



# **TYNGSBOROUGH MIDDLE SCHOOL**

## **Preparing Students For Their Global Future**

**2021-2022**

### **Student Handbook**

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# **TYNGSBOROUGH MIDDLE SCHOOL**

Welcome to Tyngsborough Middle School. We are a school of 380 sixth, seventh and eighth grade students. Middle school is a time of great change and it is our hope that in your three years here you will reach your greatest potential at this time in your life. We also hope that the three years at TMS will prepare you for whatever you choose to do in your life. It is a time that you will become more independent but with that independence comes more responsibility. We will help you balance doing things on your own with the necessary guidance from all our staff members. Enjoy your time here at TMS and have a successful 2021-2022 school year.

Chris Pollet  
Principal  
Tyngsborough Middle School

## **TMS CORE VALUES**

**Respect**

**Perseverance**

**Originality**

**Responsibility**

**Collaboration**

**Independence**



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### **Disclaimer**

Tyngsborough Middle School reserves the right to make necessary changes in the student handbook.

The principal of each school distributes the student handbook annually to students, staff and parents.

At the request of a parent or student whose primary language is not English, a student handbook is translated into their language.

### **Tyngsborough Middle School Calendar 2021-2022**

For a complete listing of Tyngsborough Middle School events, holidays, MCAS testing schedule, etc, please refer to the TMS website and the Principal's Friday email.

\*Please see Tyngsborough Middle Schools Website for changes/updates\*

<http://tms.tyngsboroughps.org/>

### **STATEMENT OF NON-DISCRIMINATION (Policy 3.4)**

NON-DISCRIMINATION STATEMENT The Tyngsborough Public Schools does not discriminate does not discriminate against students, parents, employees or the general public on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion, or age. Accordingly, no person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school or in employment in its services in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II); or on the basis of age, in



accordance with the Age Discrimination Act of 1975 (Age Discrimination Act) and the Age Discrimination in Employment Act of 1967. Nor does it discriminate on the basis of race, color, sex, religion, national origin, gender identity or sexual orientation, in accordance with Chapter 622 of the Acts of 1971 (M.G.L. c. 76 s. 5) and M.G.L. Chapter 151B.

To file a complaint alleging discrimination or harassment by Tyngsborough Public Schools on the basis of race, color, national origin, sex, disability, age, sexual orientation, gender identity or religion or to make inquiry concerning the application of Title II, Title VI, Title IX, Section 504, the ADA, the Age Discrimination Act, Age Discrimination in Employment Act or applicable state laws and their respective implementing regulations, please contact the building principal or Civil Rights Coordinator(s) listed below:

Tyngsborough Public Schools  
 Sarah Lewenczuk, Director of Student Service  
 Superintendent's Office  
 50 Norris Road  
 Tyngsborough, MA 01879  
 (978) 649-7488

### **Middle School Bell Schedule**

Grade 6			Grade 7			Grade 8	
Time	Class		Time	Class		Time	Class
7:25-8:20	Core class		7:25-8:20	Unified Arts		7:25-8:20	Core class
8:20-9:15	Core class		8:20-9:15	Core class		8:20-9:15	Unified Arts
9:15-10:05	Unified Arts		9:15-10:05	Core class		9:15-10:05	Core class
10:05-11:00	Core class		10:05-11:00	Core class		10:05-11:00	Unified Arts
11:00-11:55	Core class		11:00-11:25	Lunch		11:00-11:30	Core class
12:00-12:25	Lunch		11:25-12:25	Unified Arts		11:30-11:55	Lunch
12:25-1:00	WIN		12:25-1:00	WIN		11:55-12:25	Core class
1:00-1:55	Unified Arts		1:00-1:55	Core class		12:25-1:00	WIN
						1:00-1:55	Core class



### **After School Activities**

Students who remain in the building after school must be under the supervision of a faculty/staff member. Students in any other area of the building and not supervised may be considered to be in an unassigned area and sent to the office.

### **Alcohol Detection Device** ([School Committee Policy 5.5](#))

When there is reasonable suspicion that a student has consumed alcohol in school, on school property, or during or prior to a school-sponsored activity, school administration is authorized to employ the use of an alcohol detection device. The device will be administered by a police officer trained in its use. Reasonable suspicion includes, but is not limited to: erratic behavior, slurred speech, strong foreign odor on clothing or breath, glazed and glassy eyes, unsteady gait, angry agitated state, information offered by students, faculty, staff, or anyone wishing to remain anonymous, leaving school grounds or returning to school grounds during scheduled hours. Although the alcohol breathalyzer testing device measures blood alcohol levels, our purpose is to use it as a deterrent and to determine if a student has used alcohol. The refusal to take the test raises the inference that the student had or has been using alcohol and may result in discipline as described in this Student Handbook.

### **Assemblies**

Throughout the year, students will be gathered together for any number of reasons, usually for athletic/club recognition days, spirit week, guest speakers, or to observe holidays. Students who do not wish to take part in an assembly will be assigned to an alternative site. School clubs, classes and department areas are encouraged to sponsor assemblies throughout the year.

### **Athletic Contest Behavior**

Students attending athletic events are expected to behave in a manner consistent with all school policies. They must respond to the directions of faculty members or the person or persons designated in charge. Persistent, unsatisfactory behavior or flagrant violations will be reported to the Principal who will determine the consequences under the general rules and regulations of the school. A student removed from an athletic contest by a game official for unsportsmanlike behavior may be suspended from school and all athletic contests for a period of time to be determined by the Principal after a review of the incident with the athletic director.

### **Attendance**

Students are required to be in school on each scheduled day as stated in [School Committee Policy 5.12](#). Please note the following exceptions:

1. Personal illness - the school may require the certificate of a doctor if it is deemed necessary.
2. Illness in the family - all schoolwork should be kept current.





3. Quarantine in the home - the absence arising from this condition is limited to the length of quarantine as fixed by the proper health official.
4. Death of a relative - the absence arising from this condition is limited to three (3) days, unless reasonable cause may be shown by parent or guardian for a longer absence.
5. Observance of a religious holiday - any student of any religion shall be excused if his absence, for the purpose of observing a religious holiday, is consistent with his creed or belief.
6. Any other reason must be excused by the administration prior to the absence.

Any student who is absent and/or tardy and/or dismissed more than ten times of a given trimester could be subject to Saturday detention for each subsequent incidence. If a student is absent/tardy/dismissed ten (10) days or more, parents/guardians could be required to meet with the school administration and the attendance officer to seek a resolution to this issue.

The administrative review shall include, but not be limited to:

- A meeting with parent/guardian.
- An evaluation to determine whether learning or social concerns may be the cause of the student's excessive absence.
- Administration may take one or more of the actions outlined in [School Committee Policy 5.13](#).

#### Parent/Guardian and School Responsibilities

Parents or guardians are legally responsible for ensuring that a child under their control attends school daily. If a child fails to attend school for seven (7) day sessions or fourteen (14) half day sessions within any six (6) month period, the school district may address the situation. If a child reaches seven (7) excused absences (as allowed by law) or exceeds three (3) unexcused absences within a six (6) month period, the school will notify the parent/guardian of the student's attendance record. Upon any further absences, the school may schedule a parent conference to discuss and/or investigate the issue further.

#### Legal Action:

In November 2012, a new Massachusetts law entitled an Act Regarding Families and Children Engaged in Services (FACES), Chapter 240 of the Acts and Resolves of 2012, replaced Child in Need of Services (CHINS) cases with Child Requiring Assistance (CRA) cases. The FACES law also mandates a change to service delivery systems, effective in 2015.

#### THE FIVE TYPES OF CRA CASES,

as defined in [Massachusetts General Laws chapter 119, section 21](#), and commonly referred to as

1. "Runaway": A child between the ages of 6 and 18 who "repeatedly runs away from the home of a



parent, legal guardian or custodian having custody of the child,” each of whom may apply to the court for assistance.

[Massachusetts General Laws chapter 119, section 39E](#). 2.“Stubborn Child”: A child between 6 and 18 who repeatedly fails to obey reasonable home rules, thereby interfering with the parent’s ability to care for the child. A parent/guardian/custodian may apply to the court for assistance.

[Massachusetts General Laws chapter 119, section 39E](#). 3.“Habitual School Offender”: A child between the ages of 6 and 18 who repeatedly fails to obey school rules. A school district may file an application but must state the specific steps that the school district has taken to improve the child’s conduct.

[Massachusetts General Laws chapter 119, section 39E](#). A school-filed matter must be dismissed when the student turns 16.

[Massachusetts General Laws chapter 119, section 39G](#). 4.“Habitual Truant”: A child between 6 and 18, who, without excuse, willfully fails to attend school for more than 8 days in a quarter. The school applicant must state whether or not the child and the child's family have participated in a truancy prevention program. M.G.L. c. 119, § 39E. Under M.G. L. c. 119, § 39G, dismissal must occur when the child turns 16. (Note the contradiction regarding age limits in these statutory provisions.)

5. “Sexually Exploited Child”: Any person under 18 who has been subjected to sexual exploitation. This includes anyone who: is the victim of sexual servitude or sex trafficking; engages in sexual conduct for a fee or in exchange for food, shelter, clothing, education or care; is the victim of the crime of inducing a minor into prostitution; or engages in common night walking/street walking. [Massachusetts General Laws chapter 119, section 21](#). A parent or a police officer may file an application. [Massachusetts General Laws chapter 119, section 39L](#).

A 51A is a report of suspected child abuse or neglect that is filed with the Department of Child and Family Services (DCF).

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E> Under [Massachusetts General Laws chapter 119, section 51A](#), a report can be filed on behalf of a child under the age of eighteen (18) for educational neglect if a child is not attending school on a regular basis.

### **Reporting a Student Absence:**

1. *Have parent or guardian phone the school and inform the office of a student’s absence before 8:30 a.m. the day of the absence.*
2. Have parent or guardian write an excuse giving your name, date, day of absence, reason



for absence and his/her signature.

3. Present your written excuse to the main office.
4. Ask all teachers for make-up assignments. Assignments that are not made up will be reflected in your grade. (Each student is responsible for seeing that make-up work is completed.)

### **Observance of a Religious Holiday**

Observance of a religious holiday shall be viewed as valid justification for student absence, late homework/project submission and delayed testing, only when the teacher has been notified of the observance date no later than two weeks in advance. It is the responsibility of the student's parent/guardian to notify the teacher of these dates at the beginning of the school year.

### **Specific Rules Regarding Attendance**

1. A student who is absent from school may not participate or attend any school or co-curricular activity on that school day or evening without an Administrator's approval. This includes weekend activities if the student is absent on the last day of the school week.
2. Junior and senior students are allowed up to two (2) days per year to visit college campuses. In order for these absences to be excused, students should fill out the form from the student services office and request a note from the college admissions office verifying their visit and give that note to their school counselor upon their return to Tyngsborough Middle School.
3. Absences of five (5) or more consecutive days will require a letter from a physician. Note- Any medical excuses for prolonged illnesses must be provided to the main office prior to the close of a specific trimester.
4. Family vacations are not extraordinary circumstances. Teachers are not required to provide advance assignments to students in light of family vacations, and the school and the individual teacher(s) are not required to assume responsibility for providing individual tutoring or extensive individual help for the student when s/he returns.
5. Absences due to suspension will count toward the accrual of more than six (6) absences of any kind in a trimester. The student is responsible for making up all work missed.
6. Any student that has not met the academic requirements (failing two or more classes) may be prohibited from participating or attending any school related functions including athletic events, performances, and dances unless given administrative approval.

### **Absence from class**

It is expected that students be present in class. Students who miss class without a note from a school official are deemed to have "cut" class.



### **Discipline for unexcused class absences** (Class Cuts)

First Offense - Saturday detention parent/guardian notified.

Second Offense - Two (2) Saturday detentions parent/guardian notified.

### **Tardy to school**

School begins at 7:25 am. Students are considered “tardy to school” if they arrive to homeroom after 7:25am. Attendance for the day is taken by homeroom teachers. Students who arrive after 7:25 should report to Main Office for a pass to class.

The following consequences apply to being tardy and/or absence to school each trimester (OD=Office Detention):

Six (6) tardies and/or absences and/or dismissals to school = warning letter emailed home.

Seven (7) tardies/absences to school = one (1) O.D., parent(s) notified.

Eight and nine (8 and 9) tardies and/or absences to school = 2 (2) O.D..

Ten (10) tardies and/or absences to school = 1 Saturday detention, parent(s) notified.

Twelve (12) tardies and/or absences to school = parent meeting with the student and if possible school resources officer.

Projects previously assigned and due on the day a student is tardy (even if the student misses the class due to being tardy), the project must be turned in to the appropriate teacher prior to leaving the building. Teacher mailboxes are available in the Main Office.

### **Tardy to class**

Students who arrive to class after the bell without a note from a school official (i.e. administrator, teacher, nurse, etc) are considered unexcused tardy.

The following consequences may apply to being “Unexcused tardy” to class each trimester:

Two (2) unexcused tardies = one class cut resulting = one teacher-detention

Four (4) unexcused tardies = second class cut = one office detention

### **Dismissal Procedure**

If a parent/guardian wishes to have a student dismissed early from school for any reason, a note must be brought from home and given to the main office prior to morning attendance, or the parent/guardian may contact the school prior to 8:15 a.m. on the date of dismissal (978-649-3115). The administration has the authority to disapprove any dismissal note. Parents are strongly encouraged to make medical and dental appointments at times that do not conflict with school attendance.



In all cases, students who have an unanticipated reason to leave the building during the school day must have permission from a parent/guardian, who will be responsible for transportation arrangements.

In all cases, if a student must leave the building for any reason, they must check with the administrative office administrative assistant and have a pass in their possession before leaving. Students leaving school assuming permission has been granted, when in fact it has not, will be considered truant.

Dismissal after the fact is unacceptable unless it is an emergency verified by a parent/guardian. In other words, a parent/guardian must notify the school of the need for their son/daughter to be dismissed before the student leaves school.

Students who become ill during the school day should report to the school nurse (or Administration Office if the school nurse is not available) who will arrange for a dismissal, if necessary. Students who are dismissed from school due to illness or other personal reasons should make every effort to turn in daily assignments due on the day of dismissal. Projects previously assigned and due on the day of dismissal must be turned in to the appropriate teacher prior to leaving the building. Teacher mailboxes are available in the Main Office.

The guidelines for acceptable reasons for dismissals are the same as those that apply to excused absences. Parents/guardians are advised that appointments with doctors and dentists should be scheduled so as not to interfere with classes whenever possible.

Excessive dismissals will be reviewed in the same manner as tardies to class.

### **Bullying Prevention and Intervention**

As stated in [School Committee policy 5.22](#), the TPS recognize that safe learning environments are necessary for students to learn and achieve high academic standards. The district strives to provide and maintain a climate and culture where individual and developmental differences are acknowledged, appreciated, and respected. This commitment is an integral part of our comprehensive effort to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We understand that some individuals may be more vulnerable to becoming targets of bullying, harassment, or teasing. The TPS will ensure a safe, supportive environment for vulnerable populations in the school community, and provide students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.



The Bullying Prevention and Intervention Plan (“Plan”) is a comprehensive, proactive approach to addressing bullying, including cyber-bullying, intimidation, and/or retaliation. The TPS are committed to working in collaboration with students, staff, families, and law enforcement agencies to cultivate a partnership of respect and tolerance. The Superintendent or his/her designee is responsible for the Districts’ implementation and oversight of the Bullying Prevention and Intervention Plan.

### Definitions

*Aggressor/Perpetrator:* is a student or a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying, cyber-bullying, or retaliation.

*Bullying:* as defined in [Massachusetts General Laws chapter 71, section 370](#), is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- Causes physical or emotional harm to the target or damage to the target’s property.
- Places the target in reasonable fear of harm to himself or herself or of damage to his or her property.
- Creates a hostile environment at school for the target.
- Infringes on the rights of the target at school.
- Materially and substantially disrupts the education process or the orderly operation of a school.

*Cyber-bullying:* is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See [Massachusetts General Laws chapter 71, section 370](#) for the legal definition of cyber-bullying.

*Hostile environment:* as defined in [Massachusetts General Laws chapter 71, section 370](#), is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student’s education.

*Retaliation:* any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.



*Staff:* includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, and bus drivers, and athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

*Target:* is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

### Training and Professional Development

A. Annual staff training. Annual training for all school staff on the Plan will include staff responsibilities, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year is required to participate in school based training during the school year in which they are hired, unless they can demonstrate participation in an acceptable and comparable program within the last year.

B. Ongoing professional development. The goal of professional development is to establish a common understanding of tools necessary for staff to foster a school climate that promotes safety, communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. As required by [Massachusetts General Laws chapter 71 section 37O](#), the content of school-wide and district-wide professional development will be informed by research and will include information on:

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

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students with autism or students whose disability affects social skills development.

Additional areas identified by Tyngsborough Public Schools District for professional development include:





- Promoting and modeling the use of respectful language.
- Fostering an understanding of and respect for diversity and difference
- Building relationships and communicating with families
- Constructively managing classroom behaviors
- Using positive behavioral intervention strategies
- Applying constructive disciplinary practices
- Teaching students skills including positive communication, anger management, and empathy for others
- Engaging students in school or classroom planning and decision-making
- Maintaining a safe and cohesive classroom for all students.

C. Written notice to staff. The school or district will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff responsibilities, in the school or district employee handbook.

#### Access to Resources and Services

A. Identifying resources. The TPS building based administration will access members of established teams at each building (i.e. crisis team, student assessment team) to determine and establish resources specific to counseling and other related services for targets, aggressors, and their families when deemed necessary.

B. Counseling and other services. TPS will utilize the District's English Language Learners facilitator when necessary for cultural or linguistic resources. The counseling staff, and school administration will be instrumental in the development of safety plans for students who have been targets of bullying or retaliation. Other available resources include: special education facilitators, psychologists, and behavior specialist.

C. Students with disabilities. As required by [Massachusetts General Laws chapter 71b section 3](#), as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.

D. Referral to outside services. The protocol for referral to outside agencies would be initiated by building administrators. A meeting of district support resource staff would be convened and recommendations would be made.

#### Academic and Non-Academic Activities





#### A. Specific bullying prevention approaches.

- Bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:
- Using scripts and role plays to develop skills;
- Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyber-bullying, including the underlying power imbalance;
- Emphasizing cyber-safety, including safe and appropriate use of electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and respectful communications;
- Engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. The Plan will be reviewed with students annually at the open of the school year in conjunction with the school handbook and school policies and procedures.

#### B. General teaching approaches that support bullying prevention efforts.

- The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:
- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for students with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the Internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.



## Policies and Procedures for Reporting and Responding to Bullying

A. Reporting Requirements: A school system that encompasses open communication and tolerance for all is the most effective means for countering this behavior. It is the responsibility of each member of the community: school employee, student, parent, and guardian to report incidents of bullying or suspicions of bullying or retaliation. Reports will be handled respectfully and taken seriously.

1. Reporting by Staff: Any TPS staff member or employee that has reliable information that would lead them to believe a person is a target of bullying or retaliation must immediately contact the principal or designee to report such behavior. Written reports need to be completed within twenty-four hours of reporting for the purpose of prompt investigations. The requirement to report to the principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

2. Reporting by Students, Parents or Guardians, and Others: The Tyngsborough Public Schools District expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete the TPS Bullying Prevention & Intervention Incident Reporting Form. Students will be provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee. Incident reporting forms are located at central office, and at each school in the main office, student services office, nurses office, and online at the TPS home page, and individual schools home page.

### B. Responding to a Report of Bullying or Retaliation:

1. Safety: Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and / or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the



target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary. The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation. The building administrators in collaboration with school counselors and/or other service providers will meet at the request of the principal or designee for the purpose of developing a safety plan for a target(s) as the principal deems necessary. The plan must be developed and implemented within one school day of the principal's request. The plan will be shared with the target(s) and the parents of the target(s) upon plan approval by the principal.

## 2. Obligations to Notify Other:

i. Notice to parents or guardians: Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

ii. Notice to Another School or District: If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school; the principal will promptly notify the principal of the other school(s) of the incident so the each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

3. Notice to Law Enforcement: At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor. In making this determination, the principal will,



consistent with the Plan and with applicable school or district policies and procedures, consult with the superintendent of schools, school resource officer, and other individuals the principal or designee deems appropriate.

C. Investigation: The principal or designee will investigate promptly all reports of alleged bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. During the investigation, the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or individual(s) conducting the investigation) will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation. Procedures for investigating reports of bullying and retaliation will be consistent with school or district policies and procedures for investigations. If necessary, the principal or designee will consult with legal counsel about the investigation. (Align this with school or district procedures.)

D. Determinations/Responses to Bullying: The principal or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary. Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development. The principal or designee will promptly notify the parents or guardians of the target and the aggressor if bullying or retaliation is substantiated and what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.



### Prohibition against Bullying and Retaliation

1. Teaching Appropriate Behavior Through Skills-building: Upon the principal or designee determining that bullying or retaliation has occurred, the law requires that the school or district use a range of responses that balance the need for accountability with the need to teach appropriate behavior, [Massachusetts General Laws chapter 71 section 37O](#).

Skill-building approaches that the principal or designee may consider include:

- Offering individualized skill-building sessions based on the school's/district's anti-bullying curricula; providing relevant educational activities for individual students or groups of students, in consultation with school counselors and other appropriate school personnel;
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand prosocial ways to achieve their goals;
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home;
- Adopting behavioral plans to include a focus on developing specific social skills;
- Making a referral for evaluation.

2. Taking Disciplinary Action: If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the Plan and with the school's or district's code of conduct. Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), which should be read in cooperation with state laws regarding student discipline. If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

3. Promoting Safety for the Target and Others: The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well. One strategy that the principal or designee may use is to increase adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

### Relationship to Other Laws



Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under [Massachusetts General Laws chapter 71 section 37H](#) to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

### **Bus Behavior Expectations**

The bus operator is in charge of the bus and the passengers. He/she is responsible for the safety of the pupils and for their conduct on the bus. Bus transportation can be denied temporarily or permanently if a pupil's behavior warrants such action. The operator reports to the Principal's office all violations of rules and a pupil may become ineligible for transportation if his/her behavior creates a problem or safety hazard on the school bus.

### **Cafeteria**

The school cafeteria is maintained as a vital part of the health program of the school. To encourage good nutrition, a well-balanced lunch is offered at a reasonable price.

The lunchroom management and your fellow students will appreciate your cooperation in:

1. Depositing all lunch litter in wastebaskets
2. Returning all trays and utensils to the dishwashing area
3. Leaving the table and floor around your area in a neat, clean condition for others to use
4. Recycling all appropriate materials

Students are not allowed to bring food (breakfast or lunch) to any classroom. This practice will be adhered to unless special permission is received from the school office. This includes coffee, juice, etc. that students bring to school in to-go containers - *NO FOOD OR DRINK ALLOWED EXCEPT IN THE CAFETERIA.*

### **Cell Phone Search**

School officials do not have to obtain a warrant in order to conduct a search of student property. Tyngsborough Middle School administration is authorized to seize the cell phone of a student based on reasonable suspicion that the possession or use of the cell phone was in violation of the law and/or school rules. Additionally, Tyngsborough Middle School has the right to conduct a search of the contents of the cell phone when there is reasonable and individualized suspicion that the search will turn up evidence that the student has violated or is violating the law or the rules of the school.





Examples of when a search is justified at its inception include, but are not limited to, when the school receives reliable information that a student has used his or her cell phone to: (1) text during a test (suspected of cheating); (2) take a picture which is suspected to harass or bully a classmate; (3) send a picture to others or post a picture online with the intention of harassing or bullying a classmate or staff member; (4) text a threat regarding a classmate or staff member; (5) and/or where there is reasonable suspicion to believe that a student's cell phone will contain evidence related to an immediate health or safety emergency.

Even if the search of the contents of the cell phone is justified at its inception, Tyngsborough Middle School will limit the scope of the search to only the contents of the cell phone that are reasonably related to the objectives of the search. This means that the search will be limited to those areas of the cell phone that could contain the evidence sought. Additionally, the search of the contents of the cell phone will not be excessively intrusive in light of the age and sex of the student and the nature of the alleged infraction.

### **Cheating and Plagiarism**

Whenever a student is guilty of cheating or plagiarism, the teacher shall confiscate the student's paper, mark a zero for the work, and notify the parent, the Administrative office, and the National Honor Society Advisor, if appropriate, as to the action taken. Examples of cheating or plagiarism may include, but are not limited to, the following: providing materials (tests, quizzes, projects or papers) to another student from a current or previously taken course; copying another student's work or working with other students to complete an assignment when not instructed to do so by the teacher; purposeful communication of information or use of unauthorized resources during a testing environment; and purposeful distribution of work/answers via printed, electronic, or verbal format to other students when such work will be considered for grading purposes.

For information and guidelines with respect to appropriate use of online resources (including translators) in World Language classes, please refer to the individual class' syllabus and course expectations sheet.

The burden of proof that the student has written an original work lies with the student. The student may be requested to provide their teacher/administrator with a rough draft, a Works Cited page, a bibliography, parenthetical citations, copies of their sources, and will have to demonstrate through discussions their knowledge of content.

### **Course/ Schedule Change Procedure**

The first three (3) days of each trimester students are able to make course or schedule changes when appropriate and available. Any change requests other than level changes or changes necessitated by special circumstances (which will be determined by an administrator) in a trimester or year course will be strongly discouraged.



### **Crisis Intervention**

In the event of imminent moral harm or extreme emergencies, school personnel will take any and all steps to ensure the safety of the student and the school community. If, in the opinion of Administration, school counselors, or the Student Support Team, a student is judged to be at-risk of harming himself/herself or others, the following will occur:

1. The student's parents/guardians will be notified of the concern.
2. The parents/guardians will be asked to pick up their son/daughter from school.
3. Prior to being admitted to school the Principal will ask to receive a written statement from an outside licensed mental health professional indicating that he/she has evaluated the student and find that the student is safe to return to school.
4. Upon his/her return, school personnel will continue to monitor and work with the student.

NOTE: During the period that the student is being evaluated, the student's daily absences will be excused.

### **Detention**

Students may be assigned detention by the Principal, Assistant Principal or Special Education Facilitator. Detention is for those students with undesirable patterns of attendance, tardiness, or other disciplinary problems.

Each student is to bring sufficient materials and books to study for the detention, and is to cooperate with the detention supervisor. Students will report to the Main Office at 2:05 p.m. and be taken to the designated detention room, where they will be dismissed at 3:05 p.m.

### **Discipline Code**

The rules of the school, as well as those of the individual teachers, are established for the benefit and safety of all students. Any student who fails to comply with any of these rules will be called to account for him/herself. It is the intent of the administration to assist the faculty and staff in the area of discipline and to give them necessary support. The purpose of all disciplinary procedures, however, should be the behavior modification of the student so that he/she can again participate in classroom activities. All students are expected to be good school citizens. Students will conduct themselves in a respectable manner in the school and at all school functions. Teachers will handle all minor problems occurring in the learning environment. Should an action arise which necessitates a student being sent to the main office, the teacher will report the incident via the phone. Students have the right to know why they are being disciplined and may appeal any disciplinary action to the Principal. The principals will periodically review discipline data by selected populations:

- Ethnicity
- Socioeconomic status





## **Discipline Procedure**

### *First Offense – Warning*

The teacher will discuss the inappropriate behavior with the student. The teacher may discuss alternative decision-making, and should record the date of warning.

### *Second Offense – Consequence*

A consequence will be issued by the individual classroom teacher for violation of classroom procedures. The teacher will discuss the behavior with the student, issue a consequence and inform the parents of the situation.

The consequence will be served under the direct supervision of the team teachers. Should a student fail to report for the teacher consequence, the teacher will forward it to the Main Office. The administration will then address the student.

### *Third Offense – Referral to the office*

Office consequence take precedence over any activity – including staying after school for a teacher, makeup work, sports, etc. for that day. A detention will be issued by the Principal, Assistant Principal, or Dean for various reasons, including, but not limited to:

1. Disciplinary action from a teacher
2. Repeated tardiness to class without a late pass
3. Blatant disrespect for and/or abuse of school or personal property
4. Disregard of school rules/policy
5. Repeated violation of previous addressed offenses

### *Procedure outside the classroom*

When behavior incidents occur outside the classroom, staff is to escort the student(s) to the Main Office. Office personnel and an administrator will handle disciplinary action and parent contact.

### *Procedure inside the classroom*

The teacher will ask the student to report to the Main Office. The teacher will immediately notify the Office that the student is on his/her way via the phone. The teacher will contact the parents to discuss the situation. A parent-teacher conference may be beneficial at this time.

The Main Office will issue detentions for the next available detention day. The student will remain in the office for the remainder of that class period. The student will return to class the following day, regardless of whether the detention has been served. A student who skips a detention may be assigned a Saturday Detention. Failure to attend a Saturday Detention will result in the rescheduling of a Saturday detention and possible suspension.



### *School Suspension*

The Principal will assign an out of school suspension. An administrator will immediately contact the parents to discuss the situation and initiate the suspension process per [School Committee Policy 5.14](#) and DOE regulations.

### **Drugs and Alcohol**

[School Committee Policy 5.11](#) (*Distribution, Possession and Use of Drugs and Alcohol*)

Any student who possesses, consumes or is under the influence of any alcoholic beverage, narcotic drug, stimulant or barbiturate in the school building or on the grounds shall be suspended immediately for a minimum of five (5) days and up to ten (10) days at the Principal's discretion. Prior to the student reentering school, there will be a student, parent, and Principal conference. Subsequent offenses for alcohol and/or drug abuse will result in an immediate ten (10) day suspension and referral to the School Committee for possible long-term suspension or expulsion. However, the Principal can expel the student immediately rather than suspending the student. The school administration will notify the parent, the police and the Superintendent of Schools.

Note: Any suspension for drugs and alcohol will automatically result in out-of-school suspension.

### **Drugs and Alcohol and the Athlete**

During the season of practice or play, a student shall not, regardless of the quantity, use or consume, possess, buy/sell or give away any beverage containing alcohol, any tobacco products, marijuana, steroids, or any controlled substance.

### *Minimum Penalties:*

#### 1. **First Violation:**

When the Principal confirms, following an opportunity for the student to be heard, that a violation occurred, the student shall lose eligibility for the next two (2) consecutive inter-scholastic events, or two (2) weeks of a season in which the student is a participant, whichever is greater. No exception is permitted for a student who becomes a participant in a treatment program. It is recommended that the student be allowed to remain at practice for the purpose of rehabilitation.

#### 2. **Second and Subsequent Violations:**

When the Principal confirms, following an opportunity for the student to be heard, that a second or subsequent violations occurred, the student shall lose eligibility for the next twelve (12) consecutive inter-scholastic events or twelve (12) consecutive weeks, whichever is greater, in which the student is a participant. If after the second or subsequent violations, the student on his/her own volition becomes a participant in an approved chemical dependency program or treatment program, the student may be certified for reinstatement in M.I.A.A. activities after a minimum period of six (6) weeks. Such certification must be



issued by the director or a counselor of a chemical dependency treatment center. Penalties shall be cumulative each academic year, but a penalty period will extend into the next academic year.

### **Educational Reform Act of 1993**

Pursuant to the Educational Reform Act of 1993 all student handbooks will contain the following provisions:

- a. Any student who is found on school premises or at school sponsored or school related events, including athletic games, in possession of a dangerous weapon, controlled substance as defined in chapter 94C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the Principal.
- b. Any student who assaults a Principal, Assistant Principal, Dean, teacher, teacher's aide or other educational staff on school premises or at a school sponsored or school related events, including athletic games, may be subject to expulsion from the school or school district by the Principal.
- c. Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing, a Principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the Principal to have violated either paragraph (a) or (b); provided, however, that any Principal who decides that said student should be suspended shall state in writing to the school committee his reasons for appropriate remedy. In this statement, the Principal shall represent that, in his opinion, the continued presence of this student in the school will not pose a threat to the safety, security and welfare of other students and staff in the school.
- d. Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal the Superintendent. The expelled student shall have ten days (10) from the date of the expulsion in which to notify the Superintendent of his appeal. The student has the right to counsel at a hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- e. When a student is expelled under the provisions of this section and applies for admission to another school for acceptance, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the pupil's expulsion.



### **Face Coverings**

All students are required to comply with District policies relative to masks/face coverings, including Face Coverings [Policy 5.32](#). Students who do not comply with the District's mask policies will be considered not in a condition to attend school. As such, the building principal or designee will work with the parent/guardian to develop a plan to meet the conditions to attend. Students who refuse to comply with masking policies or procedures may be subject to the full range of discipline, at the discretion of the building principal.

### **Field Trips**

Subject matter field trips should be considered as an extension of the classroom and, as such, all students should attend. Students may be denied participation due to extenuating circumstances agreed upon prior to the trip. Students not attending a trip must be left an alternative assignment in the class that is involved in the trip and are expected to attend all other classes that day. Students are still responsible for all work missed while on a field trip. They should get their assignments before going on the trip.

Additionally, students should inform their teachers that they are missing a particular class due to a field trip. Students are expected to turn in to teachers any long-term (defined as assigned two weeks before departure of field trip) assignment, project, and/or essay BEFORE they leave Tyngsborough Middle School on their trip. It is the responsibility of the student to communicate with his/her other teachers as to their pending absence due to a field trip and coordinate the plan both for turning in work that is due, as well as for gathering assignments that are made in his/her absence. Exemptions to be made at the discretion of the teacher.

Field trips require permission slips for all students, signed and approved by a parent/guardian. Additionally, all medical information and/or life threatening allergy/medication pertaining to the student must be current in the Nurses' Clinic

If a student is absent two (2) to three (3) days prior to a field trip, that student may be denied permission to participate in the field trip. In a case of denial, final decisions will be made by the Principal. Normal school rules apply during any field trip. Students may be denied permission to attend any field trip due to excessive absences, behavioral issues or failing grades.

If a student misses three (3) classes in a trimester due to documented field trip, the teacher can speak with the appropriate administrator regarding a meeting to determine whether or not the student (because of grades, overall attendance, general concerns) can miss an additional class for a field trip.

All school rules apply during field trips. Students are ambassadors of Tyngsborough Middle School



and their community and thereby should demonstrate exemplary deportment. All activities during a field trip should be approved by the chaperone in charge.

### **Fire Arms**

Firearms are not allowed on school property as per Chapter 150 of the Acts of 1987. Any student found to have a firearm on school property will be automatically suspended for a ten (10) day period and referred to the School Committee for a possible long-term suspension or expulsion. The school administration will notify the parents, police and the Superintendent of Schools.

### **Fire Drills**

At the sound of the fire bells, immediately prepare to evacuate the building orderly, rapidly and quietly. Follow directions carefully. Proceed out the exit provided in the instructions given by the staff. Students should not stand in any driveway.

### **Grading**

The school year is comprised of three (3) marking periods.

Achievement grades are given to students at the end of each trimester. These grades reflect the overall evaluation of class contribution based on attendance, participation in class, tests, and related assignments.

Achievements are measured numerically with a minimum passing grade of sixty (60).

No “Incomplete” grades will be given without administrative approval.

A+ = 98 - 100	A = 93-97	A- = 90 - 92
B+ = 87 - 89	B = 83-86	B- = 80 - 82
C+ = 77 - 79	C = 73-76	C- = 70 - 72
D+ = 67 - 69	D = 63-66	D- = 60 - 62
F = 0 - 59		

### **Conduct & Effort**

- 1 - Excellent
- 2 - Acceptable
- 3 - Reason for Concern
- 4 - Unacceptable

Letters contained on achievement records are:

P = Pass	W = Withdrawn
F = Fail	I = Incomplete



M=Medical

If a student receives a grade of "incomplete", it is his/her responsibility to arrange for and make-up all work within the appropriate timeframe as determined by the teacher and/or administration at the close of the marking period or a grade of "failing" will be recorded for that period.

A grade of "incomplete" cannot be credited toward interscholastic eligibility.

In addition to achievement grades, conduct and effort will be reflected through comments printed on the report card.

### **Conferences and Extra Help Sessions**

Teachers welcome the opportunity to have individual conferences with students and/or parents. Appointments should be made through the student services office so that teachers will not have to leave their regular classes. It is far better that the student meet with the teacher after school or during the day when the teacher is free from the regular classroom to discuss any differences.

It is expected that students will initiate the scheduling of extra help sessions with teachers. Staff is available by appointment after school for extra help.

### **Graffiti**

Students are reminded about the Massachusetts Law concerning graffiti. Students who break this law are risking their right to drive as well as being subject to the consequences of violating the law.

[Massachusetts General Laws chapter 266, section 126A](#), Whoever intentionally, willfully and maliciously or wantonly, paints, marks, scratches, etches or otherwise marks, mars, injures, defaces or destroys the real or personal property of another including, but not limited to a wall, fence, building, sign, rock, monument, gravestone, or tablet, shall be punished by imprisonment in a state prison for a term of not more than three years or by imprisonment in a house of correction for not more than two years. Upon conviction of either [126A](#) or [126B](#), the individual's driver's license shall be suspended for one year. If the individual convicted is under the age of 16 then one year shall be added to the minimum age eligibility for driving. These statutes also require those convicted for violating either of them to pay for the removal of the damage.

### **Harassment and Intimidation**

Harassment and intimidation can arise from a broad range of physical or verbal behavior including, but not limited to, the following:

1. Physical or mental abuse
2. Unwelcome sexual advances or touching
3. Sexual comments, jokes, stories or innuendoes



4. Racial, ethnic or religious insults or slurs, jokes, comments, stories, or innuendoes
5. Display of sexually explicit or otherwise offensive posters, calendars, etc.
6. Sexual gestures with hands or body movements
7. Display or distribution of racially, ethnically, or religiously offensive materials
8. Whistling or "cat calls"

These activities are offensive and inappropriate in the school setting as well as in settings outside the school. Reprisals, threats, or further intimidation toward the victim will be treated as a continuation of the original offense. Any person who engages in harassment while acting as a member of the school community will be in violation of this policy ([Policy 3.4](#)).

The following procedure will be used as a guideline to possible offenses. It is not intended to be an all-inclusive or reflect extenuating circumstances. Administrators will determine the final decision in all disciplinary actions and will use the following guidelines in the decision making process.

- Intervention may be dealt with by staff member or referred to District Coordinator.
- Disciplinary action may include teacher/administrator imposed consequences and the incident must be referred to the District Coordinator for review, documentation, and possible further action.
- Disciplinary action will be taken by the administration and students may be referred to District Coordinator for education regarding the matter.
- Disciplinary action will be taken by the administration and students may be referred to the Tyngsborough Police Department for legal action.

#### Possible Responses/Disciplinary Actions

- Conference with teacher
- Referral to District Coordinator
- Parent Meeting Required
- Documentation in student record
- Detention
- Possible removal from team/activity if directly associated with offense
- 1-10 day suspension from school
- Referral to Tyngsborough Police Department

#### **Hazing**

([Massachusetts General Laws chapter 269, section 17, 18, 19](#))

Hazing as defined in Chapter 536 of the Acts of 1985 will not be permitted in Tyngsborough Public Schools. Students who are guilty of organizing and/or participating in the hazing of other students may be suspended from school.





In accordance with Tyngsborough Public Schools [Policy 3.4](#).

Hazing is strictly prohibited in Tyngsborough Public Schools. Pursuant to school committee policy and [Massachusetts General Laws chapter 269, section 17, 18, 19](#), hazing shall include any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Anyone associated with Tyngsborough Public Schools who knows that another person is the victim of hazing as described above and is at the scene of such conduct shall, to the extent that such person can do so without danger or peril to himself or others, report such conduct to an appropriate law enforcement official and the office of the Superintendent of Schools, as soon as reasonably practicable.

Every Tyngsborough School which has been designated or approved as a secondary school shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of [Massachusetts General Laws chapter 269, section 17, 18, 19](#).

Each such group, team or organization shall distribute a copy of [Massachusetts General Laws chapter 269, section 17, 18, 19](#) 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 principal of the school an attested acknowledgment stating that such group, team or organization has received a copy of [Massachusetts General Laws chapter 269, section 17, 18, 19](#), that each of its members, plebes, pledges, or applicants has received a copy of [Massachusetts General Laws chapter 269, section 17, 18, 19](#), and that such group, team or organization understands and agrees to comply with the provisions of [Massachusetts General Laws chapter 269, section 17, 18, 19](#).

Each Tyngsborough secondary school shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of [Massachusetts General Laws chapter 269, section 17, 18, 19](#).

The principal of each institution of each Tyngsborough Secondary School shall file, at least annually, on or before October 1 of each year, a report with the Bureau of Student Services of the Board of Education, certifying that such institution has complied with its responsibility to inform





student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of [Massachusetts General Laws chapter 269, section 17, 18, 19](#) 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 and containing such further information as may be required.

The text of [Massachusetts General Laws chapter 269, section 17, 18, 19](#) is as follows:

[Massachusetts General Laws chapter 269, section 17](#) Hazing, organizing or participating; hazing defined Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

[Massachusetts General Laws chapter 269, section 18](#) Failure to report hazing

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

A copy of [Massachusetts General Laws chapter 269, section 17, 18, 19](#); will be issued to students and student groups, teams and organizations.

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or



student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

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

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

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

**Massachusetts General Laws chapter 269, section 10.** (WEAPONS POLICY)

It is illegal to have a weapon in school or on school property. Students who are in possession of a weapon or a look alike weapon risk expulsion from school. In all cases authorities will be notified, the student will be immediately suspended from school, and an expulsion hearing will be held. Weapons are defined as guns, knives, bows, arrows, darts, or any other objects, which in the opinion of the administration may cause harm to you or others.

Whoever not being a law enforcement officer, and notwithstanding any license obtained by him



under the provisions of Chapter 140, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any secondary school, college, or university without the written authorization of the Board or Officer in charge of such secondary school, college, or university shall be punished by a fine of not more than \$1,000 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.

Massachusetts General Laws chapter 71 section 37H (Expulsion for Weapons, Personal Assault, Controlled Substances)

- a) Any student who is found on school premises or at school sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including but not limited to, a gun or knife; or a controlled substance as defined in Chapter 94-C, including, but not limited to, marijuana, cocaine, heroin, and non prescribed medication may be subject to expulsion from the school or school district by the principal.
- b) Any student who assaults a principal, assistant principal, teacher, teacher’s aide or other educational staff on school premises or at school sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing: provided however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
- d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal the superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- e) When a student is expelled under the provisions of this section no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of the school district to which the application is



made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.

**Massachusetts General Laws chapter 71 section 37H 1/27** (Felony Offenses)

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

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five (5) calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five (5) calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

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

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than (5) five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within (3) three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall



have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within (5) five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Upon expulsion of such student, no school or school district shall be required to provide educational services to such student.

### **High Standards, Respect and Dignity**

It is the policy of the Tyngsborough School Committee to hold all staff and persons associated with the district to the highest standards in regards to respect to all parties and the extension of dignity in the treatment of all issues.

The School Committee acknowledges that public education is essentially a people business and that from time to time any person can act in a less than perfect manner. The Committee seeks professional and personal growth from its students and staff. The use of profanity, defamatory statements and disrespectful behavior to or from any party involved in this school system cannot be condoned. In addressing "issues" throughout this school system all parties will follow established procedures and extend the courtesy of respect and dignity throughout the proceedings.

### **Hold Cards**

Report cards and Diplomas will not be issued unless all obligations to the Tyngsborough Public Schools are met, such as library obligations, class dues, missing books, lunch fees, etc. If there are any questions, please see the Principal.

### **Homework**

As noted in [School Committee Policy 4.6](#), homework is an integral part of the grade in each course, counting no more than 10 percent of a student's trimester grade. The proportion may vary from teacher to teacher and will be clearly indicated to students at the beginning of each course. However, it may not be appropriate to grade every assignment as some homework focuses on practicing or building skills. In other cases, the process, as well as the product, is a primary goal. Homework can be part of a collaborative project and is an important way of developing social responsibility and as such, may be weighted accordingly. Meeting deadlines is an important way of developing academic responsibility and independence and may be reflected in the grading rubric. The criteria for accountability are left to the discretion of the individual teacher. Late work may not be accepted or may be subject to a reduction in grade. If your child is going to be absent from school for a period of three (3) or more days, you may request homework through the Student Services Office.



### **Locker Assignment/ Inspection**

In order to insure the safety and health of all Tyngsborough students, the school administration will assign lockers and reserve the right to conduct announced and unannounced locker inspections. All lockers assigned to any student remain in joint custody between the student and the School District.

### **Locker Ownership**

The Tyngsborough school administration reserves the right to open any lockers assigned to students. All lockers are jointly shared between each student and the school administration to house such items as books, pencils, outer garments and other materials related to education. Lockers are school property and the district reserves the right to search lockers for discipline and safety reasons. Illegal drugs, alcohol and other such items found in any lockers will be grounds for expulsion and referral to the police. Locks may be purchased anytime during the school year, students are encouraged to keep the lock for the duration of their THS enrollment.

***Lockers should be kept locked at all times. Locker combinations should not be divulged to others. Parents and students need to be advised that in order to ensure a safe and drug free environment, the Tyngsborough School District has joined with the District Attorney's office, the Tyngsborough Police Department, the Middlesex County Sheriff's Department, the Massachusetts State Police and with any federal law enforcement agency in sponsoring periodic and unannounced drug identifying teams (drug sniffing dogs).***

### **MCAS Testing Policy**

Tyngsborough School Committee [policy 5.21](#) requires all eligible students to participate in all MCAS testing segments. Passage of the MCAS test, as defined by Massachusetts's law, will be a requirement in order to receive a Tyngsborough High School Diploma.

Procedure:

Any student who fails to achieve a passing grade in any MCAS test will, at a minimum, may be assigned to an MCAS tutorial.

Students who willfully fail to participate in any part of the testing program will:

- Be subjected to suspension for the test days
- Be assigned to the make-up test session

Any student who willfully performs poorly on any part of the test:

- May be assigned to a MCAS tutorial
- Will lose eligibility to participate in all Co-curricular activities, athletic events and programs for a 1-year (12 month) period from the date of the test

Willful nonparticipation, or deliberate poor performance on the make-up test:





- May be assigned to a MCAS tutorial
- Will result in loss of eligibility to participate in all Co-curricular activities, athletic events and programs for a 1-year (12 month) period from the date of the test

#### **Make-up work (School Committee Policy 4.6)**

Students who are absent are allowed to make up work missed. The student is responsible for work prior to the day of absence and must present homework the day he/she returns to school. The student is entirely responsible for all work missed.

#### **MEMORANDUM OF UNDERSTANDING- TYNGSBOROUGH POLICE DEPARTMENT**

A relationship of communication exists between Tyngsborough Public Schools and the Tyngsborough Police Department in conjunction with the Middlesex District Attorney's Community-Based Justice Program to the extent of informing the administration at Tyngsborough Public Schools when one of its students is involved in any incident or potential incident that would jeopardize the well-being of students, faculty, or individuals within the greater Tyngsborough community. Should such an incident or potential incident occur, the Administration will receive notice from one of the above mentioned agencies which may result in communication between the student, parent, and his/her Dean/Assistant Principal. The outcome of this meeting may result in disciplinary action which could affect participation in school-related events, activities, athletics and field trips.

#### **"No School" Announcements**

##### *Cancellation/Delay Opening/Unscheduled Early Release*

During a weather related emergency or in a situation deemed by the Superintendent of Schools to be unsafe and not in the best interest of the children, the Tyngsborough Schools or an individual school will be closed until the emergency has passed or the safety issues addressed. Parents will be notified through the School Messenger System of any changes to the school schedule.

##### 1. Early Release

Each parent/guardian will file, annually, an emergency form providing instructions to school officials as to what action should be taken during an emergency occurring during the school day. Lacking specific instructions from the parent or guardian, the school will follow its usual release policy.

##### 2. Delayed Opening:

When possible, at the end of the storm, and to allow road crews to complete plowing/sanding, school opening will be delayed per the discretion of the Superintendent of Schools. Dismissal times on these days will remain the same. Announcements will also be broadcast on radio stations - WBZ, WRKO, and WHDH - Boston. WCAP, WLLH - Lowell



along with WCVB, T.V., Boston.

3. **School Cancellation:**

When it is necessary to cancel school because of weather conditions or other related emergencies, announcements will also be broadcast on the radio stations - WBZ, WRKO, WHDH-Boston, WCAP, WLLH - Lowell and WCVB T.V. - Boston.

4. **Unscheduled Early Dismissal:**

When it becomes necessary to close a school for an emergency or all schools for a developing storm, the following procedure will be followed:

- a. Announcements will be aired on local radio stations WCAP and WLLH, Lowell.
- b. Local Police and Fire authorities will be notified.
- c. Using emergency procedure protocols, the school will direct students to the appropriate destination.

**Office Telephones**

All office telephones are reserved for business purposes. Students will only be called out of class to use the phone in the front office in cases of emergency.

**Open House**

Open House will be scheduled twice each school year. Please refer to the TMS website for scheduled dates. At the first open house parents will meet with grade level teams and learn about their child's educational experience. At the second open house TMS hosts a Celebration of learning where parents can see a showcase of their child's work.

**Physical Education**

Tyngsborough Public Schools Physical Restraint of Students Administrative Guidelines and Procedures:

**PHYSICAL RESTRAINT PREVENTION AND BEHAVIOR SUPPORT**

**I. GENERAL INFORMATION**

Tyngsborough Public Schools shall abide by the provisions of 603 CMR 46.00), which regulates the use of physical restraint on students in Massachusetts public school districts. The use of physical restraint is considered an emergency procedure of last resort, and is prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others, and less intrusive alternatives have failed or been deemed inappropriate. Physical restraint shall be used with extreme caution. The Tyngsborough Public Schools has developed restraint prevention and behavior support procedures, in compliance with 603 CMR 46.00, which shall be annually





reviewed, provided to school staff, and made available to parents.

Note: Nothing in this policy precludes any teacher, employee or agent of the Tyngsborough Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent, serious physical harm.

If physical restraint is necessary, school personnel shall use physical restraint with two goals in mind:

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

603 C.M.R. 46.01(3)(a) & (b).

Further nothing in the Code of Massachusetts Regulations (603 C.M.R. 46.00), Tyngsborough Public Schools Physical Restraint Policy and/or Administrative Procedures and Guidelines shall be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, nothing in the Code of Massachusetts Regulations (603 C.M.R. 46.00).

In addition, each staff member will be trained annually regarding the district's physical restraint policy and accompanying procedures. The Principal or designee will arrange training to occur each school year, or for staff hired after the beginning of the school year, within a month of their employment.

## II. METHODS FOR PREVENTING STUDENT VIOLENCE, SELF-INJURIOUS BEHAVIOR, AND SUICIDE, INCLUDING INDIVIDUAL CRISIS PLANNING AND DE-ESCALATION OF POTENTIALLY DANGEROUS BEHAVIOR OCCURRING AMONG GROUPS OF STUDENTS OR WITH AN INDIVIDUAL STUDENT

### A. School-Level Supports

The school will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. In addition, the school-level crisis team will participate in professional development focused on preventative measures to prevent student violence, self-injurious behavior



and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis team along with teachers and other school personnel will identify students who are potentially at-risk and review student social, emotional and behavior progress monthly at the Student Support Team Meeting (SST) and/or leadership team meeting to plan interventions and supports for students. The monthly meetings will include school counselors, school nurse, administration and if necessary the school psychologist as a resource to plan appropriate interventions and supports for the students.

Each school has a crisis team/TES-School Wide Administrative Team (SWAT), which includes the administrative team, school counselors, nurse(s) and school psychologist when necessary. All members of the school's crisis team are trained in Crisis Prevention Intervention (CPI).

For any student with a history of significant emotional/ behavior including at risk behavior (harm to self and/or others) and/or a student who required a physical restraint, the Team should develop a safety behavior intervention plan or crisis plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings (at least 2x monthly), etc. for the purpose of assessing progress and making necessary adjustments. Teams can request a functional behavioral assessment (FBA) or Safety Assessment and can refer to outside agencies if needed. Each school has a functioning SST, which meets monthly (or more as needed) to discuss individual students and/or groups of students demonstrating problem behavior and mental health concerns. The team should include an administrator, teachers, school counselor, school psychologist, and, if necessary, may include an outside agency representative.

School staff should utilize the school district's various tools to help students who are exhibiting aggressive behavior.

## B. Interventions and Alternatives Physical Restraint

There are a variety of appropriate responses to student behavior that may require immediate intervention. These alternative methods should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints only should be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods that may preclude the need for the use of physical restraint include but are not limited to, the following:

### 1. Active listening



2. Use of a low non-threatening voice
3. Limiting the number of adults providing direction to the student
4. Offering the student a choice
5. Not blocking the student's access to an escape route
6. Suggesting possible resolutions to the student
7. Avoiding dramatic gestures (waving arms, pointing, blocking motions, etc.)
8. Verbal prompt - A verbal prompt is communicating what is expected behavior by clearly stating instructions and expectations.
9. Full or partial physical cue - A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force. These are used at increasing levels as needed to return a student safely back to task. See Physical Redirection and Physical Escort below.
10. Physical Escort - A physical escort is a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder or back, for the purpose of inducing a student who is agitated to walk to a safe location.
11. Physical Redirection - A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student to the learning activity, classroom or safe location.
12. Time-Out - A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming. During time-out a staff member must continuously observe a student. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary and appropriate for the purpose of calming. Time-out shall cease as soon as the student is calmed.

### C. General De-Escalation Guidelines

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

1. Remain calm -To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
2. Obtain Assistance - Whenever possible, school personnel should immediately take steps to notify school administrators, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
3. One Person Speaks - In order to minimize the likelihood of confusion and/or the likelihood of a student experiencing distress from escalating his/her behavior having one



person providing overall direction to the response and the follow up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.

4. Remove Student If Possible - The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered.

5. Remove Other Students - If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

D. In an emergency situation, school staff is to act in a manner to ensure the safety of the individual as well as other students and personnel. The school staff responding to the emergency situation should adhere to the requirements of the districts Physical Restraint Policy and these administrative guidelines and only use a physical restraint as a last resort and with extreme caution AFTER OTHER LAWFUL AND LESS INTRUSIVE ALTERNATIVES HAVE FAILED OR BEEN DEEMED INAPPROPRIATE. In other words, staff should first attempt to verbally redirect the student. If this does not stop or prevent the student from danger, the staff member should attempt to block the student by taking a supportive stance first to prevent them from entering any dangerous situation, such as running into the street or jumping from a high place. If the individual is unable to be blocked; the staff member should then administer or attempt to hold the student from danger until emergency assistance or help arrives. This includes, but is not limited to, any one of the approved control CPI positions.

### III. METHODS FOR ENGAGING PARENTS/GUARDIANS AND YOUTH IN DISCUSSIONS ABOUT RESTRAINT PREVENTION AND USE OF RESTRAINT SOLELY AS AN EMERGENCY PROCEDURE

The Principal should provide all families and students with information about behavioral supports and restraint prevention efforts that are utilized within their school annually. Additionally, the Principal is expected to follow these administrative procedures with respect to identifying students who may be at risk of restraint and work with the student and their family along with the school counselor to identify and work on behavioral supports to prevent restraint from occurring. If a student is restrained, the Principal is expected to follow these administrative procedures with respect to engaging the student and their family about the use of the restraint, the report regarding the restraint, any disciplinary sanctions that may be imposed and/or any other related matters. Additionally, the school counselor also should



follow up with the student and their family regarding behavioral supports.

#### IV. DISTRICT'S PHYSICAL RESTRAINT PROCEDURES

##### A. Definitions

"Consent" shall mean agreement by a parent/guardian who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent/guardian understands and agrees in writing to the carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom. In seeking consent the district shall not condition admissions or continued enrollment upon agreement to the proposed use of any restraint.

"Physical restraint" shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: providing brief physical contact, without force, to promote student safety or limit self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

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

"Mechanical restraint" shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician or related services professional and used for the specific and approved protective or positioning purpose for which the device is designed shall not be considered a mechanical restraint. The use of a mechanical restraint is prohibited unless explicitly authorized by a physician or related services professional and consented to in writing by the parent/guardian of the student. Examples of such devices include, but are not limited to, adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such device or mechanical supports, vehicle safety restraints when used as intended during transport of a student in a moving vehicle, restraints for medical immobilization or orthopedically prescribed devices that permit a student to participate in activities without the risk of harm.

"Seclusion" shall mean the involuntary confinement of a student alone in a room or area



from which the student is physically prevented from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02. The use of seclusion is expressly prohibited.

"Time-out" shall mean a behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student shall not be involuntarily confined and must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed or when thirty- (30) minutes have passed, whichever event is earlier. The space used for time-out must be clean, safe, sanitary and appropriate for the purpose of calming. The Office of Student Services must approve any space utilized for time-out outside of a classroom before it is utilized.

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

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

See 603 C.M.R. 46.02

"Principal" shall mean the instructional leader of a public education school program or his or her designee.

#### B. Determining When to Use a Physical Restraint

If all other less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, a physical restraint may be used as a last resort. In other words, a physical restraint can only be used as a last resort in an emergency when a student's behavior poses a threat of imminent, serious physical harm to himself or herself or others, and the student does not respond to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed inappropriate under the circumstances. Any physical restraint shall be limited to the use of such reasonable force as is necessary, for the least time necessary, to protect a student or another member of the school community from assault or imminent, serious, physical harm. School personnel who have been properly trained in the use of physical restraint may only administer a physical restraint.



### C. Prohibitions on Use of a Physical Restraint

The following practices are expressly prohibited:

(1) Prohibition.

(a) Mechanical restraint, medication restraint, and seclusion shall be prohibited in public education programs.

(b) Prone restraint shall be prohibited in public education programs except on an individual student basis, and only under the following circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
5. The program has obtained consent to use prone restraint in an emergency as set out in 603 CMR 46.03(1)(b), and such use has been approved in writing by the principal; and,
6. The program has documented 603 CMR 46.03(1)(b) 1 - 5 in advance of the use of prone restraint and maintains the documentation.

(c) Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

(d) All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

(e) Use of restraint inconsistent with the provisions 603 C.M.R. 46.00;

(f) Use of physical restraint as a means of discipline or punishment, as a response to the destruction of property or disruption of school order, as a response to a student's refusal to comply with a school rule or staff directive, or as a response to verbal





threats when those actions do not constitute a threat of imminent, serious, physical harm;

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, shall be considered an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.

#### D. Proper Administration of a Physical Restraint

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth training detailed below in Section V (B). Whenever possible, the administration of the physical restraint shall be observed by at least one adult who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary, for the least time necessary, to protect the student and/or a member of the school community from assault or imminent, serious, physical harm. Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed below in subsection E, and shall discontinue the restraint as soon as possible. Floor and prone restraints are prohibited by school committee policy.

It should be noted, however, that the training requirements of the Tyngsborough Public Schools Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines, which are detailed below, shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. 603 CMR. 46.05(1). A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm. 603 C.M.R. 46.05(2).

#### E. Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin temperature and color and respiration. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm. If, at any time during a physical restraint the student expresses or demonstrates significant physical distress, including but not limited to difficulty breathing,





the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.

Restraints must be terminated as soon as the student is not in danger of hurting themselves or any person around them.

If it appears that a student may be restrained for more than twenty (20) minutes based on the student's continued agitation, school staff must obtain the approval of the principal before continuing the restraint for more than twenty (20) minutes. The principal can only give approval and when the principal is not on site at the school, the Assistant Principal/Special Education Facilitator or the school's designee can only give approval for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the restraint for the student, the principal must be informed of critical details regarding the restraint of the student, including, but not limited to:

- a. The type of restraint; and
- b. The student's behavior and condition during the restraint.

The principal must consider these critical factors so that he/she can determine whether continued use of the restraint is justified based on the student's continued agitation. If the principal determines that the continued use of the restraint is justified based upon the student's continued agitation, the removal from class report form needs to be completed by the staff person seeking the extension, signed by both the staff person and principal and a copy of the report provided to the Office of Student Services by no later than three (3) school working days of the administration of the restraint as to the critical factors he/she was informed of and were considered in making the determination that the continued use of the restraint is justified based on the student's continued agitation. A copy of the removal from class report form is attached.

School personnel shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student. School personnel should remember that at any time, school personnel should seek to contact the school nurse and emergency medical assistance if it appears that the student is demonstrating significant physical distress and it is the recommended best practice for school personnel to seek medical assistance when a student appears to be demonstrating or experiencing any physical distress as a result of a restraint.

Brief physical contact with a student by a school staff member in order to promote student safety solely for the purpose of preventing imminent harm to the student, for example, physically redirecting a student about to walk in front of a moving vehicle, grabbing a student who is about to fall or breaking up a fight between students, is not consider a physical restraint. Staff who have brief



physical contact with a student in order to promote student safety shall verbally inform the principal of any physical contact as soon as possible and by no later than the close of the school day on which the brief physical contact occurred and, by written report, no later than the next school working day after the brief physical contact occurred, for review of the event. The principal shall make reasonable efforts to verbally inform the student's parents/guardians of the brief physical contact within twenty-four (24) hours of the event and shall review the event with a review team in accordance with the procedures set forth below in Section G.

## F. Procedure For Use Of Time-Out As A Behavior Support Strategy

### 1. Use of Time-Out as a Behavior Support Strategy

The use of time-out is a behavior support strategy when it is inclusionary. In other words, as detailed in the Massachusetts Department of Elementary and Secondary Education's Technical Assistance Advisory SPED 2016-1 dated July 31, 2015, "when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom" while still "allowing the student to remain fully aware of the learning activities in the classroom." Types of inclusionary time-out practices that function as behavior support strategies include, but are not limited to, planned ignoring, asking student to put his/her head down, placing a student in a different location within the classroom that is not walled-off or otherwise separated from the classroom.

The use of time-out is exclusionary if, as detailed in the Massachusetts Department of Elementary and Secondary Education's Technical Assistance Advisory SPED 2016-1 dated July 31, 2015, the time-out is "a staff-directed behavior support [that] should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom." It "should not be used for punishment for noncompliance or for incidents of misbehavior that are no longer occurring." School staff must be physically present with the student who is in an exclusionary time-out setting, including but not limited to, any student who is exhibiting self-injurious behavior. If the student poses a safety risk to staff and is not exhibiting self-injurious behavior, then, in those limited instances, the school counselor or other behavioral support professional must be immediately available to the student outside the entrance to the time-out setting where he/she can continuously observe and communicate with the student as appropriate to determine when the student is calm. A student is never to be locked in a room.

During an exclusionary time-out, a student shall not be involuntarily confined and must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The time-out shall cease as soon as the student has calmed or when thirty (30) minutes have passed, whichever event is earlier. The preference is for time-out to be implemented within a classroom. Any space utilized for time-out outside of a classroom must be a safe and calming environment that has been approved by Student Services before it is utilized.



## 2. Process of Obtaining Principal Approval for an Exclusionary Time-Out of More than Twenty (20) Minutes

If it appears that a student may be using time-out as a behavior support strategy for more than twenty (20) minutes based on the student's continued agitation, school staff must obtain the approval of the principal before continuing the time-out for more than twenty (20) minutes. The principal can only give approval and when the principal is not on site at the school, the assistant principal or the principal designee can only give approval for the day or period of the day that the principal is not on site at the school. Before making a decision to extend the time-out for the student, the principal must be informed of critical details regarding the time-out of the student, including, but not limited to:

- a. The type of time-out; and
- b. The student's behavior and condition during the time-out.

The principal must consider these critical factors so that he/she can determine whether continued use of the time out is justified based on the student's continued agitation. If, as detailed in the Massachusetts Department of Elementary and Secondary Education's Technical Assistance Advisory SPED 2016-1 dated July 31, 2015, [1] "if it appears that the use of exclusionary time-out exacerbates the student's behavior, or the continuation of the exclusionary time-out beyond thirty (30) minutes has not helped the student to calm", then other behavioral support strategies should be attempted." If the principal determines that the continued use of the time-out is justified based upon the student's continued agitation, the report form Form 2 needs to be completed by the staff person who is seeking the extension. The report then needs to be signed by both the staff person and principal and a copy of the report provided to the Office of Student Services by no later than three (3) school working days of the administration of the time-out. The report needs to detail the critical factors the principal was informed of and were considered by him/her in making the determination that the continued use of the time-out was justified based on the student's continued agitation. A copy of the report form is attached hereto as Form 2.

## G. Follow-up Procedures and Reporting Requirements

### 1. Follow-up Procedures

After a student has been released from a restraint, the school staff shall implement the follow-up procedures set forth below:

- a. Review the restraint with the student to address the behavior that precipitated the restraint;



- b. Review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed; and
- c. Follow-up for the students who witnessed the incident. A detailed follow-up checklist is attached to these procedures and guidelines as Form 1 for your reference.

## 2. Reporting Requirements

- a. Staff who administers a restraint shall verbally inform the principal of any physical restraint as soon as possible and by no later than the close of the school day on which the restraint was administered and, by written report, no later than the next school working day after the restraint was administered, for review of the use of the restraint. A copy of the removal from class reporting form is attached. If the principal administered the restraint, the principal shall prepare the report no later than the next school working day after the restraint was administered and submit it to the Superintendent for review.
- b. The principal shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Massachusetts Department of Elementary and Secondary Education or the student's parents/guardians, upon request.
- c. The principal or his/her designee shall make reasonable efforts to verbally inform the student's parents or guardians of the physical restraint within twenty-four (24) hours of the event, and shall notify the parent/guardian by a written report sent either within three (3) working school days of the restraint to an email address provided by the parent/guardian for communication about the student, or by regular mail postmarked no later than three school working days of the restraint. A written report form letter to parents/guardians regarding the administration of a restraint will include student's name, staff names and job titles, observers, beginning time and ending time, principal or designee signature. This notice should be issued to the parents/guardians in English and in the home language of the student.
- d. The principal shall provide the student and the parent/guardian an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

## 3. Individual Student Review Procedures



The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least, but not be limited, to following:

- a. Review and discussion of the written reports submitted in accordance with 603 C.M.R. 46.06 and section IV of these administrative provides and guidelines and any comments provided by the student and parent/guardian about such reports and the use of restraints;
- b. An analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
- c. Consideration of factors that may have contributed to the escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future; and
- d. An agreement on a written plan of action by the school.

If the principal participated in the restraint the Superintendent has designated that the Director of Student Services shall lead the review team's discussion.

The principal shall ensure that a record of each individual student review is maintained and made available for review by the Massachusetts Department of Elementary and Secondary Education or the parent/guardian of the student, upon request.

#### 4. Administrative Review

At the monthly SST meeting the principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week or individuals involved, the number and duration of physical restraints school-wide and for individual students; the duration of restraints and the number and type of injuries, if any; resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction or prevention strategies, such as training on positive behavioral interventions and supports or take such other action as necessary or appropriate to reduce or eliminate restraints.



## 5. Report of Restraint-Related Injuries

When a restraint results in any injury to a student or a staff member, the principal shall send a copy of the written report required by 603 C.M.R. 46.04(4) along with a copy of the record of the school's physical restraints maintained by the principal as required by 603 C.M.R. 46.06(2) and section G (3)(d) above, for the thirty (30) day period prior to the date of the reported restraint to the Massachusetts Department of Elementary and Secondary Education with a copy to the Superintendent of Schools. The report must be postmarked no later than three school working days of the administration of the restraint.

## 6. Annual Report of All Physical Restraints

The Principal shall work with the Office of Student Services to ensure the collection and annual report of data to the Massachusetts Department of Elementary and Secondary Education regarding the use of physical restraint in the manner and form directed by the Massachusetts Department of Education.

# V. DISTRICT'S TRAINING REQUIREMENTS

## A. For All Program Staff

Within the first month of each school year, the principal of the school shall provide all program staff with training on Tyngsborough Public Schools Physical Restraint Policy and Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines and requirements regarding when restraint is used. Additionally, for all new school employees that are hired after the start of the school year, the principal shall within the first month of their employment provide the new employees with training on the districts Physical Restraint Policy and Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines and requirements regarding when restraint is used. The training shall consist of the following: (a) the role of the student, family and staff in preventing restraint; (b) Tyngsborough Public Schools Physical Restraint Prevention and Behavior Support Administrative Procedures and Guidelines, including use of time out as a behavior support strategy distinct from seclusion which is prohibited; (c) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances; (d) when behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration; (e) administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and (f) identification of program staff who have received in-depth training pursuant to 603 C.M.R. 46.04(3)



in the use of physical restraint. See 603 C.M.R. 46.04(2).

#### B. For Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints

At the beginning of each school year, the principal shall identify program staff that is authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Consistent with the Massachusetts Department of Elementary and Secondary Education physical restraint regulations, Tyngsborough Public Schools recommend that such training be at least sixteen (16) hours in length with refresher training occurring annually thereafter.

The content of the in-depth training shall include, but not be limited to: (a) appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint; (b) description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted; (c) the simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance; (d) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and (e) demonstration by participants of proficiency in administering physical restraint; and (f) instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological and social-emotional effects. See 603 C.M.R. 46.04(3)&(4).

### VI. COMPLAINT PROCEDURES

#### A. Informal Resolution of Concern About Use of Physical Restraint

Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above in Section IV (F)(2). The principal shall attempt, within his/her authority, to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below in Section VI (B).





## B. Formal Resolution of Concern About Use of Physical Restraint

A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian's receipt of the written report from the school detailed above in Section IV (F)(2). The written complaint shall include (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

## C. Other Complaint Processes Also Available

It should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the districts Anti-Harassment and Sexual Harassment Policies to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, marital status or sexual orientation, homelessness, gender identity or genetic information. It also should be noted that the provisions of this section does not preclude a student from using the complaint process set forth in the Tyngsborough Public School Student Handbooks to seek resolution of any complaints regarding a student's deprivation of rights set forth in the school handbook. Any staff member who believes a student has been subjected to a physical restraint in a manner inconsistent with the Tyngsborough Physical Restraint Procedures shall file a written complaint with the principal. Upon receipt, the principal shall conduct an investigation.

Policy Reference 10.3

Legal Reference 603 C.M.R. 46.00





### **Progress Report/Report Card Information**

	<u>Progress Report</u>		<u>Report Cards</u>
Trimester 1	10/8/2021		12/3/2021
Trimester 2	1/24/2022		3/18/2022
Trimester 3	4/29/2022		Last Day

### **SCHOOL HEALTH OFFICE**

The school Health Office is open during regularly scheduled academic school hours only. Students should report to the nurse for health emergencies, illness assessment, first aid/injuries, medication administration, health screenings, health record updates, and any health-related concerns. A student must receive a pass from the supervising teacher before going to the Health Office. If the nurse is not in the Health Office, the student should report to the Main Office. It is the responsibility of the parent/guardian to keep the nurse apprised of their child's medical needs. It is also the responsibility of the parent to notify the school nurse annually of any condition that your child has which might precipitate an emergency situation (e.g. allergy to food, medication, insect bites, etc.; asthma, diabetes, seizures, cardiac history, etc.). Parents must provide medical documentation from their child's physician to return to school following communicable illness, hospitalization, surgery and injury necessitating medical evaluation.

Parents are required to submit a *Student Information Form* annually. This form, on which parents list emergency contacts, over-the-counter medications they permit the nurse to administer, allergies, medical conditions etc., can be found on the parent portal. Authorization from a parent or adult designated on the *Student Information Form* is necessary before a student will be dismissed.

### **Illness**

To provide the healthiest possible environment at school, children should not be sent to school when symptoms of illness are present:

- Temperature 100 degrees or above within the past 24 hours
- Vomiting or diarrhea within past 24 hours
- Excessive coughing and/or nasal discharge
- Suspected infection of eye, ear, nose, throat, skin, scalp
- Rash (communicable or of unknown origin until under physician care)
- Severe abdominal pain or headache
- Suspected communicable disease (including, but not limited to: COVID-19, strep throat, conjunctivitis, impetigo, chicken pox, measles, mumps, whooping cough, tuberculosis, scabies, scarlet fever, etc.). Please notify the school nurse if your child contracts any communicable disease.
- Suspected fractures or any severe or disabling injury until under physician care
- Questionable need for sutures
- Head injury until under physician care
- Antibiotic therapy started less than twenty four (24) hours prior



- Immunizations which are not up to date
- Head lice until treated with appropriate pediculicide product, then checked by the nurse. It is appreciated that parents contact the school nurse to report a case of head lice so potential contacts can be checked. Information received is always confidential.

*When a child is at school and exhibits any of the above, the parent/guardian will be called and requested to pick up their child immediately. We recognize that illnesses are often untimely and inconvenient; however it is vital that children who are ill be picked up within one hour.*

Students should remain home for 24 hours after a fever has subsided without the use of fever-reducing medication such as Acetaminophen (Tylenol) or Ibuprofen (Advil, Motrin). Students should be symptom free of vomiting or diarrhea for 24 hours before return.

**Always remember to call the Main Office before the start of school if your child will be absent. If you have any questions about whether your child should attend school on a given day, please feel free to call the school nurse.**

*School absences or dismissals for medical appointments are medically excused with submission of documentation from their medical provider.*

### **Injuries**

Any injury to a student should be reported IMMEDIATELY to the school nurse and the Administrative Office. If the injury occurs in Physical Education, it should be reported immediately to the Physical Education instructor.

It is the parent's responsibility to notify the school nurse of surgery or injury (i.e. concussion, fracture, sprain, stitches, etc.) *Any student who has sustained an injury and will have restricted activity must bring a note from the physician stating the nature of the restrictions and when the student can resume participation in Physical Education, athletics and other activities.*

Students requiring assistive devices such as a cast, brace, knee immobilizer, crutches, wheelchair, etc. must submit a doctor's note documenting their needs to the school nurse upon return to school. If applicable, the doctor's note must indicate whether the student can use stairs or requires use of an elevator.

### **Medication**

**Students are not allowed to carry any type of medication with them during school. All medication must be left with the nurse. (This includes over-the counter medication such as Acetaminophen (Tylenol), Ibuprofen (Advil, Motrin), TUMS, etc.)**

- Every attempt should be made to schedule medication administration to occur at home.
- The school nurse is the only person allowed to administer medication to students while at school. The nurse may delegate administration of student medication during a field trip. A *Student Medication Administration Order*, completed by a licensed prescriber with written



parental consent, must be submitted to the nurse before any medication can be administered at school. (*Student Medication Administration Order* form can be found on the TPS website)

- Orders are only valid during the school year during which they were written. ***Medication should be delivered to the school in a pharmacy or manufacturer-labeled container by parent/guardian or a responsible designated adult.*** Please ask your pharmacy to provide separate bottles for school and home. No more than a thirty-day supply of medicine should be delivered to the school. Medications will be disposed of if they are not picked up within one week following termination of the order, if they are expired, or if they are not picked up by the last day of school.
- *Narcotic pain relievers* Students who have had surgery, dental procedures, or injuries are not allowed to return to school until their pain can be managed with a non-narcotic analgesic such as Ibuprofen or Acetaminophen. Narcotic pain relievers will not be administered in school.
- *Short-term antibiotics*(10 days or less) are the only prescription medications that do not require a separate signed medication order. The instructions on the bottle are sufficient if the current label is intact. However, written parental consent must be completed.
- *Over-The-Counter medications available:* The School Physician provides an order allowing one dose of the following medications may be given, at the nurse's discretion and according to manufacturer instructions, during a school day: Acetaminophen, Ibuprofen, TUMS, Benadryl, Caladryl Clear and topical antibiotic ointment.  
Parental Consent to administer these medications is to be submitted annually in the parent portal on the *Student Information Form* as previously mentioned.
- Students may however carry emergency medications such as inhalers, Epinephrine and diabetic supplies *if prior approval has been received from the physician, parent/guardian and school nurse*. It is also advised student's store an Epinephrine auto-injector in the Health Office. Students must carry their inhaler, Epinephrine and/or diabetic supplies while participating in after school sports or activities. (*Allergy Action Plan* and *Asthma Action Plan* forms can be found on the TPS website)
- *Epinephrine*: In accordance with the school physician's order, students showing signs of a life threatening allergic reaction (anaphylaxis) may be given epinephrine and EMS(Emergency Medical System) will be summoned.
- *Narcan* (Naloxone): In accordance with the school physician's order, students showing signs of overdose may be given Narcan and EMS will be summoned.

### **Physical Examination and Immunizations**

***For entry into Grade 7:*** TPS policy requires documentation of physical examination including Immunization History, performed within the prior 12 months, be submitted to the school nurse before the first day of 7th grade. Additionally, students must meet the current Massachusetts Department of Public Health immunization requirements.

***Students participating in school sports*** are required by the MIAA to submit documentation of



physical examination performed within the prior 13 months to the school nurse prior to tryouts. A new physical examination must be submitted prior to the 13 month expiration to avoid a lapse in clearance to participate during the season.

### **Mandated Screenings**

School Health Services Staff conduct state mandated screenings throughout the school year. If a parent does not want their child to participate they must notify the nurse in writing.

- *GRADE 7: vision, hearing, height and weight screening*

Parents/legal guardians will be notified of screening results that necessitate medical follow-up. A referral form will be sent home which must be returned to the school nurse as soon as possible.

- *GRADE 7: SBIRT (Screening Brief Intervention, and Referral to Treatment) is the substance use preventative screening method utilized by the district to comply with Mass. General Laws Chapter 71, Section 97. This protocol facilitates a one-on-one conversation between each student and a school nurse or counselor in an effort to prevent, or at least delay, the start of using harmful substances.*

### **School Property**

All members Tyngsborough Middle School are responsible for the proper care of school property, equipment and supplies. Students who willfully damage, deface, or destroy school property, equipment, and supplies, will be required to make restitution to Tyngsborough Middle School and may be subject to disciplinary action. The Principal shall give to the student a reasonable opportunity to make restitution for damages. If the student does not meet his/her obligation or the obligation is sizable, the parent shall be notified in writing of the occasion and extent of damages. The school department may take legal action necessary to recover the value of the damages.

The school department reserves the option of litigation or reviewing the matter with the police department.

### **School Signage**

Any advertisement or sign must be pre-approved and initialed by the Tyngsborough Middle School Administration prior to it being posted. Items not pre-approved or initialed will be discarded.

### **Search and Seizure**

Students have a legitimate right to privacy; however, this right must be balanced against the State's right to maintain a school environment that is conducive to learning. School officials are not required to obtain a warrant before searching a student under their authority. Provided there is reasonable suspicion that the student has violated or is violating the rules of the school, the administration of Tyngsborough Middle School reserves the right to search students, students' lockers and possessions, and/or students' automobiles on school property for articles of contraband. Any illegal articles found will be confiscated and law enforcement officials notified. In addition,



parents will be contacted and students will be suspended in accordance with the school discipline code.

At various times throughout the school year the Tyngsborough Public Schools reserves the right to conduct unannounced dog searches in cooperation with the Tyngsborough Police Department or other state or federal agencies.

**Sexual Harrassment Guidelines Title IX of the Education Amendments of 1972 (Policy 3.4)**

The Tyngsborough Public Schools does not tolerate discrimination against students, parents, employees or the general public on the basis of sex. The Tyngsborough Public Schools is also committed to maintaining a school environment free of harassment based on sex, including harassment based on gender, sexual orientation, gender identity, pregnancy or pregnancy status. The Tyngsborough Public Schools' policy of nondiscrimination extends to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in employment, admission to a public school of Tyngsborough Public Schools or in obtaining the advantages, privileges, and courses of study of such public school on account of sex.

How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator(s) identified below or the Principal. Any report of sexual harassment, as defined under Title IX of the Education Amendments of 1972, will be responded to promptly in accordance with the *District's Title IX Sexual Harassment Grievance Procedures*, available

at: [https://drive.google.com/file/d/1S0cMj\\_5ZlSPA9xItSKcbU4VB3d8IGj6n/view?usp=sharing](https://drive.google.com/file/d/1S0cMj_5ZlSPA9xItSKcbU4VB3d8IGj6n/view?usp=sharing).

Reports of discriminatory harassment not constituting sexual harassment as defined under Title IX of the Education Amendments of 1972, will be initially addressed through the *District's Title IX Sexual Harassment Grievance Procedure* and may, if dismissed under that procedure, be investigated in accordance with the *District's Civil Rights Grievance Procedures*, available at:

<https://drive.google.com/file/d/10UW-Ryo557S1xK84e50XkUrUYyI71I1o/view?usp=sharing>

Upon receipt of a report of sexual harassment, the Title IX Coordinator will: (1) promptly and confidentially contact the complainant to discuss the availability of supportive measures; (2) inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint; (3) consider the complainant's wishes with respect to supportive measures; (4) if



the school district does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and (5) explain to the complainant the process for filing a Title IX Formal Complaint.

Inquiries about the application of Title IX may be directed to the District's Title IX Coordinator and/or the Assistant Secretary of the U.S. Department of Education, Office for Civil Rights.

The District's Title IX Coordinator(s) is:

Sarah Lewenczuk  
Director of Student Services  
50 Norris Road  
Tyngsborough, MA 01879  
tel: (978) 649-8914  
sarah.lewenczuk@tyngboroughps.org

### **Student Activity Meetings**

Student activity meetings will be held on Tuesday. Athletic practice should not start until 3:00 p.m. on Tuesdays. The only time athletes will need to miss a student activity meeting will be the day of an away game. A schedule will be worked out with all advisors of the various activities in order to eliminate as many conflicts as possible.

### **Student Rights and Due Process**

Due process requires that a student be given notice of the violation for which he/she is charged and be given an opportunity to answer the charges. Prior to suspension the student and his/her parents will have a due process hearing with an administrator. During this hearing, the student will be given the reason for suspension and will have the opportunity to respond.

### **Protocol for Discipline of Special Education Students and 504 Students**

Students with disabilities are subject to all provisions of the Code of Conduct as described in the Student Handbook unless noted in the student's Individual Education Plan (IEP) or Section 504 Plan (504 Plan). The following procedure will be adhered to in order to meet regulations regarding students with disabilities.

- A designated individual will track the number of days of suspension for students with disabilities.
- When a student with disabilities has accumulated 5 days or more of suspension, notification will be given to the student's Special Education Liaison and Team Chairperson.
- Manifestation Determination: When a student with disabilities has accumulated 10 days of suspension, the team must meet to determine whether the behavior, which resulted in the





suspension, was a manifestation of the student's disability. This meeting could result in a change of placement if found appropriate for the student.

The Tyngsborough Public School District will provide a free and appropriate public education (FAPE) for a student who is protected by the IDEA (not section 504) and who is suspended beyond 10 school days even if the conduct is determined to be a result of the student's documented disability.

### **Student Dress**

See [School Committee policy 5.1](#)

### **Student Records**

Tyngsborough Public Schools complies with applicable federal and state laws and regulations pertaining to student records. Those laws and regulations are designed to ensure a parent's/guardian's and eligible student's rights to access, inspect, and to request amendment of the child's student record.

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

The temporary record contains the majority of the information maintained by the school system about the student. This may include such things as standardized test results, school sponsored extracurricular activities, and evaluations and comments by teachers, counselors, and other persons. The temporary record is destroyed no later than seven (7) years after the student leaves the school system.

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

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





*Confidentiality of Record* – With a few exceptions, no individuals or organizations but the parent/guardian, eligible student, and school personnel working directly with the student are allowed to have access to information in the student record without specific, informed, written consent of the parent/guardian or the eligible student.

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

*Directory Information* – Federal law requires that the District release the names, addresses and telephone listings of students to military recruiters and institutions of higher education upon request for recruitment and scholarship purposes, without prior consent. In addition, the District may release the following directory information about a student without prior consent: a student's name, address, telephone listing, date and place of birth, major fields of study, dates of attendance, weight and height of members of athletic teams, class participation in officially recognized activities and sports, degrees, honors and awards, post-high school plans and directory information such as homeroom assignments. However, in all instances listed above, parents may request that such directory information not be released without prior consent by notifying the school in writing by the end of September of each school year.

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

*Transfer of Records* - It is the practice of the Tyngsborough Public Schools to forward the student record of any student who transfers to another public school district upon request of the receiving district.

*Non-Custodial Parents* – Unless there is a court order to the contrary, a non-custodial parent (parent without physical custody of the child) of any public school student has the right, subject to certain procedures, to receive information regarding the student's achievements, involvement, behavior, etc. A non-custodial parent who wishes to have this information shall submit a written request annually



to the child's school principal. Upon receipt of such a request, the principal shall send written notification to the custodial parent by certified and first class mail that the records and information will be provided to the non-custodial parent in twenty one (21) calendar days unless the custodial parent provides documentation of the non-custodial parent's ineligibility to access such information. In all cases where school records are provided to a non-custodial parent, the electronic and postal address and any other contact information for the custodial parent shall be removed from the records provided. Any such records provided to the non-custodial parent shall be marked to indicate that they may not be used to enroll the student in another school. Upon receipt of a court order that prohibits the distribution of information pursuant to [Massachusetts General Laws chapter 71 section 34H](#), the school will notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

*Third Party Access* – Authorized school personnel, to include (a) school administrators, teachers, counselors, and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling, and/or diagnostic capacity; (b) administrative office staff and clerical personnel, employed by the school committee or under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record; and (c) the Evaluation Team which evaluates a student, shall have access to the student record of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the parent/guardian or eligible student shall not be necessary.

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

### **Special Education Records**

Special Education records will be destroyed seven (7) years after date of graduation. These records are kept in, and may be picked up from, the Special Education Office in the Central Office Administration Building.

### **Student Conduct and Discipline**

The atmosphere of a school is a reflection of the attitude of its students and staff toward the school and toward each other. It is of equal concern that we achieve an atmosphere of order, self-discipline, safety, and mutual respect. We believe our students have the maturity and good judgment



to regulate their own behavior. When these qualities need further development, we are ready to provide the necessary guidelines. The school belongs to all of us, and it can only be what we want to make it.

Each teacher, within the policies set by the Tyngsborough School Committee for their Tyngsborough Public Schools, will establish behavior expectations within their own classes. A teacher may detain a student whenever the student is not performing at that expectancy level. If there is a continuance of poor conduct displayed by the student, the teacher will request a parent conference. Teachers may schedule time after school to discuss problems in scholastic areas as well as discipline.

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### **Student Misconduct**

Students are expected to give the maximum in courtesy and respect to all school personnel, all other students and to the policies of the school. While it is not possible to list everything which might be considered misconduct, the following may result in a detention or suspension.

1. Any act which disrupts a class or interferes with the proper activities of the teacher and other members of the class.
2. Insubordination. It is expected that the directions and orders of teachers and administrators will be obeyed immediately.
3. Profanity or obscenity cannot be tolerated in a safe and peaceable school environment and will be punishable.
4. Continuous (two or more) violations of Acceptable Dress guidelines
5. Discourtesy or disrespect to teachers, administrative assistants, custodial staff, cafeteria personnel, administrators or other students.
6. Card-playing, gambling, or other activities which are not appropriate in school or on the school grounds. Repeated instances of this problem will result in suspension. This includes computer games.
7. Littering.
8. Damage to school property or the property of any other person, i.e., vandalism.
9. Loitering in the halls or lavatories.
10. Harassment (refer to specific Harassment Policy)
11. Any occasion of a serious breach of school policy and /
12. or school rules by a senior during the last quarter of his/her senior year may result in non-participation in the graduation ceremonies.
13. Excessive tardies. (See Attendance Policy)
14. Any violation of school rules, policies, regulations or other provisions of the student handbook.



### **School Counseling**

School counselors at Tyngsborough Middle School are committed to provide a high quality, comprehensive, developmental counseling curriculum that promotes the well-being and positive development of each individual student. School counselors address the academic, career, and personal/social development of all students. In collaboration with parents/guardians, educators, and the community, school counselors are dedicated to support every student's unique abilities and assist them in realizing their abilities, needs, interests, and goals as they transition through the educational process to become successful members of society and lifelong learners.

Students wishing to visit a counselor should contact the administrative assistant in the Student Services office to arrange for an appointment.

#### *School Counselors*

Mrs. Melissa Mallous

Mrs. Danielle Van Gelder

#### *Student Services Telephone Number:*

(978) 649-3115

### **Student Support Team**

The Student Support Team (SST) meets on a monthly basis to discuss student concerns. The Principal, Assistant Principal, school counselors and the school nurse attend each SST meeting. Before each meeting a member of the SST reaches out to all faculty members through email for feedback on students who may be having academic or social-emotional difficulties. During each meeting student concerns are discussed and a plan of action is put into place. Depending on the student need, students could be referred to a Student Intervention Plan or referred for an IEP or 504 evaluation.

### **Suspension**

As noted in [School Committee Policy 5.11](#), the Tyngsborough School Committee has authorized its administration to use school suspension as a deterrent and retribution to the violation of school, local and state laws.

### **Student Suspensions**

Suspension from school involves the denial of a student's privilege to attend school and its activities. All students should understand that an out of school suspension means that the suspended student may not be in school or on school grounds for any reason, attend any classes, take part in any athletic or other activity until after midnight of the last school day of the suspension without the express permission of the Principal. This action is taken when it is the determination of the Principal



(or his designee) that no other action is suitable or likely to result in the correction of a student's unacceptable behavior. If the suspension is the result of a student's behavior at a school-sponsored activity, continued participation and/or attendance in that activity may be suspended for 30 days. A parent-student-counselor-administrator conference is necessary before a suspended student will be allowed to return to school. Suspensions vary in length from one (1) day suspension up to and including long term suspension or exclusion for the balance of the school year and beyond.

#### Short Term Disciplinary Sanctions:

A student will be given oral notice of the offense with which s/he is charged and an opportunity to respond prior to the imposition of any disciplinary sanction that might result in the student's suspension from school for ten (10) consecutive school days or less. In the event that the Principal determines that the student will be suspended from school, the student's parent/guardian will be notified by telephone and in writing.

Alternatives to short term disciplinary sanctions and office detentions, such as community service to the school, may be suggested to the student when suspension or office detention may be unreasonable due to special circumstances. The student and administrator must agree upon these arrangements.

#### Long Term Disciplinary Sanctions:

Prior to the imposition of any disciplinary sanction that might result in a student's suspension for more than ten (10) consecutive school days or expulsion, the parent/guardian will be given written notice of a hearing at which they may be represented by an attorney at their expense and may examine and present witnesses and documentary evidence. Following this hearing, the decision maker (Principal/School Committee) will issue a written decision. The parent/guardian will have the right to appeal any decision imposing a long-term exclusion from school. Where the student is excluded in accordance with [Massachusetts General Laws chapter 71 section 37H](#), the student shall have ten (10) days from the effective date of the exclusion to file a written appeal with the Superintendent of Schools. For exclusions imposed under [Massachusetts General Laws chapter 71 section 37H 1/2](#), the student shall have five (5) days from the effective date of the exclusion to file a written appeal with the Superintendent. For exclusions imposed by the School Committee in accordance with [Massachusetts General Laws chapter 76 section 17](#), the student shall have the right to file a written request for reconsideration by the School Committee within ten (10) days of the effective date of the exclusion. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect.

Offenses for which you will be suspended or excluded include, but are not limited to:

1. Truancy and leaving the school building/grounds without permission. Truancy will result in suspension from school and parent notification on the first offense. Subsequent offenses will



result in a suspension from school for each subsequent offense and a parent meeting.

2. Use, possession or distribution to other student of drugs or alcohol, or possession of drug paraphernalia. Use, possession, or distribution to other students of drugs or alcohol, or possession of drug paraphernalia is strictly prohibited, and may be suspended up to 5 days out of school. In addition, those students suspended for drug and/or alcohol use may be required to get a doctor's physical examination report before returning to school. Possession of items that are considered to be drug paraphernalia is a suspendable offense. A student suspended for drug/alcohol use may be required to enter an approved substance abuse program that may also include parental involvement.
3. Offenses involving assault of a student/teacher, or possession of drugs or weapons may result in expulsion by the Principal. Refer to this manual for [Massachusetts General Laws chapter 71 section 37H 1/2](#) regarding potential expulsion for assault, drugs, or weapons.
4. Disrespectful speech or actions toward teachers, secretaries, custodial staff, cafeteria personnel, administrators or other students.
5. Possession of dangerous weapons.
6. Hazing ([Massachusetts General Laws chapter 269 section 17](#))
7. Use/possession of tobacco products on school grounds

Offenses for which you may be suspended with the length of suspension at the discretion of administration, include, but are not limited to:

- (a) Repeated or multiple cutting of classes.
- (b) Stealing; including but not limited to school store, cafeteria & locker rooms.
- (c) Defacing or willfully damaging school property.
- (d) Fighting/harassment/other forms of violence directed at another person. Such actions may include police involvement. A counseling session/conflict mediation session should precede reinstatement to class of the suspended student.
- (e) Forgery.
- (f) Snowballing - snowballs are not to be thrown on school property. Making snowballs is interpreted as throwing them.
- (g) Setting off false alarms (such students will also be referred to the police and fire chief).
- (h) Serious acts of insubordination.
- (i) Cutting Office Detention
- (j) Other extreme acts which infringe on the rights of others or detract from the learning atmosphere.
- (k) Violation of the Computer Environment Policy.
- (l) Present in an "unauthorized area"- Students are expected to follow their schedule and be in their appropriate classes during scheduled times. (Stairwells, unsupervised locker rooms /classrooms or offices are examples of unauthorized areas.)





- (m) Continuous violation of school rules
- (n) Inappropriate behavior
- (o) Electronic cigarettes /Vaporizes
- (p) Possession of prescription medicine without authorization from school nurse

The process of suspensions shall include due process:

1. Following parent/guardian contact, a written notice that a violation has occurred will be mailed home (these violations are printed in this manual, read them carefully)
2. Students will have the opportunity to discuss their side of the events leading up to suspension with a school administrator and seek clarification from the individual at which level the offense occurred.
3. Students will have the opportunity to further question the suspension with the Principal, Superintendent and/or School Committee.
4. School Committee may be alerted when a student has received a third suspension that may mean School Committee review.
5. Work or assignments missed during a suspension can be made up on the student's return to school within a time frame established between teacher and student.

#### Massachusetts General Laws chapter 71 section 37H 3/4

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

(b) Alternatives to Suspension under Section 37H3/4. Any principal, superintendent or other person acting as a decision- maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

(c) Notice of Suspension and Hearing under Section 37H3/4.

(1) Except in the case of emergency removal as set forth below, or in school suspensions, the principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.





(2) The principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The student and the parent will be made aware of their right to interpreter services. The notice shall set forth in plain language:

- (a) the disciplinary offense;
- (b) the basis for the charge;
- (c) the potential consequences, including the potential length of the student's suspension;
- (d) the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- (e) the date, time, and location of the hearing;
- (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- (g) if the student may be placed on long- term suspension following the hearing with the principal:
  - 1. the rights set forth below concerning a long-term suspension hearing; and
  - 2. the right to appeal the principal's decision to the superintendent.

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

(4) Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to the address provided by the parent for school communications, or any other method of delivery agreed to by the principal and parent.

(d) Emergency Removal under Section 37H3/4

(1) The principal can remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The principal shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency



removal, during which time the principal shall:

- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in Section (c)(2), above;
- (b) Provide written notice to the student and parent as provided in Section (c)(2), above;
- (c) Provide the student an opportunity for a hearing with the principal that complies with Sections (e)(2) and (e)(3) below, as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.
- (d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of Sections (e)(2)(c) and (e)(3)(d) below, as applicable.

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

(3) Removal from privileges such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct, is not subject to these procedures.

(e) Principal's Hearing under Section 37H 3/4

1) The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal shall afford the student, at a minimum, all the rights set forth below in addition to those rights afforded to students who may face a short-term suspension from school.

2) Principal Hearing - Short-term Suspension

(a) The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances



surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate as set forth in Section (b) above. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(b) Based on the available information, including mitigating circumstances, the principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

(c) The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice.

(d) If the student is in the grades K through 3, the principal shall send a copy of the written determination to the Superintendent, explaining the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

### 3) Principal Hearing - Long-term Suspension

(a) The purpose of the hearing is the same as the purpose of a short-term suspension hearing.

(b) At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:

1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
2. the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
3. the right to produce witnesses on his or her behalf and to present the



student's explanation of the alleged incident, but the student may not be compelled to do so;

4. the right to cross-examine witnesses presented by the school district;

5. the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

(c) The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

(d) Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as set forth in Section (b) above, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the principal decides to suspend the student, the written determination shall:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;

2. Set out the key facts and conclusions reached by the principal;

3. Identify the length and effective date of the suspension, as well as a date of return to school;

4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school;

5. Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication



where appropriate, and shall include the following information stated in plain language:

a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that

b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

(e) If the student is in grades K through 3, the principal shall send a copy of the written determination to the Superintendent, explaining the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

(f) Superintendent's Hearing under Section 37H 3/4

1. A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent.

2. The student or parent shall file a notice of appeal with the superintendent within the time period set forth Section (e) (3) (c) 5.a). If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

3. The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.

4. The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.

5. The superintendent shall conduct a hearing to determine whether the student



committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.

6. The student shall have all the rights afforded the student at the principal's hearing for long-term suspension under Section (e)(3)(b).

7. The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of Section (e)(3)(c)1 through 5, above. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.

8. The decision of the superintendent shall be the final decision of the school district, charter school, or virtual school, with regard to the suspension.

(g) In-School Suspension under Section 37H 3/4

1. The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

2. The principal may impose an in-school suspension for a disciplinary offense under this provision, provided that the principal follows the process set forth below and the student has the opportunity to make academic progress.

3. The principal shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal determines that the student committed the disciplinary offense, the principal shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

4. On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school Education Services 37H1/2, and 37H3/4 suspension. The principal shall also invite parents to a meeting to discuss the student's academic performance and



behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

5. The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parents to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to the address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

#### **Education Service and Academic Progress Under sections 37H, 37H1/2, and 37H3/4**

(1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

(2) Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

(3) The principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under G.L. c 69, §§ 1D and 1F.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.





(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

(b) For each student expelled or suspended from school for more than ten (10) consecutive days, whether in-school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

### **Discipline and Students with Disabilities**

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act of 1973, and related regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act are, generally, also entitled to increased procedural protections prior to imposing discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

1. The Individualized Education Program (IEP) for every student eligible for special education or related services shall indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified to address the student's individual needs.
2. Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "change in placement", building administrators, the parent/guardian, and relevant members of the student's IEP or 504 Team will meet to determine the relationship between the student's disability and behavior (Manifestation Determination). In most instances, during disciplinary



exclusions exceeding ten (10) school days in a single school year, the student shall have the right to receive the services identified as necessary by the Team to provide him/her with a free appropriate public education during the period of exclusion.

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

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

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

### **Teacher Detention**

A teacher may detain a student after school. A student must receive one (1) day's notice prior to staying for a teacher detention. During this time, there should be a positive exchange between teacher and student to explain what the expected behavior is and how the student can work to attain the expected level.



### **Textbooks and Equipment**

Students will be responsible for all textbooks and equipment issued by Tyngsborough Public Schools. Students will be charged a replacement fee for all lost or damaged books or equipment. A replacement for a lost and/or stolen textbook or piece of equipment will be issued upon full payment for the original.

### **Theft**

If a student believes that a personal item may have been stolen they should immediately report to the administration. Administration will complete the following checklist:

- speak to the student and obtain a statement
- complete a theft report
- issue copies of theft report to department(s) and custodial staff
- notify student of lost and found areas
- notify student if item is recovered
- notify police if appropriate

### **Tobacco Use/Possession**

*Student Use and Possession of Tobacco Products:*

In accordance with [Massachusetts General Laws chapter 71 section 2A](#), and [Massachusetts General Laws chapter 71b section 37H](#), the use of tobacco products and/or electronic cigarettes is prohibited by all persons at all times on all school property and at all school-sponsored activities.. No student will be allowed to have cigarettes or tobacco products in their possession in school, on school busses, at school functions or on school property ([School Committee Policy 2.2](#)).

The Tyngsborough School Committee via its professional staff will continually attempt to make all students and their parents/guardians aware of the dangers involved in smoking and the use of tobacco products and discourage its use.

### **Truancy**

A truancy arises from the fact that neither the home nor the school has given permission for a student to be absent from school. The truant will make up the work missed for no credit. If a student is found truant, he/she cannot return to school until a satisfactory conference with school authorities and parent is held.

He/she will also be liable for suspension from school for a period of time depending upon the circumstances involved. All truant students must meet with the attendance officer concerning the truancy.



**User Fee Procedure (School Committee Policy 5.27)**

The School Committee will annually review and establish a fee schedule.

A fee schedule will be maintained for:

- All non-competitive clubs and activities
- Each competitive program.

**Visitors**

All visitors to Tyngsborough Middle School must report directly to the Main Office and be approved by the Main Office. A visitors pass will be issued and must be returned prior to leaving. Any individual in the school without permission will be considered trespassing and dealt with accordingly.