawfully issued subpoena, or upon receipt of a request from a court or the Department of Youth Services for information regarding a student. Prior to compliance with the Order, subpoena, or request, the school shall notify the eligible student or parent(s)/legal guardian(s) of the Order, subpoena or request in such reasonable time that he/she may seek to have the process quashed. Other exceptions may be found by reviewing the statute.

In the case of a student, fourteen through seventeen (14-17) years of age, or of one who has entered the ninth grade, both the student and his/her parent(s)/legal guardian(s), or either one acting separately, shall exercise these rights. Any student eighteen (18) years of age or older may exercise these rights alone.

This privacy protection also means that if parent(s)/legal guardian(s) or students wish transcripts or records forwarded to school, colleges, or prospective employers, a written release must be delivered to the principal of the school or the appropriate custodian of the student's school records.

Parent(s)/legal guardian(s) and students are guaranteed the right under state and federal law to inspect as well as seek addition to or deletion from all records which are kept or requested to be kept by the School Department concerning individual students. The term "education records" is defined as records that are "directly related to a student" and "maintained by an educational agency or institution or by a party acting for the agency or institution." 20 U.S.C. 1232g(a)(4)(A). They include the "student record" – a student's transcript and any other recorded information which is identified by the student's name, as well as the "temporary record," which contains all other information such as evaluations by teachers, counselors, and other school staff. A signed log is kept in each cumulative record for all students identifying all persons who have obtained access to the student record.

Under FERPA, certain records are excluded from the definition of "education records" and are not subject to access by parent(s)/guardian(s), students, and other individuals. These records include personal notes kept by instructional and administrative staff in their own files, employee records, records kept by school law enforcement officers, and medical treatment records of students over the age of 18.

Complete copies of the state regulations concerning parent/legal guardian and student rights to education records may be obtained in the building principal's office.

PUBLIC NOTICE – PUBLIC DIRECTORY NOTICE

The East Longmeadow Public Schools may release the following information without prior consent: "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."

Parent(s)/legal guardian(s) and eligible students have the right to request, in writing, that this information not be released without prior consent. This notice may also be included in the routine information letter the school publishes under 603 C.M.R. sec. 23.10(1).

31. NON-CUSTODIAL PARENTS: ACCESS TO SCHOOL RECORDS

As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record, consisting of information concerning his or her child, including, but not limited to report cards and progress reports, the results of testing, notification of a referral for a special needs assessment, notification of enrollment in an English Language Learner program, absences, illnesses, detentions, suspensions, expulsions, or withdrawal from school, in accordance with the following provisions:

- (a) A non-custodial parent is eligible to obtain access to the student record unless:
 1. The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
 2. The parent has been denied visitation, or
 3. the parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
 4. there is an order of a Probate and Family Court judge which prohibits the distribution of student records to the parent.
- b) The school shall place in the student's record any documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).
- c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
- d) Upon receipt of the request, the school must immediately notify the custodial parent by certified and first class mail, in English and in the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07(5)(a).
- e) The school must delete all electronic and postal address and telephone number relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
- f) Upon receipt of a court order which prohibits the distribution of information pursuant to M.G.L. c. 71, § 34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

32. SUBSTANCE ABUSE POLICY

POLICY STATEMENT

The East Longmeadow Public Schools are dedicated to providing a drug and alcohol free environment for staff, students and citizens. The public schools believe that education plays a critical role in establishing life long health habits for its students. A comprehensive health curriculum K-12 emphasizing the dangers of drugs and alcohol remains a major goal of the East Longmeadow Public Schools. The East Longmeadow Public Schools also has a strong interest in the health of its employees and in their serving as positive role models for students. It is the further policy of the East Longmeadow Public Schools that the commercialization/promotion of drug or alcohol use is contrary to the health and the well being of its students, staff and community.

33. E.L.P.S. / POLICE MEMORANDUM OF UNDERSTANDING

The East Longmeadow Public Schools, the East Longmeadow Police Department and the Hampden County District Attorney agree to work together to ensure a safe and secure school environment for all students, to fully uphold the laws regarding the illegal use of drugs, alcohol, weapons or violence and illegal behavior and to provide parents, teachers and other staff with confidence that there is a consistent, cooperative effort by appropriate officials to prevent crime in the East Longmeadow Public School System.

The parties agree to share information about criminal or delinquent behavior in order to implement Ch. 71, Sections 37H, 37H1/2 and 37L and to protect the school community from criminal acts.

This Memorandum of Understanding is intended to facilitate the professional, lawful and confidential exchange of information consistent with the rights and responsibilities of students, parents, teachers, administrators and law enforcement officials.

It is understood by the parties that it remains the sole prerogative of school officials to impose discipline for infractions of school rules and policies.

It is understood by the parties that school officials are not agents of the police or the District Attorney and that the District Attorney and police are not agents of the school district.

THEREFORE, the parties agree to share information as set forth herein:

1. The police and/or District Attorney shall notify the Superintendent whenever a student:
 - A. has been charged or convicted of a felony offense;
 - B. has been charged or convicted as a youthful offender
 - C. has been charged or convicted of delinquency where the underlying offense is a felony.
2. The District Attorney shall notify the Superintendent whenever a student has been charged with or convicted of a felony (as set forth above) if a principal requests information regarding a specific student whose continued presence at school may have a substantial, detrimental effect on the general welfare of the school under Ch 71:37H-1/2.
3. The District Attorney shall notify the Superintendent whenever a transfer student has been charged with or convicted of a felony (as set forth above) if the Superintendent requests such information in order to assess the background of the transfer student pursuant to Ch 71:37L.
4. If the police or the District Attorney have notified the Superintendent of a pending felony charge or conviction, the Superintendent may request additional, relevant information including summary police reports and statements of students. Before these materials are provided, the names of victims and witnesses not necessary for the safety of the school must be redacted. Further, the materials must be transmitted and stored in a secure manner to maintain the confidentiality required by law.
5. The Superintendent and all principals who are to receive this information shall be CORI certified.
6. The Superintendent agrees to notify the Police Department whenever:
 - A. A student has seriously violated the discipline code;
 - B. A student has committed an act required to be reported under Ch 71:37L or any other provision of law.

DAILY POLICE LOG

The East Longmeadow Police Department will provide to the Superintendent, or a CORI certified designee, a copy of the daily police arrest log pertaining to a member of the student body/employee. The School

Department shall review the log to determine if any students are involved and to consider whether or not additional information regarding such incidents is necessary to protect the school community.

SCHOOL SAFETY

The undersigned agencies have a common responsibility to deter and prevent violence and delinquent conduct which poses a threat to the East Longmeadow Public School community. Immediate communication between the parties is essential to discharging their responsibility. Therefore, the School Department agrees to notify the Police Department immediately whenever in the judgment of the principal or superintendent any conduct poses a threat to schools, neighborhoods or the community. The Police Department will notify the Superintendent whenever it is aware of any conduct which poses an imminent threat to students, teachers or the school community.

SCHOOL SAFETY MEETINGS

To allow the undersigned to discuss and assess specific events or particular individuals whose conduct may pose a threat to the safety of the school community, the District Attorney may conduct a safety meeting. These meetings will address general safety issues, specific safety problems, the conduct of specific individuals and planning for appropriate action to address legitimate concerns.

GENERAL PROVISIONS

Nothing in this Memorandum of Understanding shall prohibit law enforcement or school officials from taking any and all appropriate action to prevent violence to address conduct which poses an imminent danger to students, administrators or other individuals.

Anyone who willfully requests, obtains, or seeks to obtain confidential information under false pretenses or who willfully communicates or seeks to communicate such information except in accord with this Memorandum of Understanding may be subject to criminal prosecution.

This Agreement shall be in effect starting December 12, 2005 and will be reviewed and either continued in effect, amended or voided. The parties at any time may alter or amend this Memorandum by their mutual agreement.

34. COMMONWEALTH OF MASSACHUSETTS DRUG FREE SCHOOL ZONES

Pursuant to Massachusetts General Laws, Chapter 94C, Section 325, any person who violates the provisions of the law pertaining to the unauthorized manufacturing, distribution, dispensing or possession with intent to distribute a controlled substance while in or on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, whether or not in session, shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen (15) years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under the provisions of this section shall be for less than a mandatory minimum term of imprisonment of two (2) years. A fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum two (2) year term of imprisonment as established herein.

Lack of knowledge of school boundaries shall not be a defense to any person who violates the provisions of this section.

SUSPENSION OF A LICENSE TO OPERATE A MOTOR VEHICLE UPON CONVICTION OF VIOLATION OF THE CONTROLLED SUBSTANCE ACT

Pursuant to Massachusetts General Laws, Chapter 90, Section 20, the Registrar of Motor Vehicles shall suspend, without hearing, the license or right to operate of a person who is convicted of a violation of any provision of Chapter 94C, provided, however, that the period of such suspension shall not exceed five (5) years; provided further, that any person so convicted who is under the age of eighteen (18) years or who is adjudged a delinquent child by reason of having violated any provision of Chapter 94C, and is not licensed to operate a motor vehicle shall, at the discretion of the presiding judge, not be so licensed for a period no later than when such person reaches the age of twenty-one (21) years.

35. BUSING POLICY (BUS REGULATIONS)

RULES OF CONDUCT ON BUSES

Pupils are under the jurisdiction of the school authorities from the time they board the bus to school until they leave the bus which returns them home. It is a privilege to ride on the school bus. If riders are not well-behaved and courteous, they endanger the health and safety of other riders and may be deprived of the privilege of riding. A bus driver's authority on the bus is comparable to that of a classroom teacher. East Longmeadow Public Schools reserves the right to assign students to specific seats.

1. Pupils are assigned to specific bus stops for transportation to and from school. Pupils are to be on time at the location,* are to respect the property of homeowners, are to stand back from the roadway and should refrain from horseplay while awaiting the arrival of the bus.
*(Note: Please allow +/- 10 minutes from designated time of pickup/discharge to actual time of pickup/discharge.)
2. Students can only board and depart the school bus at their individually assigned bus stop; as stated on their bus pass. If there is an emergency and the need for your child to get on at a different location, you must contact the Transportation Manager. If you have an emergency and your child needs to be dropped off at a different school bus stop (even if this is the same bus) you must contact your school's principal and submit this in writing.
3. Food and/or drink is not to be consumed on the bus at any time. Because of food allergies, the no eating policy is strictly enforced and includes home to school, athletic and field trip bus transportation. No Exceptions.
4. Pupils should wait for the bus to stop, board the bus promptly and take seats toward the rear of the bus (unless otherwise assigned by the driver) with the exception of kindergarten students. Enough seats are to be reserved at the front of the bus to accommodate kindergarten students.
5. Pupils should always face the front of the bus while seated, talk quietly, keep aisles free of all objects and refrain from any and all horseplay.
6. Windows are not to be opened without the permission of the driver. Emergency equipment should only be used upon instruction of the driver.
7. Smoking is prohibited at all times.
8. Only eligible and/or authorized students may ride assigned buses on assigned routes.

9. Bus drivers furnish school administrators with written notice of any rules infractions by students. These notices are referred to as “bus tickets.” Tickets will be reviewed by the school administrator with the student. Appropriate disciplinary action will be taken and notification will be forwarded to the parent/guardian, the Superintendent’s office and the issuing driver.
10. It is a safety violation for any large equipment of large band instrument to be loaded and transported on the bus with students. Large instruments and large equipment must be transported by other means.

Infractions are to be reported to the school principal by the bus driver by the end of each day. Other persons having any complaint should put it in writing along with their signature and submit the grievance to the school principal concerned. The principal will then investigate the problem and take appropriate action.

Minor infractions of regulations will result in the issuance of bus tickets. The principal will determine the appropriate disciplinary action after meeting with the student and will notify the parent/guardian immediately.

Major infractions such as, but not limited to, vandalism, tampering with the emergency door or other safety equipment, consumption of alcohol, use of illegal drugs, fighting, the lighting of matches or other flammable items, or disrespect and insubordination to the driver will be dealt with on a single offense basis by the principal and may result in an immediate loss of bus privileges, school disciplinary action, legal action, or all three.

36. TOBACCO FREE POLICY STATEMENT

1. The East Longmeadow Public Schools is dedicated to providing a healthy, safe, and productive learning and recreation environment for staff, students, and visitors to its facilities. The use of tobacco products has a direct link to numerous health problems. Tobacco prevention and education plays a critical role in establishing life-long positive health habits for its students.
2. Pursuant to the requirements of Section 36 of Chapter 71 of the Education Reform Act of 1993, the use of any tobacco products in school buildings or on school grounds at any time by any person is prohibited. Students and staff who violate this policy will be disciplined in accordance with published regulations. Members of the public who violate this policy and fail to stop at the request of school staff or police will be directed to leave school property immediately. Those failing to obey the direction of school staff or police will be considered to be trespassing.
3. In accordance with the Massachusetts General Laws, Chapter 71, Section 37H, the use or possession of any tobacco product within the school building, school facilities, on school grounds, or on school buses by any individual, including school personnel, shall be strictly prohibited.
4. Signs shall be posted in all school buildings informing the general public of the district policy and requirements of state law.
5. The disciplinary procedure for this policy will be consistent across the system and may be found in the appropriate student and staff handbook.

6. Enforcement: The Superintendent of Schools, building administrators, and school officials who have been designated by the East Longmeadow Board of Health as agents of the Board for the purpose of the Tobacco Free Policy shall be responsible for the enforcement of this policy.

37. PROPER DRESS

Moderation in all things is an admirable virtue and moderation in dress and grooming is not a difficult goal to achieve. Neatness, cleanliness and appropriateness are the keystones of school dress and appearance at East Longmeadow Public Schools. Personal dress and appearance may not violate reasonable standards of health, safety, cleanliness and propriety.

PERSONAL DRESS AND APPEARANCE WHICH IS VULGAR OR PLAINLY OFFENSIVE OR WHICH DISRUPTS OR SUBSTANTIALLY INTERFERES WITH THE EDUCATIONAL PROCESS OR WITH ANOTHER STUDENT'S ABILITY TO RECEIVE AN EDUCATION IS PROHIBITED.

In addition, a student's personal dress and appearance must comply with all OSHA and safety regulations, especially while attending a lab or shop.

BASIC REGULATIONS

- A. No exposed undergarments.
- B. No low-cut shirts, no pajama pants.
- C. No space between shirt and pants.
- D. No backless, strapless, or one-shoulder shirts/blouses
- E. No tops with less than one inch straps
- F. No skirts, dresses, and shorts worn shorter than the fingertips when extended at your side.
Example: If the fingertips touch your skin when arms are fully extended, then the garment is too short.
- G. No clothing containing messages or pictures alluding to alcohol, illegal substances, tobacco, drugs, nudity, violence, gang-related symbolism, offensive language, profanity and the like.
- H. Hats or headgear may serve a purpose under specific circumstances. The wearing of hats/headgear, however, in an educational setting such as a classroom, assembly, etc., is judged as inappropriate. Therefore, once a student has entered the building, he/she removes his/her hat/headgear and refrains from wearing it during the official school day. Offenders will be subject to disciplinary action.

38. SKATEBOARD/ROLLERBLADE/SCOOTER/ROLLING FOOTWEAR POLICY

Students shall not roller-blade, roller-skate, scooter, or skateboard on school grounds at any time whether during or after school hours, including all outdoor and indoor recess periods (except for supervised physical education programs). For purposes of this ban, school grounds shall include all school buildings, parking lots, paths, playgrounds, and stairwells leading to school building entrances.

39. HEALTH POLICIES

School Health Services Mission Statement:

The mission of the East Longmeadow Public Schools is to promote *Achievement and Accountability* in all endeavors as we educate lifelong learners in our community. The mission of the East Longmeadow Public School's Health Services Department is to enhance the educational process by maximizing the health and

well-being of the school-age children and adolescents physically, intellectually, socially and emotionally. An optimum level of health is basic to effective learning.

Immunization Regulations:

Under Massachusetts General Laws Chapter 75-15A:

All students entering East Longmeadow Schools must meet the Mass DPH Immunization Requirements under state regulations (102CMR7.09 and 105 CMR220.00). Students must present a physician's certificate that he/she has been successfully immunized against diphtheria, pertussis, tetanus, measles, mumps, rubella, poliomyelitis, Hepatitis B and varicella and is up to date on all required boosters. Pre-school students must show proof of H Influenza immunizations in addition to other immunizations noted above.

An exception to this regulation exists for homeless children. Pursuant to the No Child Left Behind Act, if a homeless student does not have immediate access to immunization records, the child shall be enrolled under a personal exception. Students and families are encouraged to obtain current immunization records or immunizations as soon as possible with the assistance of the district.

The School Nurse and administration have the authority to refuse school admittance and/or exclude a student from school for non-compliance with these immunization requirements subject to the exemption for homeless children described above. Religious or medical exemptions may apply if requested documentation of such exemption is provided. However, in situations when one or more cases of disease are present in a school, all susceptible students, including students with medical or religious exemptions, are subject to exclusion as described in the Reportable Disease and Isolation and Quarantine Requirements Report. No tutors will be provided for students excluded from school due to non-immunized status.

Under Massachusetts General Laws Chapter 71-57: "Proof of a lead test is required of all Kindergarten students."

Physical Exams:

1. Physical Examination of students is required every three (3) to four (4) years, usually in Grades K, 4, 7, 11 and for new enterers. We encourage parents to have this exam completed by the student's Primary Care Provider when parent(s)/legal guardian(s) receive these notices. Physical examination by a private health care provider is required **prior to entering any pre-school and/or kindergarten program in East Longmeadow Public schools.**
2. All students participating in **High School sports** must show proof of a *current physical exam* and a *completed athletic questionnaire* signed by the parent/guardian before participating in a practice and/or game.
3. New statewide guidelines require public schools to perform Body Mass Index (BMI) screenings, and to provide this information to parents of students in grades 1, 4, 7, and 10.

Mandated Screenings:

1. Postural screening will be administered to students yearly in Grades 5 through 9. No parental permission is required for this screening.
2. Sight and hearing screenings shall be performed in the school by a nurse or school personnel in certain grade levels.

Field Trips/Medical Concerns:

It is often a lengthy process to make arrangements to meet the medical/health needs of students on field trips. The process can involve; parents, physicians, staff members and a nurse to accompany the student on the trip. Two weeks is the minimum amount of time needed to accomplish this task and ensure a safe trip for everyone. The responsibility starts with parents notifying the school.

Forms:

1. It is the responsibility of the parent(s)/legal guardian(s) to complete necessary health forms such as Emergency Information and Health Histories.
2. The school must have the proper information to contact parents(s)/legal guardian(s) in the event of an illness or accident involving their child. Parent(s)/legal guardian(s) should make arrangements to transport their child home when ill.

Special Procedures:

A written order from a physician or licensed health care provider and written parental permission is required to prior to initiating any special procedure on any student for that school year.

Medication Procedures:

As a rule, medication is not given in school. In most cases, pupils who are on medication can have the dosage adjusted by their health care provider so that the routine time for taking the medication will come before or after school hours. When it is absolutely necessary that a medication – prescription and/or over-the-counter — be given during school hours, the East Longmeadow Public Schools will cooperate in the *administration of medication* when the following regulations have been met. (A complete copy of the medication policy is available in each school and in the Central Office):

1. Parent/guardian consent forms completed and returned to the school nurse.
2. Medication order form completed and signed by the licensed prescriber and returned to the school nurse. This order must be renewed at the beginning of each school year.
3. Medication must be brought to school by parent/guardian in a pharmacy or manufacturer labeled container, including student's name, physician's name, and expiration date.
4. Medication Administration Plan will be maintained by the school nurse.
5. Medication will be kept in locked cabinet/refrigerator in the health room.
6. Self-Adminstrated medications will be limited to Epipens and inhalers. These medications will need a parent/guardian written consent form, licensed prescriber's written order and approval by the school nurse.
7. No child shall carry medication on his/her person. Medications, prescription or over-the-counter, must be stored in the nurse's office and will only be dispensed when the necessary forms as noted above are provided.
8. Procedures for resolving questions between school *personnel* and parents/guardians *are* available from the Director of Student Services.

Health Room Protocol:

1. All students need a pass to be seen in the Health Room.
2. Students will be served on a triage basis of severity of illness or injury.
3. Except for emergency first aid and preliminary assessment of illness or injury, treatment is the responsibility of the student's parent(s)/legal guardian(s).
4. When a student transfers to another school or school system, upon receipt of a signed "Release of Information" form from the student's parent(s)/legal guardian(s), the health record may be sent with other school records. The nurse places the health record in a sealed envelope that is clearly labeled to the school nurse of the receiving school. Otherwise, the health record shall be sent directly to the school nurse of the receiving school.
5. In cases of communicable disease and febrile illness, the school nurse has the authority to exclude students under guidelines of the Department of Public Health. Readmission will be dependent upon compliance to above guidelines.
6. Parent(s) or legal guardian(s) may contact the East Longmeadow nursing Supervisor or individual school nurse if there are any questions regarding these regulations.

Children and Adolescents with HIV/AIDS in School Setting: Guidelines for Attendance and Disclosure:

Information gathered by the U.S. Center for Disease Control and similarly, the Massachusetts Department of Public Health, states that except in rare circumstances, a student with AIDS or HIV infection poses no risk of disease transmission of HIV infection through the kind of casual contact which occurs in a school setting. Therefore, a student with AIDS or HIV infection has the same right to attend school and participate in school programs as any other student.

1. A student's parent(s)/legal guardian(s) are not obliged to disclose the student's HIV/AIDS status with school personnel.
2. There are benefits to informing the school nurse or physician of a student's health condition, but further disclosure of a student's HIV status by the school nurse or physician to other personnel requires the specific, informed, written consent of the student's parent(s)/legal guardian(s).
3. If a health care provider (such as a school nurse or school physician) discloses a student's AIDS/HIV status, without specific, informed, written consent of the student's parent(s)/legal guardian(s), that provider and/or facility has violated the Massachusetts General Laws, Chapter 111, Section 70F, and may be subject to a civil suit brought by the student or the student's parent(s)/legal guardian(s).
4. Under Massachusetts General Laws, Chapter 112, Section 12F, minors may consent to HIV testing in certain circumstances. The law mandates strict confidentiality. If an adolescent student has sought such testing, independent of parental consent, that student has a right to confidentiality of the test results, and any disclosure of this information would require that STUDENT'S specific, informed, written consent.
5. Massachusetts General Laws Chapter 214, Section 1B, prohibits the unwarranted Invasion of a person's privacy, Therefore, any school staff member, having heard of a student's HIV/AIDS status is advised to refrain from discussing any HIV/AIDS related information regarding that student unless he/she has been give specific, informed, written consent to do so.

Meningococcal Disease Protocol

Information on Meningococcal Disease

Recently enacted Massachusetts General Laws (Chapter 111, s219) require secondary schools to provide information on Meningococcal disease to parents/guardians of their students. The Massachusetts Department of Public Health (MDPH) must approve this information, regarding the risk of meningococcal disease and the availability, effectiveness, and risks of the vaccine. If you need additional information, please consult with your child's Primary Care Physician.

Meningococcal Disease and Students: Commonly Asked Questions

What is meningococcal disease?

Meningococcal disease is caused by infection with bacteria called *Neisseria meningitidis*. These bacteria can infect the tissue (the "meninges") that surrounds the brain and spinal cord and cause meningitis, or they may infect the blood or other organs of the body. In the US, about 2,600 people get meningococcal disease each year and 10-15% die despite receiving antibiotic treatment. Of those who survive, about 10-15% may lose limbs, become deaf, have seizures or strokes, or have other problems with their nervous system.

How is meningococcal disease spread?

These bacteria are passed from person-to-person through saliva (spit). You must be in close contact with an infected person's saliva in order for the bacteria to spread. Close contact includes activities such as kissing, sharing water bottles, sharing eating/drinking utensils or sharing cigarettes with someone who is infected; or being within 3-6 feet of someone who is infected and is coughing and sneezing.

Who is at most risk for getting meningococcal disease?

People who travel to certain parts of the world where the disease is very common are at risk for meningococcal disease. Children and adults with damaged or removed spleens or terminal complement component deficiency (an inherited immune disorder) are at risk. People who live in certain settings such as college freshmen living in dormitories and military recruits are at greater risk of disease.

Are students at increased risk for meningococcal disease?

The risk of meningococcal disease starts to increase in adolescence and young adulthood. In this age group, the highest rates of disease and death are in those 15-24 years of age.

Is there a vaccine against meningococcal disease?

There are currently 2 vaccines available in the US that protect against 4 of the most common of the 13 serogroups (subgroups) of *N. meningitidis* that cause serious disease. Protection with the meningococcal polysaccharide vaccine lasts about 3 to 5 years. The meningococcal conjugate vaccine is expected to help decrease disease transmission and to provide more long-term protection.

Should my child receive meningococcal vaccine?

Meningococcal vaccine is now recommended for children 11-12 years of age, for adolescents at high school entry (15 years of age) and college freshmen and other newly enrolled students living in dormitories. Other high risk groups include anyone with a damaged spleen or whose spleen has been removed, those travelling to countries where meningococcal disease is very common and people who may have been exposed to meningococcal disease during an outbreak.

Children and adults with terminal complement component deficiency (an inherited immune disorder) should also receive the vaccine. Parents of children in these groups should discuss vaccination with their child's healthcare provider.

In Massachusetts, beginning in August 2005, schools with grades 9-12 and colleges that provide or license residential housing will require all new students (even if they do not reside in campus-related housing) to provide documentation of having received meningococcal vaccine, or the student (or guardian) must sign a waiver declining vaccination. More information about this requirement may be found in the MDPH document entitled "Information about Meningococcal Disease and Vaccination and Waiver for Students at Colleges and Secondary Schools."

How can I protect my child from getting meningococcal disease?

The best protection against meningococcal disease and many other infectious diseases is thorough and frequent hand washing, respiratory hygiene and cough etiquette. Individuals should:

1. Wash their hands often, especially after using the toilet and before eating or preparing food (hands should be washed with soap and water or an alcohol-based hand gel or rub may be used if hands are not visibly dirty).
2. Cover their nose and mouth with a tissue when coughing or sneezing and discard the tissue in a trash can.
3. Not share food, drinks or eating utensils with other people, especially if they are ill.

You can obtain more information about meningococcal disease or vaccination from your healthcare provider, your local Board of Health (listed in the phone book under government), or the Massachusetts Department of Public Health Division of Epidemiology and Immunization at (617) 983-6800 or toll-free at (888) 658-2850 or on the MDPH website at <http://www.mass.gov/dph>. Provided by the Massachusetts Department of Public Health in accordance with M.G.L. c.111, s.219.

Health Insurance Portability and Accountability Act (HIPAA):

The Health Insurance Portability and Accountability Act (HIAA) is a complex federal law passed in 1996 which was intended to reform the health insurance market and simplify health care administrative procedures. This legislation addresses many issues, but the issue with the most potential impact upon school districts involves privacy provisions which protect the confidentiality of "protected health information." At this time, however, the U.S. Department of Health and Human Services, which oversees HIPAA, has not determined the exact status of public schools with regard to the Act and whether or not they must comply with its provision. In general, HIPAA's privacy rule requires that health care providers obtain the authorization of a patient's parent or guardian prior to the disclosure of protected health information. One important exception to the privacy rule allows physicians to disclose immunization information to schools so that they may comply with Massachusetts regulations which state that all children must be immunized in order to be admitted to school, found at 603 CMR § 18.05, 105 CMR § 220.000. In addition, § "protected health information" may be disclosed without authorization for public health purposes such as the reporting of disease or injury, child abuse, birth, death, public health surveillance, or public health investigation or intervention.

Most importantly for school districts, students and parents/guardians, however, is that the U.S. Department of Health and Human Services has ruled that education records that are protected by the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) are not considered "protected health information" under HIPAA. Both FERPA and the IDEA provide their own privacy protections to which schools must adhere. Please refer to Section 30 of this handbook regarding student records for further information regarding these Acts.

40. POLICY FOR STUDENTS WITH TEMPORARY DISABILITIES

Temporarily disabled students are described as any students living within the Town of East Longmeadow and enrolled in a public or private school who have sustained a medically verified injury or disability which

interferes with the student's ability to access routine school services and programs without special considerations. Temporary disabilities include but are not limited to broken limbs, chronic health conditions, pregnancy, and any other conditions which may adversely affect the student's vision, hearing, or mobility.

1. The East Longmeadow Public Schools will notify all students, parent(s)/legal guardian(s), and staff that the East Longmeadow Public Schools do not discriminate on the basis of temporary disabilities in accordance with the Americans with Disabilities Act (ADA), the Age Discrimination Act, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The statement will also include the name, address, and telephone number for the employee(s) designated to coordinate the District's activities and indicate that further inquiries may be made to the Assistant Secretary, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202 or U.S. Department of Education, Region I, John W. McCormack Post Office and Courthouse, Room 222, Boston, Massachusetts 02109. This statement will appear in all student handbooks and orientation materials distributed annually to staff, students, and parent(s)/legal guardian(s).
2. Students with temporary disabilities will be required to provide initial medical certification regarding their medical condition, the estimated length of the medical disability, and any special medical needs that must be attended to while at school.
3. After initial medical certification is received, further medical condition will be excused on the basis of further medical documentation when available or through a note from the parent(s)/legal guardian(s) or, in cases of emancipated youths, the students themselves. Absences or tardiness related to a student's temporary disability incurred prior to medical certification of the condition will be excused upon receipt of the medical certificate. The Principal or his/ her designee may require and allow for make-up work, when appropriate.
4. After receipt of medical certification, the Principal or his/her designee will meet with the student and parent(s)/legal guardian(s) to determine what - if any - adjustments must be made to the student's program in order to accommodate the student during the time of his/her temporary disability. These accommodations may include, but are not limited to, partial day schedules, home/hospital tutoring, tutoring at an alternative site, or rescheduling of required courses to different time slots within the school day.
5. Tutorial services (home/hospital or alternative site) will be based on the student's need, not on any numerical formula of hours per day or per week (e.g. secondary school students may require more tutoring than elementary school students). In addition to tutoring services during school hours, when necessary, regular teaching staff will be hired to provide such tutoring after school hours.
6. The Principal or designee will make other accommodations based on student needs or request, such as special transportation, fee waivers for summer school, use of school elevators, lavatory breaks, or other necessary accommodations tailored to the individual needs of the students.
7. No student with temporary disabilities is to be denied transportation to and from school for any reason during the time of his/her disability. If a student with a temporary disability becomes a clear and present danger to other students on the same bus, individual transportation will be provided in accordance with the Transportation Policy.
8. For students with passing grades in courses without a lab or shop requirement, Principals or designees are to excuse any and all absences related to the student's temporary disability and not deny credit for courses or promotion due to such absences. For students who have not completed significant lab or

shop assignments, the Principal or designee may require and allow for make-up work, where appropriate.

It is not the intent of this policy to excuse students who have missed significant class and/or assignment work for reasons not related to a temporary disability. The Principal or designee will inform the student and parent(s)/legal guardian(s) of their right to appeal regarding denial of credits as contained in the Attendance Policy.

41. HOME OR HOSPITAL PROGRAMS

Educational services in home or hospital:

Upon receipt of a fully completed Physician's Statement 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 (14) school days, the principal, or designee, 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 Director for Special Education 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 contained in the student's Individualized Education Program.

Copies of the Physician's Statement form may be obtained through the building principal or the Director of Special Education.

42. PHYSICAL RESTRAINT POLICY 603 CMR 46.00

The Commonwealth of Massachusetts Department of Education has issued specific regulations concerning the use of physical restraint on students at publicly-funded elementary and secondary education programs, found at 603 CMR 46.00 et seq. These regulations apply to all students, including regular education students, collaborative students, and students with disabilities. The East Longmeadow School Committee, the Superintendent of Schools, and all East Longmeadow Public School administrators are committed to ensuring that the use of physical restraint on East Longmeadow students strictly adheres to these regulations.

Pursuant to the regulations, school personnel will use physical restraint with two goals in mind, and only after other less intrusive methods have been attempted or considered:

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

In accordance with state and federal law, nothing in the regulations precludes school personnel from implementing physical restraint contained in an agreed-upon Behavioral Intervention Plan. A Behavioral Intervention Plan is the result of a Functional Behavioral Assessment and may be found in an Individualized Education Program, Section 504 Accommodation Plan, or on its own. A Behavioral Intervention Plan requires informed written consent by the student's parent/legal guardian.

It should also be noted that nothing in the regulations precludes a teacher or other staff member from using reasonable force to protect students, themselves, or other persons from imminent, serious physical harm.

Definitions:

1. Physical restraint may be defined as “the use of bodily force to limit a student’s freedom of movement.”
2. Extended restraint may be defined as a physical restraint which lasts for more than twenty (20) minutes.
3. Physical escort may be defined as “touching or holding a student without the use of force for the purpose of directing the student.” Physical escort is not physical restraint.
4. Types of restraints can include, but are not limited to the use of a mechanical device to restrict movement of the entire body or portions thereof; placing a student in seclusion without access to school staff; or the administration of medication. The use of seclusion restraint is prohibited in the East Longmeadow Public Schools. The use of “time-outs” where a staff member is present or accessible by the student does not constitute seclusion restraint. The type of physical restraint used is dependent upon the special training of staff members in specific kinds of such restraints. Chemical restraint may not be used without the explicit authorization of a physician and a signed release from the parent/guardian approving its use.

When Physical Restraint is Used:

1. Physical restraint may be used when non-physical interventions have been attempted without success or when it is apparent that they would not be effective. It may only be used when a student’s behavior poses a threat of imminent, serious physical harm to self and/or others or when otherwise outlined in a Behavioral Intervention Plan.
2. Physical restraint is limited to the use of such reasonable force as may be necessary to protect a student or other persons from assault or imminent, serious physical harm.
3. Unless specifically indicated in an agreed-upon Behavioral Intervention Plan, physical restraint may not be used as a response to property destruction, disruption of school order, a refusal to comply with a school rule or staff directive, or verbal threats which do not constitute a threat of imminent, serious physical harm. Physical restraint may never be used as a means of punishment.
4. A school staff member who uses a physical restraint on a student must use the safest method available which is most appropriate to the situation at hand, and the method for which that staff member has been trained. Staff shall review and consider any known medical or psychological limitations and/or behavior intervention plans regarding the use of physical restraint upon an individual student.
5. No physical restraint may be used which prevents a student from speaking or breathing, and must be used in such a way as to prevent or minimize physical harm. If, at any time during the restraint, the student demonstrates significant physical distress, the restraint shall be removed immediately.
6. A physical restraint must be discontinued as soon as possible when it has been determined that a student no longer poses a risk of harm to self or others.

7. Following the use of a physical restraint, the building principal or a designated program staff member will meet with the student to address the behavior which prompted the restraint, and will also review the incident with the staff members who were involved and determine whether follow-up is needed for students who may have witnessed the incident. All physical restraints shall be documented and submitted to the building administrator on the day of occurrence.

8. Physical restraint regulations do not prohibit any individual from reporting a crime committed by a student to local law enforcement or other state agencies. Law enforcement officers, school security staff, or judicial authorities are not prohibited by this regulation from the exercise of their responsibilities, which may include the physical detainment of a student or other person alleged to have committed a crime or who poses a security risk. In addition, an individual who is a mandated reporter under M.G.L. c. 119, § 51A is not prohibited by this policy from complying with their responsibility to report neglect or abuse to the appropriate state agency.

9. Parent(s)/guardian(s) are encouraged to voluntarily notify their child's IEP TEAM, Section 504 team, or building principal of all medications their child takes on an ongoing basis. Failure to do so will likely hamper the ability of school personnel to de-escalate problem behaviors.

Students with Disabilities:

Restraints which are administered to students pursuant to their Individualized Education Programs, Section 504 Accommodation Plans, or other plans developed in accordance with state and federal law, and which have been agreed upon by both the school and the parent/guardian, shall be deemed to meet the requirements of 603 CMR 46.00. The limitations on chemical, mechanical, and seclusion restraints as specified above continue to apply to students with disabilities, as do the above reporting requirements.

GRIEVANCE PROCEDURE:

The East Longmeadow Public Schools has established an internal procedure in order to provide for prompt and equitable resolutions of complaints regarding the administration of physical restraints.

Definitions:

A "Grievance" is a complaint made pursuant to, and arising out of, the East Longmeadow Public Schools obligations to comply with state regulations regarding the use of physical restraints.

An "Aggrieved Party" is a person or persons making the complaint.

Purpose:

The purpose of this grievance procedure is to secure prompt and equitable solutions to *concerns* which may, from time to time, arise pursuant to 603 CMR 46.00.

General:

No aggrieved party will be subject to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

All documents, communications, and records dealing with the filing of a grievance will be kept confidential to the full extent provided by law.

Forms for filing grievances will be provided upon request by building principals or the Superintendent, East Longmeadow Public Schools, 180 Maple Street, East Longmeadow, MA 01028.

Procedure:

1. The aggrieved party should complete the Grievance Form and return it to the building principal or his/her designee *at* the school building in which the alleged grievance occurred. The complaint should be filed within fifteen (15) days after the complainant becomes aware of the alleged violation. Assistance will be provided, upon request, to enable an individual to complete the Grievance Form and pursue the grievance process.

2. Within (10) school days after receiving the grievance, the building principal or his/her designee shall meet with the aggrieved party in an effort to resolve the grievance. This investigation into the complaint is contemplated to be thorough, but informal, in nature. All interested persons and their representatives, if any, shall be afforded an opportunity to be heard and to submit evidence relevant to the complaint. If the grievance is not resolved, it will be forwarded to the Student Services Supervisor.

3. Within thirty (30) school days of receipt of an unresolved grievance, the Student Services Supervisor will conduct a hearing to determine what, if any, action shall be taken in response to the grievance. The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures, including:

- a. the opportunity for the aggrieved party to present the grievance in any suitable manner;
- b. the right of the aggrieved party to an impartial hearing officer;
- c. the right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party's expense;
- d. the right of the aggrieved party to a prompt decision.

Parents/legal guardians should provide advance notice to the Student Services Supervisor that they will be represented by counsel or an advocate at the grievance hearing. Failure to provide such notice will likely result in a postponement of the hearing.

4. A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the Student Services Supervisor and forwarded to the complainant no later than fifteen (15) working days after the hearing. The determination of the validity of the complaint and the description of the resolution will be provided in an alternate format, upon request, if needed for effective communication.

5. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within fifteen (15) working days following receipt of the written determination to the Superintendent of the East Longmeadow Public Schools.

6. The right of a person to a prompt and equitable resolution for the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA, Section 504 or other complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

7. These rules shall be construed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that the East Longmeadow Public Schools comply with 603 CMR 46.00.

8. Copies of all resolutions and findings made under this procedure shall be filed with the Superintendent's office of the East Longmeadow Public Schools.

43. CIVILITY POLICY

Civility/Conduct of Parents, Other Visitors, and District Employees

It is the intent of the East Longmeadow Public Schools to promote respect, civility, and orderly conduct among District employees, parents, and the public. It is not the District's intent to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, staff, parents, and other member of the community. The District encourages positive discussion and discourages volatile, hostile, or aggressive communications or actions.

1. Expected Level of Behavior:

- District personnel will treat parents and other members of the public with courtesy and respect.
- Parents and other visitors will treat teachers, administrators, and other District employees with courtesy and respect.

2. Unacceptable and Disruptive Behavior:

- Using loud or offensive language, swearing, cursing, or displays of temper;
- Threatening to do physical harm to a teacher, school administrator, school employee, or student;
- Abusive, threatening, or obscene letters, e-mail, or voice mail messages;
- Any other behavior that disrupts the orderly operation of a school, classroom, extra-curricular school activity, and/or administrative function.

3. Parent Recourse:

Any parent who believes he or she has been subjected to unacceptable behavior on the part of any staff member should bring such behavior to the attention of the staff member's immediate supervisor, appropriate administrator, and/or the Superintendent of Schools.

4. Authority of School Personnel:

Any individual who acts in the following may be directed to leave school premises or School Committee premises by a school principal or assistant principal, or their designee, any school administrator, including the Superintendent of Schools, and school security personnel. If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement personnel take such action as they deem necessary:

- Disrupts or threatens to disrupt school or school district operations;
- Threatens or attempts to do or does physical harm to District personnel, students or others lawfully on school or School Committee premises;
- Threatens the health or safety of students, District personnel, or others lawfully on school or School Committee premises;
- Intentionally causes damage to District property or the property of others lawfully on school or School Committee premises;
- Uses loud or offensive language; or

- Comes onto school premises without authorization.

Should an individual persist in violating the terms of this policy, the District may limit and restrict the methods of communication which may be used by said individual. Such restrictions shall not apply in the event of actual emergencies or regulatory functions such as TEAM meetings or disciplinary hearings.

In the event that there is a serious threat of harm to student(s) or school personnel, the District may obtain an Order of No Trespass prohibiting the individual making said threat from entering on District property.

5. Authority to Deal with Persons who are Verbally Abusive to School Personnel:

- If any member of the public uses obscenities or speaks in a loud, demanding, insulting, and/or demeaning manner, the employee to whom the remarks are addressed shall calmly and politely warn the speaker to communicate civilly.
- If the verbal abuse continues, the employee may, after giving appropriate notice to the speaker, terminate the meeting, conference, or telephone conversation.
- If the meeting or conference is on school premises, any employee may request that an administrator or other authorized person direct the speaker to promptly leave the premises.
- If the person refuses to leave, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement personnel take such action as is deemed necessary. If the employee is threatened with personal harm, he or she may contact law enforcement.

44. SAFETY AND SECURITY PLAN

MISSION STATEMENT: The care and protection of students and staff of the East Longmeadow Public Schools is of primary concern to the East Longmeadow School Committee. Therefore, the Committee is determined to establish a comprehensive safety and security policy for the system.

GOAL: To enhance those safety and security procedures that are already in use through the development of a formal safety and security plan for the school system and for each individual school.

A) Needs Assessment

There shall be an annual needs assessment submitted to the Superintendent by the administrator of each school site within the East Longmeadow Public Schools by November 30th of each year. The assessment should review the school buildings' and grounds' vulnerability to outsiders and review emergency procedures, safety and security equipment and materials, internal security, and other safety concerns. The senior building custodian should participate in this assessment.

The annual needs assessment shall include a physical survey of each school site, including but not limited to:

1. Doors and windows (including locking devices, access to interior latches, concealment by building design or trees, shrubs, etc.);
2. Roof access (including hatches, skylights, air conditioning systems);
3. Building and classroom access;

4. Lighting;
5. Intrusion devices (alarms);
6. Current staff (including principals, vice-principals, administrators, teachers, paraprofessionals, police, custodians, etc.);
7. Internal security (including hiring methods, control of keys, identification cards);
8. Emergency notification system;
9. Warning signs;
10. Safety equipment and materials; and
11. Evacuation plan in cases of emergency
12. All School District employees must wear their ID badge during their employment day.

B) Student Field Trips

A signed parent(s) or legal guardian(s) permission slip is required of each student going on a field trip. In addition to permission slips, a roster of students' names and the bus number will be maintained in the school's office. Teachers must bring a copy of the class roster listing students' names, addresses, and phone numbers on the field trip. (See sections on Student Rights and Responsibilities and Field Trips, contained herein).

C) Control of Visitors

Notices will be posted at the entrances to each school building that all visitors shall, upon entering the school building, report to the office and sign in. They will be given visitor's badges which must be worn at all times. All schools now utilize a front door "buzz-in" access system. All staff members and students shall immediately report any strangers without badges to the building Principal. School entry ways should be monitored during the school day.

D) School Crisis Team

There shall be established at each school site within the East Longmeadow Public Schools a building-based Crisis Team consisting of the Principal, teachers, students, guidance counselors, and custodians.

The purpose of the Crisis Team is to formulate safety and security plans within each school in order to ensure and promote a safe and secure school environment, develop specific protocols in response to emergencies, and disseminate safety enforcements to students, staff, parent(s)/legal guardian(s) and the community. The Crisis Team shall meet at least once a month during the regular school year.

E) Written Reports

The Principal or his/her designee of each school site within the East Longmeadow Public Schools shall document in writing all critical incidents, including, but not limited to, misdemeanors which affect the health, safety, and welfare of students and/or staff, the outbreak of contagious diseases or illnesses, the intrusion of uninvited and/or unwelcome strangers into or upon the school site, etc., and all accidents and injuries, vandalism, felonies, and dangerous incidents involving weapons and controlled substances, and shall immediately forward a copy of the same to the Superintendent of Schools.

F) Severe Weather Condition:
Warning

The school shall be equipped with facilities for receiving warnings for emergencies such as tornadoes, storms, blizzards, and other severe weather conditions which can be foretold.

G) Emergency Plans:

Evacuation of Building

Each school site must have an established written plan for the evacuation of students, staff, and others.

H) Official Notification

For each emergency, the building Principal or his/her designee shall provide official notification to the Superintendent of Schools and, depending upon the nature of the emergency, local and/or State Police, Fire, Civil Defense, Board of Health, Environmental Protection Agency, Mayor's Office, and other departments or agencies. The Superintendent of Schools at his/her discretion shall notify print and/or electronic media.

The building Principal or his/her designee shall notify all lessees and/or licensees within each school site when an emergency occurs.

I) Transportation Relocation

The Superintendent of Schools, at his/her discretion, shall provide for the relocation of students during emergency situations when those students are unable to get home. Designated locations are identified in each school's safety and security plans. Parents will always be notified if students are relocated.

J) Emergency School Closings and Delayed Openings:

The Superintendent will be responsible for closing school(s) once the school day begins. Administrators will coordinate the dismissal of all students. The Superintendent will also be responsible for delayed openings. Radio and television stations will be notified of early closings and delayed openings for broadcast. The following television stations will broadcast closings and delayed openings: Channel 22 and Channel 40. Additionally, parent phone numbers are used in our Connect-Educ. phone dialer for personalized school cancellation notices and school events (parents can opt out of this feature if they wish.)

K) Transportation Contingencies:

When obstacles or emergencies prevent the transportation of students to their home by normal routes, the students shall be transported first to the Central Office, East Longmeadow Public Schools, 180 Maple Street, East Longmeadow, Massachusetts. All efforts shall be made to notify the parent(s)/legal guardian(s) of the location of their children and the contingent transportation site.

L) Contagious Diseases:

The building Principal or his/her designee shall provide the Superintendent of Schools and the Director of Health for the Town of East Longmeadow with all known information regarding students or staff who have

been diagnosed as having contagious diseases. The building Principal shall not disclose this information to others without express written consent.

45. ACCEPTABLE INTERNET USE POLICY

Access to telecommunications enables students to explore millions of libraries, databases, and bulletin boards while exchanging messages with people throughout the world. The East Longmeadow Public Schools believe that the benefits to students from access to information resources and opportunities for collaboration exceed any potential for abuse.

Ultimately, however, parent(s)/legal guardian(s) of minors are responsible for setting and conveying the standards that their children should follow when using media, communications, and information sources. To that end, the East Longmeadow Public Schools supports and respects each family's right to decide whether or not to permit their child(ren) to access network computer services, both in the home and at school.

Internet access through the East Longmeadow Public Schools is a PRIVILEGE, not a right. Therefore, student access may be limited or revoked by school officials at any time if this privilege is abused or violates acceptable use in any way. Students engaged in unacceptable use of the Internet will also be subject to disciplinary action in conformity with the East Longmeadow Schools *Code of Conduct and Discipline Policy*.

All student use of the Internet is to be conducted under faculty supervision. Nevertheless, students are responsible for acceptable use of computer networks, just as they are responsible for their behavior in other area of the school.

Students use of the Internet is limited: access to the Internet shall be provided for students solely to conduct educational research and support educational endeavors. Access to Internet services will be provided to students who agree to act in an acceptable manner and who demonstrate individual responsibility for appropriate use of the Internet. Additional penalties may apply- see Town of East Longmeadow Internet Policy for the Town.

Levels of Student Access: Internet and World Wide Web

All students may have access to the Internet and World Wide Web, with teacher supervision, in classrooms, in libraries, or laboratories. All students must be familiar with and agree to abide by the East Longmeadow Public Schools and *Acceptable Internet Use Policy* before accessing the Internet and World Wide Web.

Grades K-5: Before students in grades K-5 will be authorized to access the Internet and World Wide Web, they will take part in an annual grade-level appropriate discussion of the East Longmeadow Public Schools' *Acceptable Internet Use Policy* with their staff. Parent(s)/legal guardian(s) must sign a statement indicating that they understand and have discussed the *Acceptable Use Policy* with their child.

Grades 6-12: Before students in Grades 6-12 will be authorized to access the Internet and World Wide Web, they and their parent(s)/legal guardian(s) will be asked to sign a statement that they have read and understood the East Longmeadow Public Schools' *Acceptable Use Policy* and agree to fully adhere to it.

Administrator's Access to Student Files

Students should not assume that their uses of the East Longmeadow Public School's Internet access will be private. All student Internet files and records may be accessed and examined by the school administration, Technology Coordinators and other staff for educational and administrative purposes, including the need to ensure that this *Acceptable Internet Use Policy* is being adhered to. Pursuant to local, state and federal laws, administrators and staff may provide access to student Internet files and records to law enforcement authorities. All Internet files will be subject to the East Longmeadow School's *Code of Conduct and Discipline Policy* and local state and federal laws and regulations.

Personal Safety

The Internet is accessible to the public. Although there are filtering techniques to restrict access to various aspects of the Internet, the Internet is an almost endless web of computer networks rendering absolute user access limitation nearly impossible. The East Longmeadow Public Schools, in its commitment to promote a safe and secure learning environment, cannot screen the Internet for all inappropriate contacts. Therefore, students must neither post personal information nor arrange personal meetings in their use of the Internet. In addition, students should promptly inform their teachers or school administrators of any on-line communication that is threatening, harassing, or otherwise inappropriate.

System Security and Resource Limits

Students are expected to respect and follow procedures and guidelines that are issued in order to ensure the security of the East Longmeadow Public Schools' computer system and to respect its resource limits. These include, but are not limited to, downloading guidelines and virus protection procedures.

Vandalism

Students are expected to adhere to East Longmeadow School's *Code of Conduct and Discipline Policy*. Any deliberate destruction, mutilation, modification and tampering of computer hardware, software, and Local Area Network (District and/or School) systems will be subject to disciplinary action and/or referral to law enforcement agencies. Any activity which inhibits or interferes with the normal operation of the hardware and software which comprise the East Longmeadow Public Schools' computer network system is also subject to disciplinary actions.

Unacceptable Uses

The following uses of the East Longmeadow Public Schools' Internet access are unacceptable:

1. Posting private or personal information about yourself or others.
2. Attempting to log in through or to access another person's files.
3. Accessing or transmitting obscene or patently offensive material.
4. Posting chain letters or engaging in "spamming." ("Spamming" means sending annoying or unnecessary messages to large numbers of people).
5. Violating the East Longmeadow School's *Code of Conduct and Discipline Policy*, (e.g., engaging in racial or other forms of discrimination, including sexual harassment, hazing, plagiarism, cheating, or interfering with the rights of others to pursue an education).

6. Participating in any communications that facilitate gambling, the illegal sale or use of drugs, alcohol or weapons, gang activity, or that threaten, intimidate, or harasses any other person, or that violate any local, state, or federal law.
7. Infringing upon copyrights. Infringing upon copyrights is the inappropriate reproduction or transmission of material that is protected by copyright. (See East Longmeadow School's *Code of Conduct and Discipline Policy*.)
8. Participating in commercial activities that are not directly related to the educational purposes of the East Longmeadow Public Schools
9. Using listservers and/or proxy servers/addresses.
10. Attempting to access or alter any administrative (student records, financial reporting, etc.) data or software.

Disclaimer of Liability

The East Longmeadow Public Schools District disclaims all liability for the content of material that a student may access on the Internet, for any damages suffered in the course of or as a result of the student's Internet use, and for any other consequences of a student's Internet use. The East Longmeadow Public Schools reserves the right to change this policy at any time.

46. MEDIA POLICY

Videotaping, filming, and photographing of students by members of outside media, shall have the prior authorized consent of the building principal and the participating employees. If any student is to be videotaped, filmed, or photographed, written consent shall be obtained from the student's parent(s)/legal guardian(s) via the student Code of Conduct.

Administrative Implementation Procedures:

1. Negatives, photographs, videotape or film and the soundtrack thereof produced by the school district shall be its exclusive property unless other prior written agreements are made.
2. Building Principals must approve all photographing, videotaping, and filming in advance for their respective schools.
3. The student Code of Conduct book shall state that permission is granted for filming, taping, photographing, and videotaping – unless the parent notifies the school and denies permission. A student list of “denied media access by parents” will be kept at each school. Lists will be checked prior to any media release.
4. Films/videotapes/photographs of school district productions or events shall not be duplicated, distributed, or sold without the prior consent of the building principal.

East Longmeadow Public Schools utilizes closed-circuit television/video for the security of their campuses and buses.

47. SEX EDUCATION POLICY

Chapter 71 of the General Laws is hereby amended by inserting after Section 32 the following section:

Section 32A. Every city, town, regional school district or vocational school district implementing or maintaining curriculum which primarily involves human sexual education or human sexuality issues shall adopt a policy ensuring parental/guardian notification. Such policy shall afford parents or guardians the flexibility to exempt their children from any portion of said curriculum through the written notification to the school principal. No child so exempted shall be penalized by reason of such exemption.

Said policy shall be in writing, formally adopted by the school committee as a school district policy and distributed by September first, nineteen hundred and ninety-seven, and each year thereafter to each principal in the district. A copy of each school district's policy must be sent to the department of education after adoption. To the extent practicable, program instruction materials for said curriculum shall be made reasonably accessible to parents, guardians, educators, school administrators, and others for inspection and review. The department of education shall promulgate regulations for adjudicatory proceedings to resolve any and all disputes arising under this section.

FAMILY LIFE/SEX EDUCATION POLICY:

The East Longmeadow School Committee officially adopts the following policy regarding Family Life/Sex Education in the East Longmeadow Public Schools:

1. Parents/guardians will be notified every year regarding the instruction of the Family Life/Sex Education classes.
2. Parents/guardians will be given the opportunity to exempt their child/children from any portion of said curriculum.
3. No student shall be penalized by reason of such exemption.
4. Each year all principals will be informed of such policy by the Health Education Coordinator.
5. Program instruction materials for said curriculum shall be made reasonably accessible to parents, guardians, educators, school administrators and others for inspection and review.
6. A parent/guardian who is dissatisfied with an action or decision of the school principal under Section 32A (that is, an action or decision concerning notice, access to instructional materials, or exemption for the student) may submit a written request to the Superintendent of Schools for review of the issue. The Superintendent or designee should review the issue and give the parent a timely decision, preferably within two weeks of the request. The parent/guardian who is dissatisfied with the Superintendent's decision may submit a written request to the School Committee for review of the issue. The School Committee should review the issue and give the parent a timely written decision, preferably within four weeks of the request.
7. The Department of Education shall promulgate regulations for adjudicatory proceedings to resolve any and all disputes arising under this section.

48. SUMMER SCHOOL

All rules contained in this Code of Conduct are in effect during summer sessions of the East Longmeadow Public Schools.

49. PARENT OBSERVATIONS IN THE CLASSROOM

The East Longmeadow Public Schools believes parents are important partners in educating students. To that end, we open our classrooms to parents, or their designee, who want to observe the child in the classroom context. The following criteria below shall be followed when an observation is requested:

- a. All observations must be scheduled through the building principal;
- b. The parent or designee and principal will discuss the parameters of the observation prior to the observation taking place;
- c. The observation must be scheduled on a mutually agreed-upon date with the parent, principal and teacher(s);
- d. The parent or designee must report to the school office (as do all visitors) as part of our safe schools program. Parents or their designee will be directed to the classroom by the administration;
- e. The parent or designee must sign the Confidentiality Statement that follows so that both the School District and other classroom parents have assurance that information concerning other students' education remain in the classroom and are not discussed in public;
- f. The parent or designee may only observe a classroom in which the parent's child is enrolled and in attendance that day or in a specific program proposed by the School District for the child;
- g. The parent or designee must be a silent observer at all times and not interrupt or disrupt the educational process of the class;
- h. The parent or designee must refrain from using the observation to critique or evaluate teacher or staff performance;
- i. Given the inherently disruptive nature of observations, more than one observation each quarter is strongly discouraged.

CONFIDENTIALITY STATEMENT

Parent observers in classrooms, and their designees, are required by Massachusetts state law to maintain confidentiality regarding all information about students in the class. As an observer you will have the opportunity to see students in a variety of interactions. By signing this statement, you are acknowledging your understanding of this confidentiality requirement.

I agree to maintain strict confidentiality regarding information or observations about all other students in the classroom where I am observing.

I further agree that the observation of the child is in no way an evaluation of teacher *or staff* performance.

(Parent or Designee Signature)

(Date)

50. FIELD TRIPS

Field trips can bring the school and the community closer together, which can result in real life experiences that enrich the curriculum for students and also bring about better public relations. The School Committee will also encourage field trips as an integral part of the instructional programs in the schools.

All students must have signed, written parental permission for all trips as well as a signed release of liability. Students who do not provide signed parental permission slips and release of liability forms will not be allowed

to participate in field trips. Students are also responsible for getting assignments from teachers whose classes they will miss while on a field trip; this must be done in advance of the trip.

The East Longmeadow Public Schools will ensure that:

- Trips are properly supervised;
- Safety precautions are observed;
- Trips contribute substantially to the educational program;
- Reasonable accommodations are made to promote participation by students with disabilities;
- No transportation is provided in personal motor vehicles unless proof of \$100,000/\$300,000 liability insurance is filed with the principal of each school; and
- All moneys collected for field trips are receipted and deposited within 24 hours; cash is not to be kept in the schools.

Late night and overnight school-sponsored student travel:

Chapter 346 of the Acts of 2002, an Act Relative to Safety of School Sponsored Travel, was enacted by the Massachusetts legislature in October 2002 and requires schools to have policies in place governing late night and overnight school-sponsored travel. Please note the following items:

1. Trip Approval

All out-of-state or extended (overnight) trips and excursions, except those required for student participation in tournament competition or contests, must have advance approval from the School Committee. Fund-raising activities for such trips will be subject to approval by the appropriate Administrator and should not take place until approval has been received. The trip approval process applies only to school-sanctioned trips.

2. Transportation

Trips planned to include late night or overnight student travel will involve pre-trip checks of companies, drivers, and vehicles. The company selected must be licensed by the Federal Motor Carrier Safety Administration. The contract with the carrier will prohibit the use of subcontractors unless sufficient notice is given the District so that it may verify the subcontractor's qualifications.

3. Scheduling

Overnight accommodations will be made in advance with student safety and security as the priority. Every attempt will be made to avoid driving students between the hours of midnight and 6:00 a.m., due to the increased risk of accidents during those hours. Whenever possible, overnight trips will be scheduled on weekends or during school vacations to minimize lost classroom time. Non-academic field trips are considered "optional school programs" and do not count toward structured learning time requirements under 603 CMR 27.00. Academic field trips are, however, counted toward these requirements. If most of a class's members are participating in a trip, the school will provide appropriate substitute activities for any students who do not participate.

4. Fundraising

The amount of time devoted to fundraising should be reasonable and take into account student responsibilities for homework, after-school activities, and jobs. Group fundraising activities are preferred; students will not be assigned individual fundraising targets. Where students are charged a fee for participation in a field trip, the district will make every effort to provide scholarships for those who need them.

5. Supervision of students

Students will be accompanied by a sufficient number of chaperones. All chaperones, including parents and volunteers, must have a CORI check in accordance with Massachusetts General Laws, c. 71, § 38R. CORI checks are recommended but not required by law for bus drivers who do not regularly work for the district and who will not have unsupervised contact with students. A chaperone will always be present when students are on a bus.

6. Scheduling

Field trips will not be scheduled during the last full week (plus any partial weeks) of school in the school year.

51. VOTER REGISTRATION AFFIDAVIT FORMS

Pursuant to Massachusetts General Laws Chapter 51, Section 42E, all public and vocational schools shall make available affidavit of voter registration forms at all locations where students may register for classes. Such locations shall be published along with the annual course listing for students or in some other school-wide publication. Every such school shall publicize the availability of such voter registration affidavit forms within the school.

52. HOMELESS STUDENTS

To the extent practical and as required by law, the East Longmeadow Public Schools will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided the same district services on the same terms as families resident in the district.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Migratory children living in conditions described in the previous examples.

The Superintendent shall designate the Director of Student Services as the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the

school in the attendance area in which the student is actually living, or other schools. Attendance rights are available to homeless families on the same terms as families resident in the district.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parents or guardian shall be informed of the district's decision and their appeal rights in writing. The district's liaison will carry out dispute resolution as provided by state rule. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. Homeless students are entitled to the same transportation programs, on the same terms, as families resident in the district.

The district's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and such.

53. NON-DISCRIMINATORY POLICY, 603 CMR 26.00

IT IS THE POLICY OF THE EAST LONGMEADOW PUBLIC SCHOOLS, PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), SECTION 504, CHAPTER 622, TITLE IX, AND RELATED FEDERAL AND STATE STATUTES, NOT TO DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION, DISABILITY OR HANDICAP.

NO PERSON SHALL, ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION, DISABILITY OR HANDICAP BE DENIED EQUAL ACCESS OR ADMISSION TO SCHOOL PROGRAMS, COURSES, EXTRACURRICULAR ACTIVITIES AND EMPLOYMENT OPPORTUNITIES.

It is the policy of the East Longmeadow Public Schools to fully abide by all state and federal statutes and the regulations promulgated thereunder which prohibit discriminatory acts.

Students will not be excluded from school based on marital status or pregnancy.

Any student, parent or guardian in the East Longmeadow Public School District who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the basis of gender, race, color, religion, national origin, or handicap, in violation of this policy, may file a written grievance with the Director of Student Services.

54. CELL PHONE AND PORTABLE COMMUNICATION DEVICES

The School Committee recognizes that today's society is different from previous generations. Cell phones and portable communication devices (PCDs) play an important part in employee and student safety

and communications. Cell Phones and PCDs are defined as current and emerging technologies that are wireless units that send and/or receive electronic communications in an analog or digital data transmission. The possession or use of cell phones and PCDs are prescribed for students as follows:

- A. Students may possess and carry cell phones and PCDs; however, these units must be turned off during the academic school day to ensure that disruptions and interference of the instructional and academic climate of the school do not occur. For that reason, parents should refrain from calling and/or text messaging their child's cell phone during the school day.
- B. Students may not use or operate cell phones or PCDs during the school day. The "school day" is defined as once the first hour starts and throughout the day until the last hour/bell is over. Additionally, school meetings, activities, events, and field trips are defined as extensions of the school day.
- C. The school administration may, in its sole discretion, grant exceptions for cell phones and PCD use based upon critical need and appropriate documentation.
- D. Students may use their cell phones and PCDs before and/or after school.
- E. Students who violate this policy may face disciplinary actions by the administration. Additionally, cell phones that are used during the day will be confiscated; parents may pick them up after school.
- F. The School District will not be liable for any property not picked up by parents within 48 hours of notification (refer to the Code of Conduct).

55. PROFICIENCY BASED PROMOTION

Students in the East Longmeadow Public Schools will be permitted to receive credit in any grade level / academic curriculum area by scoring at least 90% on a criterion-referenced assessment designed for that specific grade level / curriculum area.

I. Proficiency Based Promotion

- A. Upon the written request of a student, parent, guardian, or educator, a student will be given the opportunity to demonstrate proficiency in one or more areas of the core curriculum.
 1. Proficiency will be demonstrated by assessment on a criterion test that correlates to the actual curriculum taught in East Longmeadow Public Schools.
 - a. Elementary students (Grades 1-8) must demonstrate proficiency in all core curricula in order to skip a grade level. Individual subject assessments will not be part of elementary proficiency promotion. The core curricula areas are as follows:
 - History and Social Science
 - English Language Arts
 - Mathematics
 - Science
 - b. High School students (Grades 9-12) must demonstrate proficiency in order to skip courses and document mastery on the official transcript. High School students will be allowed to take proficiency assessment in multiple subject areas. Proficiency in all laboratory sciences will require that students are able to perform relevant laboratory techniques. The honors core curricula areas are as follows:
 - History and Social Science
 - English Language Arts
 - Foreign Languages

- Mathematics
 - Science
2. Proficiency for advancing to the next level of study will be demonstrated by a score of 90% on the criterion test.
 3. Eligible students are those who are legally enrolled in East Longmeadow Public Schools.
 4. Tests will be offered annually in June of each year. Students will be required to register for the proficiency assessment prior to May 31st of each year.
 5. Students may take the proficiency test option only once for the specified grade level or high school course.
 6. The proficiency test must be in the grade level/high school course the student has not taken.
 7. The proficiency test must move the student forward in sequence as per the Program of Studies/District-wide curriculum.
 8. Accommodations to proficiency testing will be approved for eligible students consistent with their current approved IEP or 504 plan.
 9. All test results remain property of East Longmeadow Public Schools and must not be photocopied nor disseminated.
- B. Students demonstrating proficiency in a core curriculum area will be given credit for their learning and will be given the opportunity to advance to the next level of study in the appropriate grade level or high school curriculum area.
1. The school will confer with parents in making such promotion/acceleration decisions. Such factors as social and emotional growth should be considered.
2. If a student passes a proficiency test (90%) and the parent or guardian requests promotion/acceleration against the recommendation of school administration, the parent or guardian shall sign a written statement allowing the acceleration. This statement shall be included in the cumulative file of the student.
3. Failure to demonstrate proficiency will not be noted on the high school student's transcript nor the elementary/middle school student's permanent record.
 4. If proficiency of at least 90% is demonstrated in a 9-12 curriculum area, the student will be granted an "A" on his/her official high school transcript. The unit shall count toward meeting the credit requirements for the high school diploma.
 5. All students must maintain a full course load each year of enrollment in the East Longmeadow Public Schools.
- C. Proficiency assessment measures mastery of the Massachusetts Curriculum Frameworks in the same way that curriculum and instruction are focused on the Massachusetts Curriculum

Frameworks. In other words, assessment will be aligned with the state curriculum and local instruction.

- D. Proficiency testing measures skills and knowledge already learned by a student. The East Longmeadow Public Schools will not provide study materials or advanced preparation to students.
- E. Each institution of higher education will review and interpret the High School transcript and is the sole authority on admissions criteria.

56. EAST LONGMEADOW POLICY ON DISSECTION & ALTERNATIVES

In accordance with the 2005 Massachusetts Board of Education's Policy on Dissection and Dissection Alternatives, our School District has developed the following policy.

Participation in hands-on science is important to learning science and dissections are a valuable learning experience in which all students are encouraged to participate. When dissection is used in the classroom:

- Teachers will thoroughly explain the learning objectives of the lesson and use written and audio-visual materials as appropriate to maximize the educational benefits of the experience.
- All specimens will be treated with respect.
- All students will be informed, prior to the dissection, that they have the option of discussing individual concerns about dissection with the appropriate teacher.
- Upon completion of the dissection, the remains will be appropriately disposed of as recommended by the local board of public health.

The science classes that include dissection must also include dissection alternatives. Upon written request of a student's parent or guardian, our school will permit a student who objects to dissection activities to demonstrate competency through an alternative method.

The procedure for a student to participate in an alternative activity in place of dissection is as follows:

- The student will notify the science teacher of the student's choice to participate in an alternative activity in place of participating in a dissection.
- The student will submit a written request from his or her parent/legal guardian to the science teacher or to the school principal.
- The student will be provided an alternative activity to be determined by the teacher who will specify in writing what is expected of the student. Alternative activities should allow students to gain the same content knowledge as a dissection activity and should allow for a comparable investment of time and effort by the student.
- The student will accept responsibility for completing the alternative activity within the assigned time and is expected to learn the same content knowledge as if the student were performing the dissection activity.
- The student will be subject to the same course standards and examinations as other students in the course.

This policy will be included in the Code of Conduct book and will also be provided to all teachers of science classes that may include dissection activities.

57. CHILD ABUSE

It shall be the policy of the East Longmeadow School District to report all cases of suspected child abuse consistent with M.G.L. c. 119, § 51A (see language from Section 51A, following). All employees are to report any suspected child abuse to their building principal or immediate administrator. All administrators

must file any suspected child abuse with the Commonwealth of Massachusetts, Department of Social Services: 413-452-3200, and inform the Superintendent of Schools.

The following is selected from the Massachusetts General Laws of Chapter 119: Section 51A:

“Any physician... public or private school teacher, educational administrator, guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth... school attendance officer... clinical social worker... to supervise, educate, coach, train or counsel a child on a regular basis...

...who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section.

Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Any person who knowingly files a report of child abuse that is frivolous shall be punished by a fine of not more than one thousand dollars.

Said reports shall contain the names and addresses of the child and his parents or other person responsible for his care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect; the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; whatever action, if any, was taken to treat, shelter, or otherwise assist the child; the name of the person or persons making such report; and any other information which the person reporting believes might be helpful in establishing the cause of the injuries; the identity of the person or persons responsible therefore; and such other information as shall be required by the department.

Any person required to report under this section who has reasonable cause to believe that a child has died as a result of any of the conditions listed in said paragraph shall report said death to the department and to the district attorney for the county in which such death occurred and to the medical examiners as required by section six of chapter thirty-eight. Any such person who fails to make such a report shall be punished by a fine of not more than one thousand dollars.

No person so required to report shall be liable in any civil or criminal action by reason of such report. No other person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said neglect. Any person making such report who, in the determination of the department or the district attorney may have perpetrated or inflicted said abuse or cause said neglect, may be liable in a civil or criminal action.

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who in good faith makes such a report, testifies or is about to testify in any proceeding involving child abuse or neglect. Any such employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney's fees.

Within sixty days of the receipt of a report by the department from any person required to report, the department shall notify such person, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child, and the social services that the department intends to provide to the child or his family.”

58. E.L.P.S. ASBESTOS MANAGEMENT PLAN

Per Federal EPA Regulations (40 CFR Part 763; AHERA) we are hereby notifying you of the availability of our Asbestos Management Plan and associated records. Although some or all of the asbestos may have been abated in the past, we may still be required to perform annual notifications of the availability of records. For the remaining asbestos containing materials (ACM’s) in our schools, we are responsible for performing internal six month periodic surveillance checks, three year re-inspections by a Licensed Asbestos Inspector, internal Operations and Maintenance training and procedures, and occasional abatement with follow-up air sampling for the remaining ACM’s in our buildings. Often, these asbestos abatements &/or removals are performed not as a hazard response but as a requirement, prior to a building renovation. Any Asbestos removal projects we have done are always conducted by Licensed Abatement Professionals with follow-up air sampling. **Even if we have a newer school in our system (built after 1988), we are still obligated to perform limited communications regarding the availability of our Asbestos Management Plan.*

The following East Longmeadow schools have an Asbestos Management Plan and records available for your review:

East Longmeadow High School
Mapleshade School
Meadowbrook School
Mountainview School
Birchland Park School

If you have any questions with regard to past current or future asbestos inspections, response actions/abatements or air sampling performed, please feel free to contact the Superintendent’s office.

59. E.L.P.S. WELLNESS POLICY

East Longmeadow Public Schools believes students and staff need access to healthy foods and opportunities to be physically active in order to grow, learn, and thrive. Good health fosters student attendance and education. In compliance with Section 204 of Public Law 108-265 of the Child Nutrition and WIC Reauthorization Act, we believe community participation is essential to the development and implementation of successful school wellness policies.

Thus, the East Longmeadow Public School District is committed to providing school environments that promote and protect children’s health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the District that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.

- Foods and beverages sold or served at school will promote the nutrition recommendations of the *U.S. Dietary Guidelines for Americans*.
- Qualified nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students and will provide clean, safe, and adequate time for students and staff to eat.
- To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (National School Lunch Program).
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

SIX CONDITIONS TO ACHIEVE THESE POLICY GOALS:

I. Community Involvement and The Health Advisory Council

The school district will create and maintain a Health Advisory Council. This council shall be district-wide and representative of all five schools in the district. The membership of the Council will include staff, students, parents, administrators, members of the public and School Committee representation.

One of the purposes of the Health Advisory Council shall be to develop, implement, monitor, review, and, as necessary, make recommendations on revisions to the wellness policy.

Additional supplemental East Longmeadow School Policies for reference include: BDF, CE, JIB, and KCB.

II. Nutritional Guidelines and Standards For Schools

A. School Meals

The School Food Service Program will continue to follow the USDA requirements for the Federal School Meals Program and the School Meals Initiative for Healthy Children of 1996 (Dietary Guidelines for Americans).

The nutritional requirements for school lunches are:

- Must provide 1/3 the Recommended Daily Allowance for:
 - Calories
 - Protein
 - Vitamin A
 - Vitamin C
 - Calcium
 - Iron

No more than 30% of an individual's calories come from fats

Less than 10% of an individual's calories come from saturated fats.

Meals served through the National School Lunch Program will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;

- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer fiber rich fruits, vegetables and whole grains often
- serve milk with a fat content of 2% or less

Such information will be made available on menus, a website, on cafeteria and menu boards.

B. Meal Times and Scheduling. Schools:

- will provide students with at least 20 minutes for lunch daily;
- will, to the extent possible, schedule lunch periods at the approximate mid point of the school day;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (*e.g.*, orthodontia or high tooth decay risk).

C. Qualifications of School Food Service Staff

Qualified nutrition professionals will administer the school meal programs. As part of the school district’s responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for the Food Services Director, school cafeteria/nutrition managers, and cafeteria workers, according to their levels of responsibility.

D. Sharing of Foods and Beverages

Schools will discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children’s diets.

E. Foods and Beverages Sold Individually (*i.e.*, foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, school fundraisers, school stores, etc.)

All foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

i. Beverages

- Allowed: water or seltzer water without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 100% fruit juice; unflavored or flavored milk; and flavored water.

- Not allowed: soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 100% real fruit juice or that contain additional caloric sweeteners and vitamin enriched water.

ii. Foods (a la carte and vending machines)

- A food item sold individually or as a la carte will:
 - Emphasize fruits, vegetables, whole grains, and low fat milk;
 - Include lean meats, poultry, fish, beans, eggs, and nuts;
 - Include foods low in saturated fats, trans fats, cholesterol, salt, and added sugars.

Foods will also adhere to the following:

- Snacks will be 10 grams of fat or less;
- Include water;
- Juices will be only 100% real fruit juice ;
- Ice cream/ yogurt products will be 8 grams of fat or less.

iii. Vending Machines

- Vending snacks will contain 10 grams or less of fat;
- All vending machines on school campus will only offer water and 100% juices;
- In order to increase calcium consumption in students, flavored milk in vending machines will be available

iv. Portion Sizes:

- Limit portion sizes of foods and beverages sold individually to those listed below:
 - Two ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
 - Two ounces for cookies;
 - Two ounces for cereal bars, granola bars, muffins, bagels, and other bakery items;
 - Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
 - Eight ounces for non-frozen yogurt;
 - Twenty fluid ounces or less for beverages, excluding water.

G. Fundraising Activities. To support children’s health and school nutrition-education efforts, school fundraising activities will not involve food or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity.

H. Snacks. Snacks served by the school during the school day or in after-school care or enrichment programs will make a positive contribution to children’s diets and health, with an emphasis on serving fruits and

vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations.

I. Rewards. Schools will not use foods or beverages as direct rewards for academic performance or good behavior, and will not withhold food or beverages as a punishment. Food items cited in a student's IEP, and in compliance with this policy, will be allowed.

J. Celebrations. Schools should limit celebrations that involve food. Any food item used in classrooms/school celebrations must conform to the district nutrition standards for foods and beverages sold individually (above). Foods provided by parents for classroom celebrations must also meet these same standards as above. Foods must also comply with the ELPS Life Threatening Allergies Policy.

Additional supplemental East Longmeadow School Policies for reference include: BGD, EEAEC-2, JA, and Food Allergies.

III. Nutrition Education

All students in grades K-12 should receive nutrition education. The East Longmeadow Public Schools aim to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level as part of a sequential, comprehensive, standards-based program, taught by a certified health teacher and/or FACS teacher, designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- links with school meal programs, other school foods, and nutrition-related community services;
- teaches media literacy with an emphasis on food marketing; and
- includes training for teachers and other staff.
- Fosters appreciation for good nutritional foods through the FACS and Culinary Arts curricula.

A. Communications with Parents. The district will support parents' efforts to provide a healthy diet and daily physical activity for their children. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for

individual foods and beverages. The district will provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities.

East Longmeadow Public Schools will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will include sharing information about physical activity and physical education through a website, newsletter, or other take-home materials, special events, or physical education homework.

B. Food Marketing in Schools. School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually. School-based marketing of brands promoting predominantly low-nutrition foods and beverages is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment; educational incentive programs that provide food as a reward; programs that provide schools with supplies when families buy low-nutrition food products; in-school television, such as free samples or coupons; and food sales through fundraising activities. Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

Staff Wellness. The East Longmeadow School District highly values the health and well-being of every staff member and will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle. The purpose of staff nutrition and physical education is to:

- Encourage all school staff to improve their own personal health and wellness
- Improve staff morale
- Create positive role modeling
- Build the commitment of staff to promote the health of students
- Build the commitment of staff to help improve the school nutrition and physical activity environment.

Nutrition and physical activity education opportunities will be provided to all school staff. These educational opportunities may include, but are not limited to, the distribution of educational and informational materials and the arrangement of presentations and workshops that focus on nutritional value and healthy lifestyles, health assessments, fitness activities, and other appropriate nutrition and physical activity-related topics.

Additional supplemental East Longmeadow School Policies for reference include: IA, IGA, IHAM, and JL.

IV. Physical Activity Opportunities and Physical Education

A. Physical Education (P.E.) K-12. All students in grades K-12 will be offered physical education. All physical education will be taught by a certified physical education teacher.

B. Integrating Physical Activity into the Classroom Setting. For students to receive the nationally-recommended amount of daily physical activity (*i.e.*, at least 60 minutes per day) and for students to fully

embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity should be incorporated into other subject lessons; and
- classroom teachers are encouraged to provide short physical activity breaks between lessons or classes, as appropriate.

C. Daily Recess. All elementary school students will have at least 12 minutes a day of supervised recess, preferably outdoors, during which schools should verbally encourage moderate to vigorous physical activity as well as through the provision of space and equipment.

D. Physical Activity Opportunities Before and After School. All middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. Schools and the town will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

Additional supplemental East Longmeadow School Policies for reference include: AD, ADA, IHA, and IHAE.

V. Monitoring and Policy Review

A. Monitoring. The Superintendent or his/her designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district superintendent or designee.

School food service staff, at the school and district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the superintendent.

The Superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the School Committee and also distributed to the District Health Advisory Committee, parent/teacher organizations, school principals, and school health services personnel in the district.

B. Policy Review. To help with the initial development of the district's wellness policies, the district conducted a baseline assessment of the district's existing nutrition and physical activity environments and policies. The results were compiled at the district level to identify and prioritize needs.

Assessments will be repeated periodically as needed to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the school district will review the nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district will, as necessary, revise the wellness policy and develop action plans to facilitate its implementation.

Additional supplemental East Longmeadow School Policies for reference include: AE, BA, BG, BGC, BGE, CH, CHB, CL, and IL.

VI. Guidelines For Reimbursable School Meals

- A. Free and Reduced-priced Meals.** Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals. Toward this end, schools may utilize electronic identification and payment systems and promote the availability of school meals to all students.

Any child at a participating school may purchase a meal through the NSLP. Children from families with incomes at or below the 130% of the poverty level are eligible for free meals. Those between 130%-185% of the poverty level are eligible for reduced price meals, for which students can be charged not more than \$0.40.

Children from families with incomes over 185% of the poverty level pay full price, though their meals are still subsidized to some extent. Local school food authorities set their own prices for full-priced meals.

In addition to cash reimbursements, schools are entitled by law to receive commodity foods (entitlement foods) at a value of 0.1750 cents for each meal served. Schools can also get bonus commodities as they are available from surplus stocks. Under the School Meals Initiative, USDA also provided schools with technical training and assistance to help school food service staffs prepare healthy meals, and nutrition education to help children understand the link between diet and health.

60. LIFE THREATENING ALLERGIES

The East Longmeadow Public Schools realizes the increased frequency of life-threatening allergies (LTA) among students. It is imperative that parents notify school administration regarding allergies and health issues with their children. Upon notification of a student with life-threatening allergies by a parent/guardian, with documentation from a physician, the school will follow the six identified areas of care as identified below:

I. Annual Procedures

1. The principal will take all reasonable steps to minimize the risk of exposure to allergens that pose a threat to East Longmeadow students including, but not limited to, the following:
 - a) The parents, principal, school nurse, and teacher will communicate prior to the start of the school year to discuss the student's allergies and how best to provide a decreased risk environment.
 - b) The school will develop an emergency response plan on behalf of the student which will be reviewed and practiced twice during the school year. The first review will occur during the first month of school.
2. The parents will assist the principal by providing the administration with materials about these allergies from their physician.
3. The school nurse will develop an Individual Health Care Plan (IHCP) which will be signed by the parent/guardian, school nurse, treating physician, and the principal. The school nurse will also provide awareness training for all school personnel on life threatening allergies during the first month of school. Classroom teachers of students with LTA in their rooms will be trained prior to the students' first day of school. The remainder of the staff will be trained before the end of the first quarter.

4. The school nurse will provide information to students in classrooms with LTA students about allergies prior to the end of September.
5. An Emergency Health Plan will be disseminated, with the parents' permission, to the appropriate staff. Emergency plans must delineate the following:
 - a) Prescribed medications and personnel responsible for administering them;
 - b) Prescribed indications for administering medication (i.e., immediately upon contact with allergen or only if the student begins to demonstrate signs/symptoms of exposure);
 - c) Instructions for activating the emergency medical system (and school nurse if off site); and
 - d) Instructions for contacting the student's parent(s) and physician.

II. Daily Procedures:

1. The Individual Health Care Plan or 504 Plan for a student will be active on a daily basis.
2. The teacher will communicate immediately with the nurse and office in the event of an emergency.
3. The school nurse will carry a stock Epi-pen that will go with the nurse during all school evacuations.
4. The school nurse will have a supply of Epi-Pens in the nurse's office and in an unlocked safe area if needed.

III. Classroom Procedures:

1. All staff will follow the procedures in the student's IHCP and/or Section 504 Plan every day.
2. Class projects will avoid known allergens.
3. The teacher and/or principal will send out reminder notes periodically on food safety rules and encourage non-food celebrations.
4. The School District, as well as the student's classroom teacher, will maintain the policy of no food-sharing.
5. The art teacher and/or classroom teacher will ensure that if food containers are used in class, all new product containers will be washed with soap and hot water prior to being used. Art supplies will be monitored for allergen content.

IV. Snacks, Lunches and Foods:

1. Students will be encouraged to wash their hands before and after lunch and snack.
2. The cafeteria staff will ensure that tables and chairs are cleaned before and after lunch.
3. A policy of no trading or sharing food or snacks will be enforced district-wide.
4. If a food item is necessary to the project, the teacher will review the project with the Student's parents at least two days prior to the project to ensure that the food items are safe for the Student.

V. Field Trips:

1. This LTA policy extends beyond school grounds to include school-sponsored class trips. Students will not be permitted to eat on the bus; and bagged snacks will be kept in a closed container until snack/lunch time.
2. The teacher and nurse will ensure that a site-specific emergency plan is developed for each field trip.
3. The teacher will carry a cell phone on all field trips.
4. A designated staff person will be appointed and responsible for the supervision of the student during the entire field trip.

VI. Substitute Teachers:

1. The Student's teacher will prepare a substitute file containing a copy of the Student's IHCP and/or Section 504 Accommodation Plan, to be placed in a specific location in the classroom that is known to the nurse, principal, and teachers in adjacent classrooms.
2. In the event that a substitute teacher is assigned to the class, the principal will notify the nurse.
3. The nurse and/or principal will ensure that there is a trained designated staff person either in the Student's classroom or adjacent classroom at all times when a substitute teacher is assigned to the Student's class.

61. SAFE SCHOOLS NOTICE TO PARENTS

Schools and parents share a common concern and responsibility for the safety of students. Each school year schools encounter problems where students are left remaining after hours unsupervised in school buildings. Students remaining on school grounds must be in a supervised activity. All other students must leave the campus promptly after the dismissal bell. Students are not allowed to wait for other students who are in supervised activities, nor should older students be designated to supervise other students. This practice is unsafe. Furthermore, students exiting one campus should not trespass onto any other school campus. We appreciate your cooperation in keeping all our students safe.

62. SAFE SCHOOLS HOT-LINE: 24 hours a day, seven days a week, 365 days a year.

East Longmeadow Public Schools

**SAFE SCHOOLS
HOT-LINE**

525-5324
24 hours a day

Call this anonymous recorded line if you know of
unsafe school issues or violence.
You do not have to give your name.

64. MCAS PREPARATION/TUTORIAL SERVICES PARENT WAIVER

From time to time, the school administration will recommend school-based tutorial/MCAS preparation services for a child in lieu of other elective offerings. If parents do not want to follow the educational recommendations of the school administrator, they must sign the parent waiver below:

We/, _____ (hereinafter, "Parents) of _____, East Longmeadow, Massachusetts, acknowledge herewith that we have freely, voluntarily, and of our own accord waived, the MCAS preparation/tutorial services recommended for our son/daughter, _____, by the East Longmeadow Public Schools.

The Parents hereby forever waive any and all claims which were or could have been raised before any state or federal agency or court of competent jurisdiction with regard to the provision of MCAS preparation/tutorial services pursuant to federal and state laws and the regulations promulgated thereunder.

The Parents, on behalf of themselves and their son/daughter, hereby release, acquit, and forever discharge the East Longmeadow School Committee, and all past and current employees of the East Longmeadow Public Schools, in both their official and individual capacities, from any and all claims, demands, causes of action, obligations, liabilities, and damages of any kind, either at law or in equity, whether or not now known, suspected, or claimed, which the Parents and their son/daughter may have from the beginning of time and in perpetuity with regard to the provision of MCAS preparation tutorial services, or lack thereof, to and on behalf their son/daughter.

Signed and sworn to this _____ of _____, _____(year).

Witness

Parents, individually and on behalf of their son/daughter

65. NCLB TITLE 1 "RIGHT TO KNOW" COMPLIANCE STATEMENT

The East Longmeadow Public Schools, in accordance with No Child Left Behind (federal law), hereby informs all parents that they have the right to know the following information regarding their child's classroom teacher(s):

- a. Whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he/she teaches.
- b. Whether the teacher is teaching under emergency or provisional status because of special circumstances.
- c. The teacher's college major, whether the teachers has any advanced degrees, and the field of discipline of the certification or degree.

PUBLIC HEALTH FACT SHEET

H1N1 Flu (Swine Flu)

Massachusetts Department of Public Health, 250 Washington Street, Boston, MA 02108

d. Whether paraprofessionals provide services to your child and, if so, their qualifications. The East Longmeadow Schools, in compliance with federal law, will provide you with the above information in a timely manner, if you request it in writing.

66. REPORTING OF RACE AND ETHNIC INFORMATION

Every school district in Massachusetts is required to report to the Massachusetts Department of Education each year student data by race and ethnicity categories that are set by the federal government. The federal government recently changed the reporting categories for student data. As a result, you have the opportunity to update the student data on your child, if you wish to do so. With the new reporting categories, you may now identify your child by ethnic group (either Hispanic/Latino or Not Hispanic/Latino) and by one or more racial groups (American Indian/Alaska Native, Asian, Black/African-American, Native Hawaiian/Other Pacific Islander, or White).

67. H1N1 (swine) FLU Information and PROTOCOL

What is H1N1 influenza?

H1N1 flu, also known as “swine flu,” is a respiratory disease caused by a type of influenza virus. There are several different types of the “H1N1” flu virus. One type causes illness in pigs. Another type causes illness in people. (Occasionally, the H1N1 virus from pigs can cause illness in humans and the H1N1 virus from pigs can cause disease in humans.) Recently, a new type of H1N1 flu has been found to cause illness in people. Since March 2009, there have been many cases of this new type of H1N1 flu in the United States and around the world.

What are the symptoms of the new H1N1 flu in people?

The new H1N1 flu causes symptoms very similar to seasonal flu. Just like seasonal flu, the most common symptoms are fever, cough, and sore throat. They can also include body aches, headache, chills and feeling very tired. Some people also have diarrhea and vomiting.

How would I know if I have the new H1N1 flu?

If you have symptoms of influenza, contact your healthcare provider. He or she will decide what type of testing (if any) and treatment is right for you. Most people who are otherwise healthy, and who have mild illness, do not need to be tested. Your healthcare provider may recommend testing if you are very ill or have a high risk of complications with influenza (for example if you are over 65, immunosuppressed, or chronically ill). If you think you might have H1N1 or seasonal flu and you need to see your health care provider, you should call ahead and let them know you might have the flu. That way, precautions can be taken to avoid the spread of flu to others.

How is the new H1N1 flu treated?

People sick with any type of flu should make sure to drink enough fluids, get plenty of rest, eat healthy foods, wash hands frequently and stay home to avoid spreading the flu to other people. Drugs used to treat seasonal flu, called antivirals, can also be used to treat the new H1N1 flu. A few influenza viruses, including H1N1, have been resistant to some, but not all, of these drugs. Healthcare providers may recommend that people who are sick with a flu-like illness receive an antiviral medication.

What if I live in or have recently been to an area where the new H1N1 flu in humans has been found?

If you live in or have recently traveled to an area affected by H1N1 flu, be watchful for any flu-like symptoms. If you are experiencing any symptoms, stay home to avoid exposing others. Contact your healthcare provider and he or she will decide what type of testing (if any) and treatment is right for you.

Is there a vaccine for the new H1N1 flu?

Right now there is no vaccine to protect against H1N1 influenza. According to U.S. Centers for Disease Control and Prevention (CDC), it is unlikely that the vaccine for seasonal flu will prevent the new H1N1 flu. However, the federal government is working with vaccine manufacturers to develop a vaccine that is expected to be available in several months.

How can I protect myself and others from the new H1N1 flu?

You can protect yourself and others from the new H1N1 flu the same way that you protect yourself from seasonal flu. Avoid holding, hugging, kissing, or shaking hands with anyone who has a cold or the flu. Wash your hands often with soap and warm water, or use an alcohol-based hand sanitizer. Avoid touching your nose, mouth or eyes. Clean things that are touched often like door handles, telephones, faucets, etc. **If you get sick with a flu-like illness stay home from work and school and avoid contact with others so the virus does not spread.**

All people with the new H1N1 flu and flu-like illness who are not hospitalized should stay at home to prevent spread of illness to other people.

People who have flu-like illness should do the following while recovering at home:

- Check with your health care provider(s) about any special care you might need if you are pregnant, immunosuppressed, or have a health condition such as diabetes, heart disease, asthma, or emphysema..
- Check with your health care provider about whether or not you should take antiviral medications.
- **Stay home for at least 7 days after onset of illness; or until free of symptoms (including fever) for 24 hours, which ever is longer.** Avoid close contact with others as much as possible, even at home.
- Identify a single household member as the ill person's caregiver to minimize interactions with others.
- Get plenty of rest.
- Drink clear fluids (such as water, broth, sports drinks, or electrolyte beverages for infants) to keep from getting dehydrated.
- Cover coughs and sneezes.
- Clean hands with soap and water or an alcohol-based hand sanitizer often and especially after using tissues and after coughing or sneezing into hands.
- Never cough or sneeze in the direction of someone else.
- Be watchful for emergency warning signs (see below) that might mean you need to seek medical attention.

Get medical care right away if the sick person at home:

- Has difficulty breathing or chest pain
- Has purple or blue discoloration of the lips
- Is vomiting and unable to keep liquids down

- Has signs of dehydration such as dizziness when standing, absence of urination, or in infants, a lack of tears when they cry
- Has seizures (for example, uncontrolled convulsions), is less responsive than normal or becomes confused

If someone in my house is sick, but I'm not, do I need to stay home?

You do not need to stay home or out of school if you are not sick. However, it is recommended that you limit unnecessary contact with other people as much as possible. If you start feeling sick, especially with fever, cough, sore throat and feeling tired, you should stay at home and minimize contact with others as much as possible.

Is it safe to cook and eat pork and pork products?

Yes. It is safe to eat properly handled and cooked pork and pork products. Influenza viruses are not spread by food. You cannot get H1N1 from eating pork or pork products.

For more information about seasonal flu, pandemic flu, avian flu and H1N1, please visit the websites listed below or contact the Massachusetts Department of Public Health, Division of Epidemiology and Immunization at 617-983-6800.

- **Massachusetts Department of Public Health website on influenza**
<http://www.mass.gov/dph/swineflu>
- **Center for Disease Control (CDC) websites on H1N1**
<http://www.cdc.gov/swineflu/>

May 4, 2009

ELPS H1N1 PROTOCOL:

SCHOOL TO STATE INFORMATION:

- 1.) Discovery of Symptoms (such as fever, chills, cough, sore throat, aches, headache, dizziness, nausea, vomiting, fatigue).
- 2.) Employee observes student or staff with symptomatic conditions.
- 3.) Student or Employee is sent to school nurse office. If there are no confirmations of symptoms, the student or employee may return to class/work.
*****If symptoms are confirmed by the nurse, continue protocol:**
- 4.) School building principal is notified with confirmation for consultation.
- 5.) Parents notified to pick up student within 60 minutes. School recommends seeing health care provider as soon as possible.
- 6.) A *Medical Clearance* from a health care provider (see letter for parents) is required to return to school. A sick child must stay home at least two days without fever or symptoms of illness. The *Medical Clearance* must be delivered to school prior to return of student.
- 7.) If student is a bus student, the bus driver of student is informed = (no ride until further notice).
- 8.) Student's teachers informed by administration of temporary exclusion (no admission).
- 9.) If the health care provider confirms the student/employee is ok to return to school- the student or employee may return to class/work.
- 10.) School will notify central office of returning student to resume student services/bus transportation.
*****If the health care provider confirms H1N1 (tests positive), continue protocol:**
- 11.) Superintendent is notified by school principal.

- 12.) Superintendent notifies local Health Agent, School Committee/School Physician/District Partners.
- 13.) All household students/employees of confirmed student are excluded from school and must get a *Medical Clearance* to return to school/work.
- 14.) Specific confirmed H1N1 student(s)/employee(s) will be excluded from school/work and must stay home a minimum of 7 days. Students/employees are not allowed to attend events on campus.
- 15.) Superintendent maintains communications with local Health Dept/Health Agent/School Physician.
- 16.) Sanitizing of entire school as needed. Schools currently practice this.
- 17.) *Medical Clearance* testing results of Household students/employees will determine additional health measures.

STATE TO SCHOOL INFORMATION:

- 1.) State health Dept. notifies local health department / Local Health Agent of confirmed student/staff. (State may notify school nurses directly).
 - 2.) Board of Health / Local Health Agent notifies Superintendent of Schools
 - 3.) Superintendent notifies building principal and administrators.
 - 4.) Superintendent notifies School Committee/School Physician/District Partners.
- See step 13 in above protocol and follow steps 13-17.

68. FIRST AID POLICY

First Aid is defined as the immediate and temporary care given to an injured or ill person. The student/staff member may be sent back to class, may be dismissed home safely, referred to a Primary Care Physician for a medical evaluation or treatment, or may need to be transported to the ER, depending on the situation.

ELPS provides a safe environment for students. The school nurse is responsible for the care of sick or injured students at school. If an accident or sudden illness occurs and the school nurse is not available, school personnel will administer First Aid. If it is evident that further treatment is necessary, a referral for medical evaluation or treatment will be made. All school staff are responsible for the welfare of students. If conditions appear serious and/or life-threatening, call 9-911.

At each school, procedures are in place to manage an injury or illness of a student or staff member. The following requirements will be implemented by all school staff.

1. The school nurse or other trained staff will be responsible for administering First Aid. (refer to File: EBB Protocol of First Aid for current recommendations)
2. When the nature of an illness or an injury appears serious, every effort will be made to inform parents/guardians.
3. No young student who is ill or injured will be sent home alone and a designated adult must be there to receive him/her. Any older student will not be sent home alone, unless the illness/injury appears minor. .

4. In emergencies, the school nurse/ principal/ school physician may make arrangements for immediate transport to an Emergency Room, and every effort will be made to notify parents and physician, beforehand, if possible.
5. An accident report should be filled out for every illness or injury that requires a referral for medical evaluation or treatment.
6. All student/staff accidents that require an accident report will be reported as soon as possible to the principal; who will in turn notify the Superintendent/Director of Student Services / Nursing Director.

Parent's Notice of Procedural Safeguards

Dear Parents:

You are receiving this Notice of Procedural Safeguards (Notice) because your son or daughter (student) has been referred for an evaluation or is currently receiving special education services. If your student is eligible for special education, the school district must provide a free appropriate public education commonly referred to by the acronym FAPE. In order to provide a FAPE the school district must work in partnership with you. You will be a member of the IEP team that will consider your student's unique needs and develop an individualized education program or [IEP](#), for your student. The IEP must provide instruction that is tailored to your student's unique needs and includes sufficient support services to enable your student to make meaningful educational progress and to assist your student in acquisition of knowledge and skills, including those necessary for social and emotional development according to appropriate chronological and developmental expectations. Any special education services identified for your student must be provided at public expense with no cost to you. All students in the Commonwealth's public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for its resident students with disabilities who attend private schools at private expense, and who seek public special education services.

Both [State and federal laws](#) contain rules that school districts must follow when deciding if a student is eligible for special education and, if so, what services the student will receive. These laws also provide detailed procedures for ensuring that the student receives a FAPE during the entire time he or she is eligible for special education. Special education is a highly complex and regulated area of education law. The detail in the law is intended to protect your student and to help ensure that he or she receives appropriate educational services. You can get additional help in understanding the special education process from your school guidance office, the Massachusetts Department of Elementary and Secondary Education (ESE), organizations for parents of students with disabilities, and private special education organizations. Information from these sources will help you work in partnership with your school district to make sure that your student receives appropriate educational services.

This Notice provides you with important information on your right to be involved in planning your student's special education. Procedural safeguards are the specific rules that make sure that you know what the school district is proposing to do ("receive notice"), agree with the school district's plan ("give parental consent") and have a range of opportunities for resolving disagreements with the school district ("due process"). Procedural Safeguards in the law also provide additional protections outlined in this document.

We hope this Notice will be of assistance to you as you take an active role in your student's educational experience.

This document, the Parent's Notice of Procedural Safeguards, answers the following questions:

1. [What is "prior written notice" and when do you receive it?](#) Page 2
2. [What is "parental consent" and when must the school district ask for your consent?](#) Page 2
3. [What is an "independent educational evaluation"?](#) Page 4
4. [When can you see your student's student records?](#) Page 5
5. [How can parents and schools resolve disputes?](#) Page 5
6. [What are your responsibilities if you place your student in a private school?](#) Page 10
7. [What must be done to plan for your student's transition from school?](#) Page 10
8. [How may a school discipline a student with a disability?](#) Page 10
9. [Where can the laws and regulations and other useful information be found?](#) Page 12

You will receive this Notice at least once each year if your student is identified as eligible for special education. You can also request a copy from your school district at anytime or from the ESE. This document is available on the ESE Web site at <http://www.doe.mass.edu/sped/prb>.

1. What is Prior Written Notice and when do you receive it?

34 CFR §300.503

The school district must provide you with a written notice when it proposes, or refuses, to take steps to identify your student, to evaluate your student, to provide special services to your student, or to change your student's program. Federal regulations call this a "prior written notice." The written notice must:

- Describe **what** the school district proposes or refuses to do;
- Explain **why** the school district is proposing or refusing to take the action;
- Describe **how** the school district decided to propose or refuse to take the action, including telling you about each evaluation procedure, assessment, record, or report that your school district used to make its decision; and
- Describe any other options that your student's individualized education program (IEP) Team considered and the reasons why those options were rejected.

School districts will provide this information to you using forms developed by the ESE and available on the ESE Web site or their own forms containing the same information.

You will receive prior written notice when the school district: proposes to conduct an initial evaluation or reevaluation; proposes a new or amended IEP; proposes a change in placement, including a proposed change in placement for disciplinary reasons; or proposes to end special education services.

You will also receive a notice if the school district makes a finding of no eligibility for special education services or refuses a request you have made related to evaluations or provision of special education to your student. Notices from the school district must be provided in your native language or other mode of communication you use, unless it is clearly not feasible to do so. If your native language or other mode of communication is not a written language, your school district must ensure that the school's notice is translated for you orally or by other means (e.g., by sign language), and that you understand the content of the notice.

When you are given prior written notice, you will also be given a copy of this Notice of Procedural Safeguards, or if you have already received this Notice during the current school year, you will be told how you can obtain another copy. You will also be given information about whom you can contact for help in understanding federal and state special education laws.

2. What is parental consent?

34 CFR §300.9 and 603
CMR 28.07 (1)

The school district may not give your student a special test or special service unless you agree and give your written "parental consent." The school district must clearly explain what it is proposing to do for your student and will ask you to sign your name on the consent form to show that you agree to the school's proposal. This is giving "parental consent."

Giving your consent is voluntary. You may take back your consent at any time. If you do, however, the withdrawal of consent will only apply to future action by the school district not to something that has already happened. Your school district may not use your refusal to consent to one service or activity as a reason to deny you or your student any other service, benefit, or activity.

Your consent is not required before your school district may review existing data as part of your student's evaluation or reevaluation, give your student a test or other evaluation that is given to all students without consent such as the MCAS or classroom tests that are part of the general education program, or share information with federal or state educational officials.

2.1 When will a school district ask for your consent?

34 CFR §300.300 and 603 CMR
28.07(1)

A school district will ask for your parental consent in the following circumstances:

To authorize the initial evaluation to determine if the student is eligible for special education

The school district cannot conduct an initial evaluation of your student to determine whether your student is eligible to receive special education and/or related services without first obtaining your consent. If your student is referred for an evaluation, the school district must ask for your consent to the evaluation within five school days.

To approve initial services

If, after the initial evaluation has been completed, the Individualized Education Program (IEP) Team has decided that your student is eligible for special education, the IEP Team will propose special education and related services for your student. You must give your consent before your school district can provide special education and related services to your student for the first time. If you do not consent, the school district cannot provide special education and related services to your student. You can accept or reject the whole proposal or part of it. The IEP or any part that you accept must begin as soon as you accept it.

To make a change in services, placement or reevaluation

Once you have agreed to an IEP for your student, the school district must obtain your consent before the school district may change the services or the placement of your student, or conduct a reevaluation. If you refuse to give your consent, you have an obligation to engage with the district in active discussion to resolve your disagreement.

If you and the district are unable to resolve your disagreement and the district believes that your refusal denies your student a free appropriate public education (FAPE), the school district must request a hearing at the Bureau of Special Education Appeals (BSEA) to obtain authority to provide educational services or to reevaluate your student without your consent.

To excuse members of the IEP Team from attending a Team meeting

Members of the IEP Team may be excused from attending a Team meeting if you agree in writing in advance of the meeting. If the Team will be discussing the excused Team member's area, then the excused member must provide his or her input in writing before the Team meeting. If you do not agree to excuse the Team member he or she must attend the IEP Team meeting.

2.2 When will the student be asked for consent? 34 CFR §300.520 and 603 CMR 28.07 (5)

Under Massachusetts' law a student has reached adulthood upon his or her eighteenth (18th) birthday. **When a student turns age 18**, therefore, all of the decision-making rights that you have as a parent transfer to your adult student, unless a court has appointed a legal guardian for your student or your student indicates in writing that he or she wants to share decision-making with you or wants you to continue to have authority to make decisions about his or her educational program. The school district must discuss with you and your student the impact of this transfer of rights at least a year before the student's eighteenth birthday. As the parent of an adult student with a disability, you will continue to receive all the required notices from the school, and you will continue to be able to inspect your student's educational records, even if your student makes his or her own educational decisions.

2.2 When will an educational surrogate parent give consent? 34 CFR §300.519 (G) 603 CMR 28.07 (7)

If a student is in the custody of the Department of Social Services, or the student's parents or guardian cannot be identified or located or have had their parental rights terminated, the ESE has a responsibility to ensure there is an adult with no conflicting interests to make special education decisions on behalf of the student. This person is called an educational surrogate parent. The ESE determines if it is necessary to appoint an educational surrogate parent for the student. If appointed, an educational surrogate parent has the same rights and responsibilities as a parent in special educational matters for the student.

3. What is an Independent Educational Evaluation? 34 CFR §300.502 and 603 CMR 28.04(5)

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of your student.

You have the right to request an IEE of your student at public expense if you disagree with the school district's evaluation. If you request an IEE, the school district must provide you with information about where you may obtain an IEE and about the state requirements that apply to IEEs.

3.1 When is an Independent Educational Evaluation conducted at public expense?

In Massachusetts, under state law, you will receive an IEE at full or shared public expense if you meet income eligibility requirements. Students who are eligible for free or reduced cost meals are entitled to an IEE at public expense. Other students are eligible for a shared cost IEE according to a sliding fee scale. Sharing your financial information with the school district is completely voluntary on your part. If you choose to share such information, the school district must immediately notify you in writing whether or not you are eligible for full or partial funding of an IEE and proceed to fund the IEE based on eligibility. Your right to a publicly funded IEE through income eligibility will extend for 16 months from the date of the school district's evaluation with which you disagree.

If you do not meet income eligibility requirements or choose not to disclose financial information, the district must consider your request for a publicly funded IEE under federal law. Within 5 days, the district may either agree to provide an IEE at public expense or request a hearing at the Bureau of Special Education Appeals (BSEA) to demonstrate that the evaluation conducted by the district was comprehensive and appropriate. More details regarding IEEs are available in the ESE Administrative Advisories 2004-1 and 2001-3 available from your local school district and on the ESE Web site <http://www.doe.mass.edu/sped/advisories/?section=admin>.

You are entitled to only one IEE of your student at public expense each time your school district conducts an evaluation. You may have independent evaluations conducted at your own expense at any time.

3.2 The results of IEEs must be considered within 10 days by the school district

If you obtain an IEE of your student at public expense or you share with the school district an evaluation of your student that you obtained at private expense, your school district must convene a Team meeting within ten school working days after receiving the evaluation information. The Team will consider the evaluation results and determine what, if any, changes should be made to your student's IEP.

4. When can you see your student's student records? 34 CFR 300.611 and 603 CMR 23.00

The student record consists of your student's transcript and temporary school record and includes health records, tests, evaluations, discipline records and other records pertaining to your student's special education eligibility or program.

You and your student (if your student is 14 or older) have a right to look at any and all of the student's records within 10 days of your request and before any IEP meeting or due process hearing.¹ You may also have copies of the information upon request for a reasonable charge.

In addition, you can meet with professionally qualified school personnel to have the records explained. You may also have your representative (advocate, consultant, or attorney) inspect, review, and interpret your student's record if you give your specific, written informed consent. All of the rights associated with the student record are contained in the Massachusetts Student Record Regulations 603 C.M.R.23.00.

Those regulations can be found at <http://www.doe.mass.edu/lawsregs/603cmr23.html> or by requesting a copy of the regulations from the school district or ESE.

Generally only the parent, eligible student, authorized school personnel, and state and federal education officials are allowed to see the student record without the specific, informed, written consent of the parent or adult student. The school district may be required to provide some information to state and federal officials as the result of a court order or in response to a health and safety or law enforcement issue. Helpful information about these and other student records issues can be found at <http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html>.

5. How can parents and schools resolve disputes? 34 CFR 300.151, 300.506 -300.518 AND 603 CMR 28.08

State and federal special education laws provide many opportunities for parents to be involved in educational planning for their student who has a disability. If parents and school districts disagree about changes relating to the identification, evaluation, or educational placement of a student with a disability, or the FAPE services provided to a student with a disability, the laws provide a menu of ways to resolve the disagreement. Your student shall remain in his or her current education program and placement during any dispute regarding placement or services, unless you and the school district agree otherwise or your student's placement is changed as a result of [discipline](#).

Following are alternatives ways that you and your school district can resolve disagreements.

5.1 Bring the dispute to the attention of local public school officials

As a first step to resolve your dispute, you may contact your school Principal, the Administrator of Special Education or your Superintendent to ask for help. It is a good practice to write a letter explaining the situation about which you are concerned.

5.2 Use the ESE Problem Resolution System

If you feel that you need help from outside of your school district, you may contact the ESE, Office of Program Quality Assurance Services (PQA) at 781-338-3700 to use the state "Problem Resolution System" described at <http://www.doe.mass.edu/pqa/prs/>. You can file a complaint with PQA about any violation of state or federal education law or obtain help from PQA staff to resolve the problem informally. If you want a formal investigation by PQA, you will have to

¹ The school district can only limit access to the student record if it has received a legal document such as a restraining order or a divorce or custody decree that restricts access to information about the student's.

submit your complaint in writing. PQA staff will assist you in preparing and submitting the complaint. Your written complaint should include: a statement of your concerns, your attempts to resolve your concerns, the actions by the school you believe would resolve your concerns and your signature and contact information. If your complaint is about a specific student, you should provide the student's name and residential address and the name of the school. The issues that you are complaining about, however, must have occurred no more than one year before PQA receives your complaint. If you choose to file a formal complaint with the PQA Problem Resolution System, you must also send a copy of your written complaint to the school district that is the subject of the complaint. PQA will resolve your complaint within 60 days and send you a copy of the findings and decision.

Filing a formal complaint with PQA will not prevent you from using other methods, such as conversations with your local school district, mediation, or a [due process hearing](#) at the Bureau of Special Education Appeals (discussed below) to resolve your complaint.² If you request a due process hearing, however, a complaint that you file through the problem resolution system will be set aside until the due process hearing is completed.

5.3 Ask for a neutral mediator to be appointed.

[Mediation](#)³ is a service provided by a neutral individual who is trained in special education law and in methods of negotiation. Mediation can be scheduled whenever the parents and schools have a disagreement about special education matters, even if a complaint was made through the PQA Problem Resolution System. The mediator helps the parent and school district talk about their disagreement and reach a settlement that both sides can accept. Discussions during mediations are confidential and nothing that is said by either party can be used later if the dispute becomes the subject of a formal hearing or court proceeding. Once an agreement is reached, it will be put in writing, both sides will sign it, and it may be enforced by a court.

Mediation can be set up by contacting the BSEA at 781-338-6443. The mediator will schedule a meeting with you and the school district within 30 days of the request for mediation. Meetings will be held at a convenient time and place. Participation is voluntary, therefore both the school district and the parents must agree to participate in mediation. There is no fee for the service.

Additional information about how mediation works is available from the BSEA 781-338-6400 and can be found in their publications "[Frequently Asked Questions about Mediation](#)"⁴ and the "[Explanation of Mediation](#)."⁵

5.4 Request a due process hearing and participate in a resolution meeting

If you and the school district have been unable to work out your disagreement, then you are entitled to have a neutral and impartial hearing officer listen to both sides of the dispute, hear testimony, examine evidence, and make a decision. This hearing is convened by the BSEA and is called a due process hearing. The BSEA hearing officer is trained in special education law and must not have any personal or professional connection to you or anyone else who is involved in the disagreement.

The due process hearing will consider disputes about eligibility; evaluation; IEPs; educational placement decisions, including those resulting from discipline; FAPE; provision of special education; or procedural protections of state and federal law for students with disabilities. You must file for a hearing within two years of when you knew, or should have known⁶ about the events that form the basis for your complaint. This time period can be extended if you can show that you were prevented from filing for a hearing because the school district misrepresented that it had resolved the issue in your complaint or if the district withheld certain required information from you.

² For a comparison of how the problem resolution system resolves a complaint with how a complaint is resolved through a due process hearing see: <http://www.doe.mass.edu/sped/docs.html>

³ A description of the mediation process can be found on the ESE Web site at <http://www.doe.mass.edu/bsea/mediation.html>

⁴ <http://www.doe.mass.edu/bsea/mediation.html?section=faq>

⁵ http://www.doe.mass.edu/bsea/forms/m_brochure.doc

⁶ The phrase "or should have known" reminds you that you have a responsibility to be aware of your student's program.

Either you or your school district can file a written [due process hearing request](#)⁷ with the other party and send a copy to the BSEA to obtain a due process hearing. The BSEA has developed a [hearing request form](#)⁸ that you may use, or you can write your own letter instead of using the form, but you must be sure to include your student's name and residential address (or contact information if the student is homeless); the name of your student's school; a description of the problem you are concerned about, including specific facts relating to the problem; and a proposed solution to the problem. Note that the hearing will be limited to the issues that are identified in the complaint.

You must send your due process hearing request to the school district (or other party to the complaint) and a copy to the BSEA. If the due process complaint does not provide enough information, the opposing party may challenge its *sufficiency* within 15 days. The BSEA will decide whether the complaint is sufficient within 5 days of the challenge. Additional information may be added to the complaint if the opposing party agrees or if the hearing officer gives permission. If additional issues are added to the complaint at a later time, however, the hearing timetable begins all over again.

If there is no challenge to the sufficiency of the complaint, then the hearing process continues. If the school district has not already sent a [prior written notice](#) to you about the issue that you are complaining about, then within 10 calendar days of receiving your due process hearing request, the school district must send you a written response to the complaint.

Note: If *the school district* has filed the due process hearing request, *the parent must respond* within 10 calendar days of receiving the hearing request, and specifically address the issues that the school district raised.

After you file a due process hearing request, the school district has 30 days to work with you to resolve the disagreement before the due process hearing may occur.⁹

The school district is required to set up a resolution meeting within 15 calendar days of receiving your due process complaint.¹⁰ The school district will determine with you which members of the IEP Team must attend the meeting. Someone from the school district who can make decisions about your student's program must attend the meeting. The school district's lawyer *may not* attend unless you have a lawyer who is attending the meeting.

You must participate in the resolution meeting unless you *and* the school district agree, in writing, not to have the meeting or if you and the school district decide to use the [mediation process](#). If the school district cannot get you to participate in the resolution meeting, it can ask the hearing officer to dismiss your complaint.

If you are willing to meet, but the school district refuses or delays the resolution meeting more than 15 days after receiving notice of your hearing request, then you can ask the hearing officer to proceed with the hearing process. If you meet, but the school district has not resolved the due process complaint to your satisfaction within 30 days of your filing the complaint, then the due process hearing may go forward.

The resolution process ends when one of the following events occurs:

- When you and the school district agree, in writing, to end the resolution period;
- At the end of the 30 day resolution period;
- At the end of mediation; or
- When you and an official of the school district sign a document that spells out your agreement that resolves your dispute. This is a "settlement agreement" and can be enforced by a state or federal court. Note that if you and the school district enter into an agreement as a result of a resolution meeting, either you or the school district may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

5.5 Present your evidence to an impartial hearing officer during a due process hearing

⁷ Information on the due process hearing request can be found at: <http://www.doe.mass.edu/bsea/process.html?section=1>

⁸ <http://www.doe.mass.edu/bsea/forms/hearing.doc>

⁹ If you and the school district agree to mediation, you may agree to continue the mediation after the 30 day period.

¹⁰ No resolution session is required if the school district has requested the due process hearing.

When you file a due process complaint, the BSEA will set a hearing date, assign a hearing officer, and send you detailed information about the hearing process and a list of free or low-cost attorneys and advocates whom you may contact for help.

During the due process hearing you and the school district will each present evidence and provide the testimony of witnesses to an impartial hearing officer from the BSEA. At any due process hearing, including a hearing relating to disciplinary procedures, you may:

- be accompanied, advised and represented by a lawyer and/or advocate;
- have your student present at the hearing;
- have the hearing open to the public;
- present evidence such as documents and reports;
- request, or require through subpoena, witnesses to come to the hearing and answer questions;
- see any evidence that is to be used at the hearing at least five business days ahead of time and ask the hearing officer to keep out any evidence that you have not seen; and
- obtain a written or, at your option, electronic, word-for-word record of the hearing findings of fact and decision at no cost to you. To obtain a written record of the hearing, you must make your request in writing.

Additional information about due process hearings can be obtained from the BSEA at 781-338-6400 and from the BSEA Web site: <http://www.doe.mass.edu/bsea/process>

Hearings are conducted according to the Massachusetts Administrative Procedure Act¹¹ and the BSEA [Hearing Rules](#).¹² The hearing officer must issue a final decision within 45 days of the end of the resolution period described above unless the hearing officer has granted extensions of time at the request of either party. The hearing officer will send a copy of the decision to you and to the school district. Both the parents and the school district must abide by the decision of the hearing officer.

A hearing officer's decision on whether your student is being offered a FAPE must be based on a finding that your student's special education rights were violated or a determination that the school district failed to fulfill its other obligations to your student under the special education laws and regulations. If you have complained about a violation of the special education procedures (such as failure to hold a proper team meeting, poor record keeping, or failure to follow timelines) a hearing officer may find that your student did not receive FAPE *only if* the failure to follow the procedures:

- Interfered with your student's right to a FAPE;
- Significantly interfered with your ability to be involved in decisions about your student's education; or
- Deprived your student of an educational benefit.

The decision of the hearing officer is a final agency decision and cannot be reconsidered by the BSEA or changed by the ESE. Hearing decisions are public¹³ and are available on the BSEA Web site at <http://www.doe.mass.edu/bsea/decisions.html>.

5.6 Appeal a hearing decision to a state or federal court

If either the parent or the school district disagrees with the decision of the hearing officer, they can seek review of that decision in state or federal court. Any such request for review must be filed within 90 days of the decision.

¹¹ M.G.L. c.30A

¹² http://www.doe.mass.edu/bsea/forms/hearing_rules.doc

¹³ Hearing decisions are published after redacting information that would allow the student to be readily identified.

Each party is responsible for paying its own attorney's fees unless the court decides otherwise. If you obtain a favorable result in a written hearing decision or court proceeding, the court ¹⁴ may decide that the school district should pay your reasonable attorneys' fees. Note, however, that you will not be able to obtain these fees for the time spent litigating your case after the district made a settlement offer if

- the district made a written offer of settlement 10 or more days before the hearing,
- you did not accept the offer within 10 days, and
- the outcome of the hearing was no better than the settlement offer.

A court could order you or your attorney to pay the school district's or state agency's legal expenses if the court finds that your attorney filed a complaint or continued to litigate after learning that the complaint had no basis in fact, was unreasonable, was frivolous, or was pursued for an improper purpose.

6. What are your responsibilities if you place your student in a private school and you believe your school district should reimburse you for the tuition? 34 CFR §300.148

There are some occasions when a parent believes that the public school is not providing a FAPE to the student and the parent decides to place the student in a private school. A parent may enroll his or her student in private school at private expense at any time. If, however, the parent believes that the public school should be responsible for the costs of the student's education in the private school, the parent must tell the school district of objections to the student's IEP and program, reject the IEP, inform the school district of his or her intent to remove the student and enroll the student in a private school, and request a hearing by the BSEA. A parent must inform the school district before removing the student from the public school either orally at the last Team meeting before the removal or in writing at least 10 business days before removing the student from school.

The school district is not required to pay for a student to attend a private school if the school district has made a FAPE available to the student. Disagreements between parents and the school district about whether the student's program provides a FAPE and requests for financial reimbursement for the cost of a private program may be resolved through due process procedures discussed earlier in this document. The hearing officer will determine whether the school district made a FAPE available to your student. If the hearing officer finds that the school district did *not* provide your student with a FAPE, that you followed the above steps, and that the private school placement was appropriate, the hearing officer, after considering all of the circumstances surrounding the removal of the student, may require the school district to reimburse you for all or part of the cost of the private school placement.

7. What must be done to plan for your student's transition from high school?

Planning for your student's transition to post secondary opportunities must begin when your student is 15, and must be discussed each year. The school district must discuss your student's transition needs with you and your student and must consider the goals for your student after he or she completes school by graduating with a regular high school diploma or reaching the age of 22. School districts must use the [Transition Planning Form](#) ¹⁵ to record the results of this annual discussion. Your student's IEP must include measurable post-secondary transition goals, objectives and services based upon an appropriate assessment of his or her disability and transition needs.

Graduation with a regular high school diploma is a change of placement and ends the student's eligibility for special education. The school district must inform you if and when the district expects your student to graduate with a regular high school diploma. This discussion should take place during the Team meeting no less than 1 year in advance of the student's graduation.

8. How may a school discipline a student with a disability? 34 CFR 300. 530

Public schools must have procedures and standards in place to assure a safe learning environment for students. Schools are expected, and high schools are required, to publish their rules of conduct so that students know how they are expected to behave. If a student misbehaves and violates the school code of conduct, the school may discipline the student. Discipline must be fair and even-handed.

¹⁴ A BSEA Hearing Officer may not award attorney's fees.

¹⁵ <http://www.doe.mass.edu/sped/28MR/28m9.doc>

In general, any student may be suspended or removed from school for disciplinary reasons for a short time, which is no more than 10 days. Before any removal or suspension the student must be told what he or she is accused of having done and must be given a chance to tell his or her side of the story. During a short disciplinary removal, the school is not required to provide instruction to a disabled student unless it does so for non-disabled students. Once a student with a disability has been removed from the school placement for more than 10 cumulative days during the school year the student must receive educational services that will allow the student to continue to participate in the general education curriculum and to progress toward the goals set out in his or her IEP. School officials must consult with at least one of the student's teachers to determine what services are necessary. These services must begin on the 11th school day of a student's disciplinary removal during the school year and continue during the disciplinary removal.

Schools must follow special disciplinary rules for students with disabilities who have been found eligible for special education.¹⁶ A chart depicting the operation of these disciplinary rules can be found on the ESE Web site.¹⁷ These special disciplinary rules apply as soon as a student is removed from his or her current education placement¹⁸ for more than 10 days in a row, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year and there is a pattern of removal for comparable behaviors. The school must notify you as soon as the decision is made to remove your student from his or her education placement for more than 10 days and provide you with a copy of this Notice.

The student's IEP Team must meet within 10 days of the school's decision to impose the discipline. At this meeting, called a "*manifestation determination*," you and other members of the IEP Team will determine if the misbehavior was caused by or had a direct relationship to the student's disability, or was the direct result of the school's failure to provide the services required by the student's IEP. In making the manifestation determination, you and other members of the IEP team must consider relevant information from your student's file, including your student's IEP, your and the teachers' observations of your student's behavior, and any relevant information you provide.

If the team determines that the student's behavior *was not* caused by or directly related to the student's disability or the failure to properly implement the IEP, then a student with a disability can be disciplined in the same manner and for the same length of time as other students are disciplined for the same offense.

The IEP Team, however, must determine the interim alternative educational setting (IAES) where the student will be placed and the educational services that will be provided. An IAES is a setting other than the student's current placement that enables the student to continue to receive educational services according to his or her IEP. School personnel may consider the student's unique circumstances in determining whether a change in placement is appropriate for a student with a disability.

If the Team determines that the student's behavior *was* caused by or directly related to the student's disability or the failure to properly implement the IEP, then the student must be returned to the last approved IEP placement unless you and the IEP Team decide on a different placement. The student must also be provided a functional behavioral assessment. A functional behavioral assessment or FBA is a comprehensive assessment of behavior that provides the IEP Team with information about the student's behavior and identifies behavioral intervention services and program modifications that are designed to address the behavioral violation so it does not recur. If the student has already had a functional behavioral assessment and has a behavioral intervention plan, then the IEP Team should determine if any changes should be made to the behavioral intervention plan. If the behavior was caused by the failure to properly implement the IEP, the school must take immediate steps to remedy the deficiencies.

Note that if your student possessed or used a weapon or drugs, or caused serious bodily injury to another person on school property or at a school event your student may be placed by the principal in an IAES for up to 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability. The IEP Team will determine the IAES and the appropriate educational services that will be provided to the student while he or she is in the IAES

¹⁶ The special education disciplinary rules also apply to some students who have not yet been found eligible for special education. If, prior to the conduct in question, the parent has put his or her concern that the student's has a possible disability in writing to supervisory or administrative personnel or the student's teacher; if the teacher or other staff has expressed concerns about the student's pattern of behavior directly to the director of special education or other supervisory personnel, or if the student has been referred for an evaluation that has not yet been completed these special rules apply. The special education disciplinary rules *do not* apply if the parent has refused to consent to the evaluation or if the student has previously been found to be not eligible for special education.

¹⁷ http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc

¹⁸ Placement is determined by the IEP Team and is the location where IEP services are provided.

8.1 Appeal of a disciplinary decision

If a parent disagrees with any decision regarding placement of his or her student under the disciplinary provisions or disagrees with the manifestation determination, or if the school district believes that maintaining the current placement of the student is substantially likely to result in an injury to the student or to others, either the parent or the school district may appeal the decision by [requesting a hearing](#) with the BSEA, as described earlier in this document.

The BSEA will convene a hearing on a disciplinary placement or manifestation determination on an expedited schedule.¹⁹ During the appeal of a disciplinary placement or manifestation determination, the student must remain in the IAES until the hearing officer makes a decision or the disciplinary period is completed, unless the parent and the school district agree to a different placement.

9. Where can the laws and regulations and other useful information be found?

9.1 laws and regulations

You can find the full text of the state Special Education law in Massachusetts General Law Chapter 71B. The state law is popularly known as “Chapter 766.” The state special education regulations are found in the Code of Massachusetts Regulations (CMR) at 603 CMR 28.00. The law and the regulations and other helpful resources are on the ESE Web site.²⁰

The federal special education law is the Individuals with Disabilities Education Act, known as “IDEA.” The federal statute is located in the United States Code at 20 U.S.C. § 1400. The implementing regulations for IDEA may be found in the Code of Federal Regulations (CFR) at Chapter 34, Section 300. A copy of the federal statute and regulations and explanatory information can be found on the U.S. Department of Education Web site at <http://idea.ed.gov/>.

9.2 Individualized Education Program process guide and forms

A general overview of how the special education process works (taken from the IEP guide prepared by the USDOE) can be found at <http://www.doe.mass.edu/sped/iep>.

For the ESE explanation of the how an IEP is developed, consult the IEP Process Guide and the standard IEP forms available on the ESE Web site: <http://www.doe.mass.edu/sped/iep>

9.3 Table of abbreviations

Many common special educational phrases are abbreviated by acronyms composed of the initial letters of the phrase. For your convenience the acronyms and phrases used in this document are listed below:

BSEA:	Bureau of Special Education Appeals
CFR:	Code of Federal Regulations
CMR:	Code of Massachusetts Regulations
ESE:	Massachusetts Department of Elementary and Secondary Education
FAPE:	Free Appropriate Public Education
FBA:	Functional Behavioral Assessment
IAES:	Interim Alternative Educational Setting
IDEA:	Individuals with Disabilities Education Act
IEE:	Independent Educational Evaluation
IEP:	Individualized Education Program
PQA:	Program Quality Assurance Services

9.3 Table of Web sites

Bureau of Special Education Appeals

<http://www.doe.mass.edu/bsea/decisions.html>
http://www.doe.mass.edu/bsea/forms/hearing_rules.doc
<http://www.doe.mass.edu/bsea/forms/hearing.doc>
<http://www.doe.mass.edu/bsea/mediation.html>
http://www.doe.mass.edu/bsea/forms/m_brochure.doc

¹⁹ See BSEA Hearing Rule II.C. Expedited Hearing. http://www.doe.mass.edu/bsea/forms/hearing_rules.doc p.6.

²⁰ <http://www.doe.mass.edu/sped/laws.html>

<http://www.doe.mass.edu/bsea/mediation.html?section=fag>

<http://www.doe.mass.edu/bsea/process.html>

Discipline: http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc

Individuals with Disabilities Act: <http://idea.ed.gov/>

Individualized Education Program: <http://www.doe.mass.edu/sped/iep>

Independent Educational Evaluation: <http://www.doe.mass.edu/sped/advisories/?section=admin>

Parent's Notice of Procedural Safeguards: <http://www.doe.mass.edu/sped/prb>.

PQA Problem Resolutions System compared to BSEA Due Process Complaint

<http://www.doe.mass.edu/sped.docs.html>

Program Quality Assurance Services Problem Resolution System: <http://www.doe.mass.edu/pqa/prs>

Special Education Laws and Regulations: <http://www.doe.mass.edu/sped/laws.html>

Special Education Transition Planning Form: <http://www.doe.mass.edu/sped/28MR/28m9.doc>

Student Records Regulations: <http://www.doe.mass.edu/lawsregs/603cmr23.html>

Student Records Questions and Answers

<http://www.doe.mass.edu/lawsregs/advisory/cmr23qanda.html?section>.

APPENDIX B

Sample Letter Authorization for Medication Administered in School

East Longmeadow Public School
Department of Health Services
180 Maple Street ~ East Longmeadow, MA 01028

Dear Parent/Guardian:

Throughout the school year some students may require various medications due to short-term illness or a medical condition. These medications usually are given on a time schedule that does not conflict with school hours. However, due to extenuating circumstances, certain students may require medication during school hours to allow them to have continued attendance in school.

We would like to inform you of the policies which have been put into place to ensure the health and safety of children needing medications during the school day. These policies are designed to meet the regulations (105 CMR 210.000) as set by the Commonwealth of Massachusetts. These policies apply also to self-administered medications such as inhalers and Epipens. Our school district requires that the following forms must be on file in your child's health record before we begin to give any medications at school:

- ***Signed consent by the parent or guardian to give the medicine.*** Please complete the consent form (on the reverse side) and give it to your school nurse.
- ***Signed medication order.*** The written medication order form should be taken to your child's licensed prescriber (your child's physician, nurse practitioner, etc.) for completion and returned to the school nurse. This order must be renewed as needed and at the beginning of each academic year.

All medications must be delivered to the school nurse in a pharmacy or manufacturer-labeled container by you or a responsible adult whom you designate. **Medications may not be delivered to school by a student.** Please ask your pharmacy to provide separate bottles for school and home. No more than a twenty-day supply of the medicine should be delivered to school.

When your child needs a medication to be given during the school day, please act quickly to follow these policies so we may begin to give the medication as soon as possible.

Thank you for your assistance in this matter. If you need further information or forms, please contact the school nurse at your child's school.

Sincerely,

Director of Student Services

Director of Nursing

Sample Authorization for Medication Administered in School

EAST LONGMEADOW PUBLIC SCHOOLS

Department of Health Services

Authorization for Medications to be Taken During School Hours

The following section is to be completed by the **Parent**:

Child's Name: _____ Sex ____ DOB _____

School: _____ Grade: _____ Room: _____

Known Allergies: _____ Other Medications: _____

Physician's Name: _____ Telephone #: (____) _____ Emergency #
(____) _____

I give permission to the school nurse to share with appropriate school personnel information relative to the prescribed medicine administration, e.g., adverse side effects as she/he determines necessary for my son's/daughter's health and safety.

Yes No Any Restrictions on release: _____

I request that my child be assisted in taking the medicine(s) described below at school by authorized persons or permitted to medicate herself/himself as also authorized by me and my physician (see below).

(Please note: I understand that I may retrieve the medicine from the school at any time and that the medicine will be destroyed if it is not picked up within one week following termination of the order or one week beyond the close of school.)

Parent/Guardian Name: _____ Date: _____

(____) _____ (____) _____ (____) _____
Please Print Signature Home Phone Emergency Phone Business Phone

Emergency Contact Person: _____ Phone: (____) _____

The following is to be completed by the **Physician**:

Diagnosis for which medication is given: _____

Name of Medicine:	Dose:
Route of Administration:	Form:
If medicine to be given DAILY , at what time?	
If medicine to be given " When Needed ", describe indications:	
How soon can it be repeated:	
Is child authorized to medicate herself/himself? <input type="checkbox"/> Yes <input type="checkbox"/> No Self-Administer on Field Trip ONLY. <input type="checkbox"/> Yes <input type="checkbox"/> No	
List significant side effects/adverse reactions:	
Date to Start:	Date to Stop:
Any other medical condition(s):	
Other medication being taken by the student:	
<i>Other Information:</i>	

Date: _____ Physician/Nurse Practitioner Signature: _____

APPENDIX C

IT IS THE POLICY OF THE EAST LONGMEADOW PUBLIC SCHOOLS, PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), SECTION 504, CHAPTER 622, TITLE IX, AND RELATED FEDERAL AND STATE STATUTES, NOT TO DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION, DISABILITY OR HANDICAP.

NO PERSON SHALL, ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION, DISABILITY OR HANDICAP BE DENIED EQUAL ACCESS OR ADMISSION TO SCHOOL PROGRAMS, COURSES, EXTRACURRICULAR ACTIVITIES AND EMPLOYMENT OPPORTUNITIES.

It is the policy of the East Longmeadow Public Schools to fully abide by all state and federal statutes and the regulations promulgated thereunder which prohibit discriminatory acts.

Students will not be excluded from school based on marital status or pregnancy.

Any student, parent or guardian in the East Longmeadow Public School District who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the basis of gender, race, color, religion, national origin, or handicap, in violation of this policy, may file a written grievance with the Student Services Supervisor.

SAMPLE GRIEVANCE FORM

To be completed by parent(s)/guardian(s) or student age 18 or older. Assistance will be provided upon request to enable an individual to complete this Grievance Form.

Grievance filed by: _____ Date: _____
Student: _____ Date of Birth: _____
School: _____ Grade: _____
Parents/Guardians: _____ Phone: _____
Parents/Guardians Address: _____

Alleged Discriminatory Conduct under:

- Section 504/ADA (disability)
- Title IV/Title VI (race, color, national origin)
- Title IX (sex/gender)
- M.G.L. c. 151C (religion)
- M.G.L. c. 76, § 5 (sexual orientation)
- Physical Restraint Policy (violation of physical restraint policy)

Alleged Conduct that is NOT discriminatory:

- By another student/students
- By teacher(s)/other school staff

Please explain your grievance/complaint:

Attach additional sheets as necessary, and return completed Grievance Form alleging discriminatory conduct to the District's Titles II, IV, VI, IX, ADA and Section 504 Coordinator.

Return your completed Grievance Form alleging a violation of the Physical Restraint Policy or non-discriminatory conduct to your child's building principal.

Signature(s): _____

APPENDIX D

NOTIFICATION OF SHORT-TERM SUSPENSION

Student's Name: _____ School: _____ Homeroom: _____
ID #: _____ Grade: _____ Date of Incident: _____ Staff: _____ Time: _____

PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a short-term suspension of your child. The ground(s) for the suspension is the violation(s) of the Code of Conduct as indicated below. Serious behavioral problems result in poor learning for your child and often for others.

If suspended, your child will be allowed to make up any school work missed as established by the Attendance Policy. Please call the Guidance or School Office to arrange for making up school work.

If suspended, your child should report directly to administration upon returning to school. You may request a review of the suspension imposed with the administration.

VIOLATION - GROUND (S) FOR SHORT-TERM SUSPENSION

- | | |
|--|---|
| _____ Leaving school without permission | _____ Aggressive/threatening behavior/fighting |
| _____ Unauthorized absence from school/class | _____ Lack of respect to staff/visitors |
| _____ Repeated tardiness | _____ Theft or vandalism |
| _____ Missed detention | _____ Chronic school offender |
| _____ Smoking/tobacco | _____ Hazing |
| _____ Moral offenses | _____ Violation of Civil Rights |
| _____ Disorderly conduct | _____ Violation of school rule(s): _____ |
| _____ Cheating/Plagiarism | _____ Violation of law |
| _____ Use of obscenity/possession | _____ Interfering with education of others |
| _____ Gambling in any form | _____ Use or possession of beepers/cell phones etc. |
| _____ Use or possession of contraband items | _____ Bullying/Harassment |
| _____ Disregard of express or implied directions | _____ Computer/Internet Violation(s) |

Comment(s) _____

ACTION TAKEN

In-house suspension for ___ days
External suspension for ___ days from _____ to _____
Interim Alternative Education Setting for ___ days from _____ to _____
Return to school on _____

By this form, I am giving you written notice of this suspension of your child.

Authorized Signature - Title Date

- COPIES FOR: ADMINISTRATION
PARENT(S)/LEGAL GUARDIAN(S)/STUDENT
GUIDANCE
STUDENT SERVICES (if applicable)
DATA ENTRY

APPENDIX E

NOTIFICATION OF LONG-TERM SUSPENSION/EXPULSION OF REGULAR EDUCATION STUDENT*

To: Superintendent of Schools
Student Services Supervisor
Parent(s)/Legal Guardian(s)/Student
Data Entry

From: _____, Principal

(Name of School)

STUDENT'S NAME: _____ Grade: _____

Proposed suspension for _____ days from: _____ to: _____
Proposed expulsion for _____ days from: _____ to: _____
Return to school on _____

.....
PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a suspension/expulsion of your child. The ground(s) for the suspension/expulsion is the violation(s) of the Code of Conduct pages _____ section(s) _____.

If suspended, your child will be allowed to make up any school work missed as established by the Attendance Policy. Please call the Guidance or School Office to arrange for making up school work.

If suspended, your child should report directly to administration upon returning to school.

.....
The proposed suspension/expulsion will result in the exclusion of the student for more than ten (10) school days.

In addition to the minimal protections afforded to a student where a short term suspension is imposed, additional due process rights arise under federal and Massachusetts law when a long-term suspension or an expulsion is sought.

Prior to the imposition of a long-term suspension or an expulsion, the principal shall ensure that the parent(s) or legal guardian(s) (or student if he or she is eighteen (18) years or older) receive timely written notice, in the language of the home, by certified and first class mail, postage prepaid, of the following:

- a. intent to hold hearing _____yes _____no
- b. date/time/place of hearing _____yes _____no
- c. summary of evidence against the student _____yes _____no
- d. section(s) of the Code of Conduct allegedly violated _____yes _____no
- e. list of school's witnesses _____yes _____no
- f. summary of the procedures/rights _____yes _____no
(See Notice Attachment which follows)
- g. right to appeal to Superintendent _____yes _____no

A copy of this Notice in the language of the home is attached hereto.
_____yes _____no

A copy of this Notice has been forwarded to the Superintendent of Schools, Director of Student Services, and Parent(s)/Legal Guardian(s)/Student(s). A copy of the Parent Signature Form is also attached hereto.
_____yes _____no

Authorized Signature - Title Date

***If the school had knowledge that the student was a child with disabilities before the behavior that precipitated this disciplinary action, see Appendix F.**

APPENDIX F

**NOTIFICATION OF LONG-TERM SUSPENSION/SUSPENSION OF MORE THAN TEN (10) DAYS CONSECUTIVE SCHOOL OR
EXPULSION OF STUDENT WITH DISABILITIES**

To: Superintendent of Schools
Director of Student Services
Parent(s)/Legal Guardian(s)/Student
Data Entry

From: _____, Principal

(Name of School)

STUDENT'S NAME: _____ Grade: _____

Proposed suspension for _____ days from: _____ to: _____

Proposed expulsion for _____ days from: _____ to: _____

Return to school on _____

.....
PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a suspension/expulsion of your child. The ground(s) for the suspension/expulsion is the following violation(s) of the Code of Conduct: _____ Serious behavioral problems result in poor learning for your child and often for others.

If suspended, your child will be allowed to make up any school work missed as established by the Attendance Policy. Please call the Guidance or School Office to arrange for making up school work.

If suspended, your child should report directly to administration upon returning to school.

.....
The proposed suspension/expulsion will result in the exclusion of the above named student for more than ten (10) consecutive cumulative days.

In addition to the minimal protections afforded to a student where a short-term suspension is imposed, **prior** to the imposition of a long-term suspension/expulsion or a suspension resulting in exclusion for more than ten (10) consecutive days, additional rights arise. I attest to the following:

1. I have complied with the written notice requirements as outlined in the Code of Conduct of the East Longmeadow Public Schools, concerning long-term suspensions/expulsions, i.e.:

- a. intent to hold hearing _____ yes _____ no
- b. date/time/place of hearing _____ yes _____ no
- c. summary of evidence against the student _____ yes _____ no
- d. section(s) of the Code of Conduct allegedly violated _____ yes _____ no
- e. list of school's witnesses _____ yes _____ no
- f. summary of the procedures/rights _____ yes _____ no
(See Notice Attachment which follows)
- g. right to Alternate Plan; and _____ yes _____ no
- h. right to appeal to Superintendent _____ yes _____ no

A copy of this Notice in the language of the home is attached hereto.
_____ yes _____ no

2. I have provided immediate notice to the Director of Student Services to schedule a TEAM meeting as the students' infraction might result in a suspension of more than ten consecutive (10) days. A TEAM meeting was scheduled and Notice of the TEAM Meeting, in the language of the home, was sent to the parent(s)/legal guardian(s) and other TEAM participants (student's service providers, administrative representatives, other qualified personnel).
_____ yes _____ no

3. The TEAM met on _____, completed a functional behavioral assessment, developed or reviewed a behavioral intervention plan and concluded that the misconduct was NOT directly and substantially related to the student's handicapping condition(s) or the result of an inappropriate special education placement, was NOT the result of a failure to

fully implement the student's IEP, was NOT the result of the student's disability causing an inability to understand the impact and consequences of the behavior, and was NOT the result of the student's disability causing an inability to control the behavior.

4. The TEAM considered:
- (a) evaluation and diagnostic results yes no
 - (b) relevant information supplied by the parent(s)/legal guardian(s) yes no
 - (c) observations of the student yes no
 - (d) Student's IEP and Placement Determination yes no

5. I have ensured that the parent(s)/legal guardian(s)/student have been provided with copies of the current IEP and the Amendment to the IEP (Alternative Plan) developed by the TEAM, which describes the special education services to be provided during this period of exclusion, including services designed to address the behavior so that it does not recur, provision for continued participation in the general education curriculum, along with the applicable parent/legal guardian notice of procedural safeguards and rights as required by state and federal regulations. I have also provided them with written notice of their right to mediation or hearing before the Bureau of Special Education Appeals if they do not accept the Alternate Plan. A copy of this Notice is attached hereto.

yes no

6. The following required documentation has been placed in the student's file and is available to the Department of Education upon request:

- a. Copy of the Student's current IEP yes no
- b. Copy of Alternate Plan yes no
- c. Copy of written notice to parent's of procedural safeguards yes no

8. The student with disabilities was found in possession of or was using a dangerous weapon or illegal drugs in school or at a school-sponsored event or committed an assault/battery resulting in serious bodily injury in violation of school policy; therefore, the student has been placed in an appropriate interim alternative educational setting, as determined by the TEAM, for up to 45 school days, pursuant to 20 U.S.C. 1415 (k), regardless of parental consent.

yes no

9. The parent(s)/legal guardian(s)/student has/have consented to the Alternate Plan. yes no

or

As a result of the parent(s)/legal guardian(s)/student's rejection of the proposed Alternate Plan, the school has requested a hearing and shall seek an order to change the student's placement based on a showing that both the student's continued presence in the school presents a substantial likelihood of injury or harm to him/herself or others and that the school has taken reasonable steps to minimize the likelihood of harm.

yes no

10. The parent(s)/legal guardian(s) student has/have requested a hearing or filed a lawsuit to challenge the school district's action. yes no

or

As a result of the parent(s)/legal guardian(s)/student(s) rejection of the proposed Alternate Plan, the School has requested a hearing to uphold the proposed educational program. yes no

Authorized Signature - Title Date

APPENDIX G

NOTIFICATION FOR LONG-TERM SUSPENSION/EXPULSION FORMS

“During the course of the hearing, the school will first present direct and corroborative evidence from the above-named individual(s). After presentation of the school’s evidence, you will be able to present any evidence related to the above alleged acts on behalf of your son/daughter. You will then be able to present an argument concerning the information presented followed by a brief argument by the school.

AT THE HEARING, YOU AND YOUR SON/DAUGHTER HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL OR AN ADVOCATE OF YOUR CHOICE. DEPENDING UPON THE NATURE OF THE INDIVIDUAL, YOU MAY HAVE THE RIGHT TO CROSS-EXAMINE SCHOOL WITNESSES (NOTE: IN SOME CASES, THE NEED TO PROTECT AN INDIVIDUAL MAY OUTWEIGH A STUDENT’S RIGHT TO CROSS-EXAMINE A WITNESS, FOR EXAMPLE, ANOTHER STUDENT.) IN ADDITION, YOU MAY PRESENT WITNESSES ON BEHALF OF YOUR SON/DAUGHTER, AND HAVE YOUR SON/DAUGHTER, IF YOU SO CHOOSE, TESTIFY IN HIS/HER OWN BEHALF IF YOU SO DESIRE. YOU ARE ENTITLED TO A COPY OF THE TAPE RECORDING OF THE HEARING. IN ADDITION, YOU OR YOUR COUNSEL OR ADVOCATE MAY REVIEW ANY AND ALL STATEMENTS BY PROPOSED SCHOOL WITNESSES PRIOR TO SAID HEARING. ARRANGEMENTS FOR SUCH REVIEW CAN BE MADE BY CONTACTING THE BUILDING PRINCIPAL. FINALLY, YOU HAVE THE RIGHT TO A REASONABLY PROMPT WRITTEN DECISION, INCLUDING THE SPECIFIC GROUNDS FOR THE DECISION, AFTER THE HEARING IS CONCLUDED.

Arrangements for the translation of witness statements or other school documents will be provided upon request.

Please be advised that all reasonable efforts will be made to protect the confidentiality of the hearing.

Please note that the allegations against the student must be supported by a preponderance of the evidence before a long-term suspension/expulsion is imposed.

Please also note that this is not a court proceeding. Evidence which is relevant, though hearsay, may be admitted.”

Please further note that you have the right to appeal the Principal’s decision to the Superintendent of Schools within ten (10) days.