



**STUDENTS' RIGHTS AND  
RESPONSIBILITIES HANDBOOK**  
**INCLUDING ADMINISTRATIVE POLICIES AND PROCEDURES**

**2021-2022**

## DISTRICT PHONE NUMBERS (617) 559-XXXX

### Elementary School

Angier	9300	Franklin	9500	Peirce	9630
Bowen	9330	Horace Mann	9510	Underwood	9660
Burr	9360	Lincoln-Eliot	9540	Ward	6450
Cabot	9400	Mason-Rice	9570	Williams	6480
Countryside	9450	Memorial-Spaulding	9600	Zervas	6750

### Middle Schools

Bigelow	6800
Brown	6900
F.A. Day	9100
Oak Hill	9200

### High Schools

Newton North	6200
Newton South	6500

### Other Important Numbers

NECP	6050
Transportation	9051
School Committee	6110

### On the Web

- Newton Public Schools: [www.newton.k12.ma.us](http://www.newton.k12.ma.us)
- School Committee: [www.newton.k12.ma.us/domain/68](http://www.newton.k12.ma.us/domain/68) or email to [schoolcommittee@newton.k12.ma.us](mailto:schoolcommittee@newton.k12.ma.us)
- Follow us on *Facebook*, *Twitter* and *Instagram*. Search for “Newton Public Schools.”

### Newton Public Schools (617) 559-6000

- Superintendent of Schools: David Fleishman, ext. 6100
- Assistant Superintendent/CFAO: Liam Hurley, ext. 9025
- Assistant Superintendent for Teaching and Learning: Renee McCall, ext. 6125
- Assistant Superintendent for Elementary Education: Ayesha Farag, ext. 6105
- Assistant Superintendent for Secondary Education: Toby Romer, ext. 6115
- Assistant Superintendent for Student Services: Elizabeth Fitzmaurice, ext. 6025
- Director of Human Resources: Martine Albama, ext. 6005
- Director of Facilities: David Stickney, ext. 9000
- Director of Information Technology and Library Services: Steven Rattendi, ext. 6190
- Director of Newton METCO: Lisa Gilbert-Smith, ext. 6132
- Director of Language Acquisition (ELL): Allison Levit, ext. 6043

*Please call the ELL teacher at your child's school if you need this document translated.*

אם יש לכם צורך בתרגום טופס זה, אנא צרו קשר עם מורת האי-אל-אל בבית הספר של ילדכם.

Пожалуйста, свяжитесь с преподавателем программы ELL в школе вашего ребенка, если вам нужен перевод этого документа.

假如你需要這份文件的翻譯本請打電話給您子學校的ELL師。

この書面の翻訳が必要な場合はお子さんの学校のELL担当教員に連絡してください。

이 서류에 대한 번역이 필요하시면 여러분 학교의 ELL 선생님께 전화하시기 바랍니다.

Por favor, telefone para o professor do programa ELL na escola do seu filho se precisar deste documento traduzido.

Si usted precisa que este documento sea traducido, por favor llame al profesor del programa de aprendices del idioma inglés de su hijo, -a.



David Fleishman  
Superintendent of Schools

September 10, 2021

Dear Parents, Guardians and Students,

In the Newton Public Schools, we strive to meet the learning needs of *all* students by ensuring that the K-12 curriculum offers a coherent course of study yet remains flexible enough to allow for differentiation according to children's needs. In addition to this academic goal, we are committed to creating a responsible school community and providing a safe, respectful learning environment for all students. To that end, the school system has adopted a number of policies and procedures to ensure that all students and staff members understand what is expected of them.

This handbook outlines Students' Rights and Responsibilities. It is important to review this booklet with your child, as it is through the shared understanding and acceptance of our district policies and guidelines that we promote the orderly environment that is so conducive to student learning. Please pay attention to the section at the back of the handbook containing information regarding electronic forms that require your signature. They should be completed by September 24, 2021.

In any society, there is a critical balance to be struck between freedom and responsibility. We seek to achieve this balance through the daily implementation of the policies and guidelines contained in this handbook. Each year, this handbook is reviewed and updated to reflect changes in state and federal law, as well as recently enacted School Committee policies. Please familiarize yourself with the handbook's contents. In addition, a complete version of all our district [policies](#) are available on our website.

Parents are able to update their emergency contact information directly within our Aspen Family Access website, a feature of our Aspen student information system. Required emergency contact information includes present home addresses and phone numbers, parents'/guardians' work and cell phone numbers, email addresses, and the names and phone numbers of two neighbors or nearby relatives who can be called in the case of an accident or emergency, should the school be unable to locate the parents/guardians. It is vital that this information be kept up-to-date and accurate. Parents/guardians should adjust/update this information, (e.g., change of address, phone number, business, marital status) on an on-going basis. Accurate information is extremely important, as this is used to update all of our communication systems.

Best wishes for an excellent school year.

Sincerely,

David Fleishman  
Superintendent of Schools

DF/cc

## **The Mission of the Newton Public Schools**

To educate, prepare, and inspire all students to achieve their full potential as lifelong learners, thinkers, and productive contributors to our global society.

### **Our Core Values:**

The following Core Values are guiding principles for the Newton Public Schools (NPS). These values represent how we want to “live” within our school communities. Core Values are for children and adults to embrace, internalize, model and live by. They are an expression of what is deep and enduring in our school system.

#### ***Excellence:*** We will

- Set high expectations and standards for all students and staff
- Educate the whole child by striving for excellence in academic, artistic, physical, interpersonal and vocational pursuits
- Inspire a lifelong love of learning in students and staff

#### ***Innovation:*** We will

- Be a recognized leader in education and curriculum development
- Foster inventiveness, open-mindedness, critical thinking, creativity and collaborative problem-solving in our students and staff
- Continuously assess and improve our teaching and learning

#### ***Respect:*** We will

- Create an environment where *everyone* feels known, safe, and valued
- Recognize the uniqueness and dignity of individuals of differing races, religions, classes, ethnicities, sexual orientations, learning styles and abilities
- Build upon the strengths of our diverse community

#### ***Responsibility:*** We will

- Foster an environment in which all students and adults take responsibility for their individual and collective behavior
- Create a culture of collaboration, collegiality and honest communication
- Cultivate citizens who contribute to and care about their community and the world

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## **I. RIGHT TO AN EQUAL EDUCATION**

All students in the Newton Public Schools, regardless of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law will be given equal access to educational services, including school admission, admissions to courses, access to course content, access to guidance services, and participation in extracurricular and athletic activities.

### **A. Non-Discrimination Policy Summary, Including Harassment and Retaliation**

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

Newton Public Schools does not exclude from participation, deny the benefits or otherwise discriminate against, individuals on the basis of race, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law in the administration of its educational and employment policies, or in its programs and activities, and provides equal access to all designated youth groups. Newton Public Schools requires all members of the school community to conduct themselves in accordance with this policy.

For our full Non-Discrimination Policy, see our [online policy manual](#). Inquiries concerning the Newton Public Schools' policies and protocols, compliance with applicable laws, statutes, and regulations, and complaints may be directed to the Director of Human Resources.

Inquiries about laws, statutes, regulations and compliance may also be directed to the Massachusetts Department of Elementary and Secondary Education or the Office for Civil Rights, U.S. Department of Education, 5 Post Office Square, 8<sup>th</sup> Floor, Suite 900, Boston, MA 02109; (617) 289-0111; E-mail: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov); website: [www.ed.gov/ocr](http://www.ed.gov/ocr).

### **B. Procedure for Filing Complaints Related to Discrimination or Harassment<sup>1</sup>**

Any member of the school community who believes s(he) or another school community member has been the victim of any form of discrimination, including harassment and retaliation, should report the conduct or file a complaint. Students may make a report or complaint to any school faculty, staff, or administrator. Reports or complaints by any other member of the school community should be to the designated official specified in the applicable policy or grievance procedure or to the Director of Human Resources. Newton Public Schools will promptly respond to and investigate all reports or complaints, formal or informal, written, oral, or otherwise given notice, of any discrimination, including harassment and retaliation, or other violation of civil rights

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<sup>1</sup> The Protocol is currently under review and revision. When revisions are complete, this Handbook will be updated to reference the revised and link.



pursuant to our Non-Discrimination policy and protocol. The Protocol for Reporting and Investigating Discrimination, Harassment and Retaliation, including reporting forms, can be found on the NPS Website, on the [Policies, Procedures and Protocols](#) page.

New Title IX regulations issued by the Secretary of Education took effect on August 14, 2020, amending the regulations that implement Title IX of the Education Amendments of 1972. Accordingly, Newton Public Schools has issued new [protocols](#) for reporting and investigating Title IX sexual harassment.

The Director of Human Resources is designated as the District ADA, Title VI, Title IX, and Sexual Harassment Coordinator, and Grievance Officer for the School Committee, administration, faculty, staff, volunteers in the schools, and for parties who are contracted to perform work for the Newton Public Schools, and can be reached at:

Director of Human Resources  
100 Walnut Street  
Room 201  
Newton, MA 02460  
(617) 559-6005

The Assistant Superintendent for Student Services is designated as the District ADA, Title VI, Title IX, and Sexual Harassment and Civil Rights Coordinator for students in the Newton Public Schools. In addition, the assistant superintendent for student services is the District 504 Coordinator, and can be reached at:

Assistant Superintendent for Student Services  
100 Walnut Street  
Room 320  
Newton, MA 02460  
(617) 559-6025

## **II. STUDENTS RIGHTS**

Students in the Newton Public Schools are afforded the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statutes. In connection with these rights, there are also responsibilities that must be assumed by students.

### **A. Civil Rights**

All students possess the right to an equal educational opportunity and freedom from discrimination, harassment and retaliation, as well as have the responsibility not to discriminate, harass or retaliate against others.

### **B. School Attendance**

All students have the right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.

### **C. Due Process**

All students have the right to due process of law with respect to suspension and expulsion from school.

### **D. Freedom of Expression**

All students have the right to free inquiry and expression and the responsibility to observe reasonable time, place and manner limitations regarding these rights. This right includes the right to express their views in student publications provided such expression does not cause or threaten to cause, by reasonable forecast by school officials, any disruption or disorder in the school. Additionally, such constitutional right of freedom of expression does not include expression which is obscene, defamatory, or advocates violence or illegality where such advocacy is imminently likely to incite the commission of such acts to the detriment of school security, or which can reasonably be forecast to cause substantial disruption or material interference with school activities.

### **E. Freedom of Assembly**

Associations may be organized within the school for political, social, athletic or other proper and lawful purposes, subject to reasonable limitations as to time, manner and place of assembly.

### **F. Privacy**

All students have the right to privacy, subject to permissible searches of students, lockers, automobiles and NPS technology and online resources by the District. This right includes privacy with respect to the student's school records.

### **G. Freedom of Religion**

All students have the right to freedom of religion without interference or infringement from the School Committee.

### **H. Dress Code**

Students and parents have the right to determine how the student will dress providing that attire is not destructive to school property, complies with requirements for health and safety, and does not cause disorder or disruption. The administration is authorized to take action in instances where individual dress does not meet these stated requirements. Student, faculty, or parent groups may recommend appropriate dress for school or special occasions, however, students will not be prevented from attending school or a school function, or otherwise be discriminated against, so long as their dress and appearance meet the requirements set forth above.

### **I. Rights of Eighteen-Year-Old Students**

When a student reaches the age of 18, he or she shall have the following rights:

1. He or she may sign his or her own absence notes, though school officials may require satisfactory verification as to the cause of the absence.
2. He or she may sign his or her own permission slips for field trips.
3. He or she may authorize or limit access to his or her own school records.
4. He or she may withdraw from school without permission of a parent or guardian.
5. He or she has all the rights, which would belong to a parent or guardian in connection with the special education process, including the right to consent to or object to his or her individual education plan (IEP).

Please note: NPS reserves the right to notify parents/guardians of student disciplinary incidents or other significant school events regardless of age.

#### **J. Rights of Students with Disabilities**

Unless under G.L. c. 71B and the Individuals with Disabilities Education Act of 2004, 20 U.S.C. §1400 et seq. (IDEA), every student must be given a free and appropriate public education in the least restrictive environment. A student is entitled to these services if the student meets all three of the following requirements:

1. The student is between the ages of 3 and 22.
2. The student has not obtained a high school diploma or its equivalent.
3. The student has an education disability which keeps the student from making effective progress.

Under Special Education regulations, the Newton School Department provides a preschool program and related support services for children with disabilities starting at age three. For more information, call the Director of NPS Early Childhood Programs at (617) 559-6050 or check the [NECP](#) website.

One year prior to the student's reaching age 18, the IEP Team must inform the student of the right at age 18 to make all decisions in relation to special education programs and services. Upon reaching the age of 18, the student has decision-making authority and can sign the IEP. There are three exceptions, however, that can be made:

1. If the parent has sought and received guardianship from a court of competent jurisdiction, then the parent retains full decision-making authority.
2. The student, upon reaching the age of majority (18) and in the absence of any court actions to the contrary, may choose to share decision-making with his or her parent (or other willing adult), including allowing the parent to co-sign the IEP. Such choice is made in the presence of the Team and is documented in written form. The student's choice prevails at any time that a disagreement occurs between the adult student and the parent or other adult with whom the student has shared decision-making.
3. The student, upon reaching the age of majority and in the absence of any court actions to the contrary, may choose to delegate continued decision-making to his or her parent or other willing adult. Such choice is made in the presence of at least one representative of the school district and one other witness and is documented in written form and maintained in the student record.

#### **Section 504 Accommodation Plan**

Section 504 Accommodation Plans are developed and implemented to protect students with disabilities by eliminating barriers and allowing full participation in education. A Section 504 Accommodation Plan is designed to articulate and implement a program of instructional services, including general classroom modifications, to assist students with impairments who are educated in the general education setting.

In order to be eligible for a 504 Accommodation Plan, the student must be identified as disabled. To qualify as disabled, the student must have a physical or mental impairment, which substantially limits one or more major life activities; or must have a record of such impairment; or must be

regarded as having such impairment. Major life activities include, but are not limited to caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning.

### **III. STUDENT RESPONSIBILITIES**

As mentioned above, students, as well as all members of the Newton Public Schools community, are expected to assume certain responsibilities in addition to the rights afforded them.

#### **A. Responsible, Positive and Safe Behavior**

All members of the school community, including all school personnel, have the responsibility to demonstrate respect for other individuals and their property. This expectation applies to peers as well as to all school personnel while in school or on school property and during all school-sponsored activities, both on and off campus, including those times when they are riding school buses or other school-provided vehicles. It is specifically noted that, for the purposes of these rules and regulations, buses and other school transportation vehicles are considered school property and bus drivers are considered school personnel.

Students are responsible for behaving in accordance with these rules and regulations and to remove themselves from situations, which involve illegal activity; the possession or use of illicit drugs, alcohol, or weapons, or the violation of the discipline codes. Students who do not remove themselves from such situations may be subject to D20 of the discipline code.

Schools provide supports and behavioral interventions to help students to behave as positive members of the Newton Public Schools community. School officials will attempt to help students solve behavioral problems without interrupting the daily program of studies. However, certain types of behavior may require disciplinary action including suspension or expulsion.

In addition to this disciplinary action, violation of the Discipline Codes may result in police notification pursuant to state statute and/or the Memorandum of Understanding between the Newton Public Schools and the Newton Police Department. See the full Memorandum in our [online policy manual](#).

#### **B. Regular Attendance**

Regular attendance in school is required by Massachusetts' law (G.L. c.76, §1) for all persons between the ages of 6 and 16. It is the shared responsibility of each student, his or her family, and the school to ensure that the student attends school each day that he or she is not sick. Failure to attend school, except under extraordinary circumstances, will require school personnel to seek help for the student and the student's family through court action and/or through the Massachusetts Department of Children and Families.

When a student reaches the age of 16, he or she may withdraw from school with the permission of his or her parent or guardian. The parent(s) or guardian(s) may meet with the Superintendent or his or her designated representative prior to the student's withdrawal from school for the purpose of discussing the reason for the student's withdrawal and the alternative educational programs

available to the student. The student will be told that he or she may resume his or her education even if he or she has withdrawn from school pursuant to this procedure. When a student permanently leaves school, the administrator of the school must send notice to the student/parent/guardian and hold an exit interview in accordance with G.L. c. 76, § 18. More information on [high school exit intervention](#) can be found on the DESE website.

A student may be re-enrolled in school after an extended absence, but academic credits and promotion to the next grade are likely to be seriously jeopardized by the student's lack of academic progress during the extended absence. Therefore, lengthy absences for extended trips are strongly discouraged by the Newton Public Schools, as teachers cannot provide the advance assignments or study aides a child would need over long periods of time to maintain the pace of learning in his or her classroom.

### **C. Alcohol, Tobacco, and Drug Use by Students**

A student shall not, regardless of the quantity, use or consume, have in their system, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, vapor/E-cigarettes; marijuana; steroids; or any controlled substance. The School Committee prohibits the use or consumption by students of alcohol, tobacco products, or drugs on school property or at any school function. Violations of this policy may result in disciplinary action.

Controlled substances include those as defined in G.L., c.94C (e.g., cocaine, marijuana, LSD, steroids); the misuse of prescription or over-the-counter drugs; and/or products misused for the purpose of mind-altering effects (e.g., aerosols, solvents).

Students are strictly prohibited from having alcohol and/or illicit drugs in their system during school hours, on school property or at any school-sponsored event. Prohibited activities include, but are not limited to, using or being under the influence; possession; attempting to purchase; intending or attempting to sell/distribute; selling or distributing; and/or possession of drug or tobacco paraphernalia, including Electronic Nicotine Delivery Systems (ENDS), which may take the form of e-cigarette or vaporizing products, regardless of whether they contain nicotine.

Additionally, students who know they are in the company of any individual using or selling illicit drugs or alcohol and who do not remove themselves from that situation may be subject to discipline pursuant to D20 of the discipline code.

Students who violate this policy will be subject to disciplinary action up to and including expulsion as delineated in the discipline codes and suspensions/expulsion section of this handbook. The school will consult with a police youth officer if a child is found under the influence, in possession of or selling a controlled substance. Also, the schools will fully cooperate with the Police Department to deal with violations of the law as outlined in the Memorandum of Understanding between NPS and the Newton Police Department. To see our full Memorandum, go to our [online policy manual](#).

In addition to, or as part of, the disciplinary response to such abuses, referrals to prevention and intervention services will be made to students and families to support the system-wide goal of a safe and drug free environment.

In addition to the rules and regulations outlined above, student athletes will also be responsible for complying with the rules and regulations of the Massachusetts Interscholastic Athletic Association.

For our full Policy on the Prohibition of Alcohol, Tobacco and Drug Use by Students, see our [online policy manual](#).

#### Breathalyzers and Protective Custody

In keeping with the expressed goal of Newton Public Schools of having all school activities remain free and safe from alcohol use, principals or their designees will have the discretion to use either a passive or an active individual breathalyzer on any student attending school or any school activity if they have a reasonable suspicion that the student is under the influence of alcohol. Students found to be under the influence of alcohol will be subject to the Discipline Code M12. If a student is found to be under the influence of alcohol or other drugs at school or school events, attempts will be made to contact parents or guardians. If no parent or guardian is available, the student may be taken into protective custody by the police.

#### Responsibility Regarding Tobacco

In accordance with G.L. c.71, §2A, and consistent with the City Ordinances, and NPS Policies, the use of all tobacco products of any type within all school facilities, on all school grounds, and on all school buses by any individual, including school personnel is strictly prohibited. The types of tobacco products include but are not limited to:

1. Smoking - All types of smoking tobacco, including but not limited to cigarettes, cigars, little cigars or cigarillos, pipes, clove cigarettes, blunt wraps and any other burning of a tobacco product resulting in smoking.
2. Smokeless - Smokeless tobacco products, such as dip, snuff, tobacco chew, snus, spit packs, flavored tobacco and dissolvable as well as any other type of tobacco product that is ingested but not burned.
3. Non-FDA Approved Nicotine Delivery Products - Electronic cigarettes (E-cigarettes), personal vaporizer (PV), or Electronic Nicotine Delivery Systems (ENDS), which include, among other things, Electronic cigarettes (E-cigarettes) and personal vaporizers (PV) regardless of whether they contain nicotine.

In addition, per the City of Newton Smoke Free Zone Ordinance Art. I, Secs. 20-7 and 20-8 (Rev. Ords. 2012, Ord. A-42, 06-16-14), smoking, possessing, or carrying a lighted or smoldering cigarette, cigar, pipe, or the use of e-cigarettes are prohibited upon the sidewalk or other public property within a nine hundred (900) foot perimeter of the property of Newton North High School grounds. The Health and Human Services Commissioner has deputized Newton North personnel to enforce the provisions of this ordinance.

#### **D. Bullying Prevention and Intervention<sup>2</sup>**

The Newton Public Schools recognize that bullying, intimidation or retaliation on any basis, whether or not it is related to membership in a protected class, has a negative effect on school climate. Students who are intimidated and fearful cannot give their education the attention they

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<sup>2</sup> The NPS Bullying Prevention and Intervention Plan is currently being reviewed and revised. Changes to this Handbook will be made to incorporate the revised Plan, including the link, when a revised Plan is completed.

need for success. Bullying, intimidation or retaliation for any reason are prohibited in the Newton Public Schools. Their prevention begins with a strong educational program and the establishment of a positive, caring school environment.

Creating a school culture free of harassment and bullying demands that all individuals recognize such behaviors and take action to stop them. Every student and staff member in the Newton Public Schools has the potential and the responsibility to have a positive effect on the school culture and should act in accordance with the following guidelines:

Every student in the Newton Public Schools has the potential and the responsibility to: treat others with courtesy, consideration and respect; tell individuals behaving in a disrespectful manner towards you that you want them to stop; tell individuals behaving in a disrespectful manner towards someone else that you want them to stop; and it is essential to report behavior to a trusted adult.

Members of certain student groups, or students based on actual or perceived differentiating characteristics including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics, may be more vulnerable to becoming targets of bullying, or harassment. Newton Public Schools seeks to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying or harassment.

The Newton Public School System prohibits bullying (including cyberbullying), harassment and retaliation:

- at school and at all school facilities;
- at school-sponsored or school-related functions, whether on or off school grounds;
- on school buses and school bus stops;
- through the use of technology or an electronic device owned, licensed or used by a school; and
- at non-school-related locations and through non-school technology or electronic devices, if the bullying affects the school environment.

Bullying (including cyberbullying) is the **repeated** use by one or more students or staff member, of a written, verbal, or electronic communication or expression, or a physical act or gesture or any combination thereof, directed at a target. Bullying results in the outcomes that:

- cause physical or emotional harm to the target or damage to his or her property;
- place the target in reasonable fear of harm to him or herself or of damage to his or her property;
- create a hostile environment at school for the target;
- infringe on the rights of the target at school; or
- materially and substantially disrupt the education process or the orderly operation of a school.

For our full policy on Bullying Prevention and Intervention, including complete definitions, see the full Memorandum in our [online policy manual](#). Additionally, you will find more information on the procedures relating to the implementation of the district's policy, the detailed Bullying Intervention and Prevention Plan, as well as a link to report an incident of suspected bullying [here](#).

#### **E. Prevention of Hazing**

No student, employee or school organization in the NPS community shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any person while on school property.

*“Hazing” is defined as “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.”* See G.L. c 269, §§17-19.

Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the Principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the District are obligated by law to report incidents of hazing to the police department.

Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Superintendent of Schools, be suspended from school for up to ten (10) school days.

Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.

#### **M.G.L., Chapter 269, Section 17 – Criminal Penalty**

Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.



#### M.G.L., Chapter 269, Section 18 – Duty to Report Hazing

Whoever knows that another person is a victim of hazing as defined in Section 17 and is at the scene of such crime, shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

#### M.G.L., Chapter 269, Section 19 – Hazing Statutes to be Provided; Statement of Compliance and Discipline Policy Required

Newton Public Schools 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 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 sections 17, 18 and 19 of M.G.L. c. 269; however, compliance with this section's requirements to issue copies of sections 17, 18 and 19 of M.G.L. c. 269 to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams and organizations.

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

Newton Public Schools 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 M.G.L.c. 269, Sections 17, 18 and 19.

For our full policy on Prohibition of Hazing, see our [online policy manual](#).

#### **F. Academic Honesty**

Students in the Newton Public Schools have a great deal of freedom to pursue individual research and writing. However, they are expected to do this work honestly and never to represent any other person's work as their own, to allow any other student to copy their work, or to obtain test information ahead of time or pass such information to others.

As early as second grade, teachers begin to explain to students the importance of using their own words when taking notes for a project, and the value of honesty in relaying information is reinforced at every level. Teachers at both Newton high schools discuss plagiarism, cheating, and forgery at the beginning of each academic course and talk with students about the academic and ethical reasons for avoiding these behaviors. Teachers also make clear that they will be vigilant about plagiarism, cheating, and forgery.

Consequences/penalties for plagiarism, cheating, and forgery: If a teacher and department head or dean believe that an offense has occurred, they meet with the student. When they determine that the student has committed a first offense:

- The student receives a zero for the assignment. The teacher and department head decide whether the student deserves a chance to redo the work and how the zero will affect the term grade.
- The teacher or department head informs the dean. The dean then keeps records by student of each offense without putting an official letter in the student's file. The dean may choose to suspend a student for a first offense.
- The teacher, department head or dean informs the parent(s) or guardian(s).
- When they determine that the student has committed a second offense:
  - The student receives a zero for the assignment with no make-up, and the term grade reflects this zero.
  - The student receives disciplinary consequences.

Further offenses result in more serious disciplinary action.

### **G. Acceptable Use of Technology**

Newton Public Schools has developed [Student Technology and Online Acceptable Use Policy and Guidelines](#) to ensure that students utilize access in a responsible and safe manner consistent with the educational purpose of providing these services. Students are expected to adhere to these Guidelines and violations may result in disciplinary consequences.

Individual electronic equipment (iPhones, Android Phones, Smartphones, iPods, MP3 players, cell phones, cameras, etc.) may not be used in school buildings, with the exception of specific designated areas depending on individual school policy. Use of such equipment in designated areas on school property may not violate a student, faculty or staff member's privacy.

In classrooms, these devices must be concealed and turned off, unless used with specific teacher permission. Violators risk having the equipment confiscated and taken to a dean, principal or designee. Failure to turn over any electronic equipment to a faculty member or administrator, as requested, may result in disciplinary consequences. Confiscated equipment will not be returned until after school and then only at the discretion of the dean, principal or designee.

Use of NPS technology devices, including personal devices while using NPS online resources, Internet, learning and data systems, and social media sites shall be utilized in a manner consistent with NPS' educational mission, thereby demonstrating respect for the use of a shared resource, software and intellectual property rights, ownership of information and system security. Any use of NPS' technology devices, including personal devices while using NPS online resources, Internet, learning and data systems, and social media sites that is contrary to our Acceptable Use Policy or Guidelines is unacceptable and prohibited.

If a student uses any device on the Newton Public Schools technology infrastructure in an inappropriate manner, strict restrictions will result that may include direct staff supervision at all times, and/or disciplinary consequences.

## **H. Athletics and Extracurricular Activities**

Students who participate in athletics, extra-curricular and/or club activities are representing the Newton Public Schools and should act accordingly. In addition to the Code of Conduct, MIAA Handbook, team or club rules, and applicable school handbook, students must also comply with their applicable school's Chemical Health Policy, which can be found on the school's website.

## **IV. RULES OF BEHAVIOR AND DISCIPLINE OF STUDENTS**

The Newton Public Schools is committed to supporting students to develop healthy, prosocial behavior and strategies. This work includes addressing violations of discipline guidelines and codes through developmentally appropriate methods that help students to learn and grow from their mistakes. NPS is invested in limiting the use of exclusionary and other punitive measures that remove students from instruction in favor of measures that are supportive, reparative, and designed to keep students in the classroom. The goal of our behavioral interventions is to provide responsive measures that help to maintain strong, safe, caring, and healthy communities.

### **A. Student Discipline**

The principal/designee has the authority to exercise discretion in deciding the consequences for a student who has violated disciplinary rules. The principal/designee shall first consider ways to re-engage the student offender in the learning process and shall avoid using expulsion until other remedies and consequences have been employed. The principal/designee should consider the student's unique circumstances and employ restorative practices or capture learning opportunities to the greatest extent whenever possible.

#### Restorative Practices

Restorative practices are formal and informal processes on a continuum, from prevention to intervention, and from proactive to responsive action with the goal of building positive community and addressing harm constructively when it occurs. Restorative practices are centered on the 5Rs (Relationship, Respect, Responsibility, Repair & Reintegration) and seek to create strong, caring and healthy communities within our schools. Specific restorative activities to repair harm might include restorative chats and conferences, circles with impacted community members, other forms of conflict resolution and mediation, and other positive and supportive interventions.

#### Loss of School-Based Privileges

School-based consequences may include the denial of participation in extracurricular activities, including field trips, after school activities, graduation exercises, other school-sponsored activities, and/or after-school detention. If a school-based activity will result in a graded assignment or is otherwise a classroom requirement, students may not be denied participation.

#### In-School Suspension

At the discretion of the principal/designee, in-school suspension may also be imposed for violation of the student code of conduct. In-school suspension means the student is removed from regular classroom activities, but not from the school premises, for no more than 10 consecutive school days. In-school suspension for less than 10 days shall not be considered a short-term out-of-school suspension. An in-school suspension of more than 10 days shall be deemed a long-term out-of-

school suspension, and the student will be provided with the due process provided in a long-term out-of-school suspension hearing.

For an in-school suspension, the principal/designee shall inform the student of the disciplinary offense charged and the basis for the charge. The principal/designee shall also provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal/designee determines that the student committed the disciplinary offense, the principal/designee 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. If an in-school suspension does exceed 10 days, a long-term out-of-school suspension hearing must occur prior to the in-school suspension exceeding 10 days.

On the same day as the in-school suspension decision, the principal/designee shall make reasonable efforts to notify the parent verbally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal/designee shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a 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 verbally informing the parent of the in-school suspension.

The principal/designee 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 invite the parent to a meeting with the principal, if such a meeting has not already occurred. The principal/designee shall provide such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, or email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal/designee and the parent.

#### Out-of-School Suspension

An out-of-school suspension is a short-term or long-term removal from the school premises and regular classroom activities. Short-term suspension is the removal of a student from the school premises and regular classroom activities for 10 consecutive school days or less.

Long-term suspension means the removal of a student from the school premises and regular classroom activities for more than 10 consecutive school days, or for more than 10 school days cumulatively for multiple disciplinary offenses in any school year.

A student who receives an out-of-school suspension (short- or long-term) is restricted from entering the school buildings or coming onto school grounds; and a suspended student may not participate in any school sponsored activities or functions during the suspension period. A suspended student is entitled to access to classwork, homework, and other educational materials including tests and quizzes, in order to make academic progress.

The principal/designee has the sole responsibility for determining who is suspended. The suspended student may not be permitted to return to school until a readmittal conference has been held.

#### Opportunity for Academic Progress During Suspension/Expulsion

Any student receiving an in-school suspension, short-term suspension, or long-term suspension shall have the opportunity to make up assignments, tests, papers, and other school work as needed to make academic progress during the period of removal from the classroom or school.

Any student who is expelled or suspended from school for more than 10 consecutive days shall have an opportunity to receive educational services that will enable the student to make academic progress toward meeting state and local requirements through the school-wide educational services plan.

#### **B. Discipline Guidelines and Codes**

In accordance with the student's right to due process (see Section IV. Rules of Behavior and Discipline of Students), the Newton Public Schools may discipline a student according to the following guidelines and discipline codes.

M1.	Possession of firearms (mandatory police notification).
M2.	Striking a teacher or other school personnel (grades 6-12) (possible police notification).
M3.	Possession, sale, distribution, intent to distribute, use or manufacture of controlled substances or alcohol (mandatory police notification).
M4.	Setting fires (mandatory police and fire department notification).
M5.	Use of, or threatened use of a knife, including a pocket knife, as a weapon (mandatory police notification).
M6.	Possession of a dangerous weapon, or use of, or threatened use of any object as a weapon (grades 6-12) (mandatory police notification).
M7.	Fighting or any physical and/or sexual assault or act of violence committed against another student or any school personnel (grades 9-12) (possible police notification).
M8.	Failure to identify one's self truthfully upon request of any school personnel (grades 6-12).
M9.	Unauthorized sounding of a fire alarm or tampering with defibrillators (grades 6-12).
M10.	Intimidation (causing fear or harm) or extortion, or threat of intimidation, extortion, or hazing directed toward another student or school personnel (grade 6-12) (possible police notification).
M11.	Hazing directed toward another student (grades 6-12) (possible police notification).

M12.	Being under the influence of controlled substances or alcoholic beverages, or suspicion of use of controlled substances, or in possession of any drug paraphernalia (mandatory police notification for possession of drug paraphernalia).
M13.	Bullying or retaliation related to a bullying incident, reporting, or investigation (grades 6-12) (possible police notification).

The following offenses may require disciplinary consequences and the denial of participation in graduation exercises.

D1.	Violation of any Newton Public Schools policy, including, but not limited to, the Student Technology and Online Acceptable Use Policy and Guidelines, and the Policy Prohibiting Alcohol, Tobacco, and Drug Use by Students.
D2.	Discrimination against or harassment of another student or school personnel on the basis of, but not limited to race, color, sex, gender identity, homelessness, national origin, religion, handicap or sexual orientation (possible police notification).
D3.	Stealing and/or willful destruction of school or personal property (possible police notification).
D4.	Persistent or excessive truancy and/or tardiness to class and class cutting.
D5.	Cheating, plagiarism or forgery, including impersonating another person either verbally or in written form.
D6.	Fighting or any physical or sexual assault or act of violence committed against another student or school personnel (grades K-8) (possible police notification).
D7.	Use of obscene, abusive or profane language or gestures, or rude or defiant behavior, either of which disrupts the educational process or school activity.
D8.	Failure to identify one's self truthfully upon request of any school personnel (grades K-5).
D9.	A pattern of defiant behavior towards any school personnel or policy.
D10.	Behavior, which endangers persons or property or substantially disrupts the educational process or school activity (possible police notification).
D11.	Giving off a strong odor of alcohol or marijuana (possible police notification).
D12.	Presence in an unauthorized area.
D13.	Using tobacco products or related paraphernalia of any type including Electronic Nicotine Delivery Systems (ENDS) regardless of whether they contain nicotine in any school facility, school bus, or on school grounds.
D14.	Unauthorized sounding of a fire alarm or tampering with defibrillators (grades K-5).

D15.	Violation of any criminal law of the Commonwealth of Massachusetts, including, but not limited to, gambling or stalking, not already covered by these rules (possible police notification).
D16.	Possession of a dangerous weapon, or use of, or threatened use of any object as a weapon (grades K-5) (mandatory police notification).
D17.	Unauthorized use of school materials, equipment or property.
D18.	Intimidation (causing fear or harm) or extortion, or threat of intimidation, extortion, or hazing directed toward another student or school personnel (grades K-5) (possible police notification).
D19.	Hazing directed toward another student (grades K-5) (possible police notification).
D20.	Being present in the company of a person the student knows is using or selling illicit drugs or alcohol or is otherwise violating an item on the discipline code and who fails to remove themselves from the situation (possible police notification).
D21.	Bullying, or retaliation related to a bullying incident, reporting, or investigation (grades K -5) (possible police notification).
D22.	Aiding, abetting or encouraging bullying, fighting, or any act of violence, or making a false allegation of bullying or retaliation or any act of violence.
D23.	Creating a video or audio recording of another person in school or at a school-sponsored event, without obtaining the consent of the person whose image or voice was recorded.

**Please note that the designation of "M" and "D" serves to distinguish between rules for which action is mandatory and rules for which the action and consequence is at the discretion of the student's principal or designee.**

The term "dangerous weapon" shall include, but not be limited to, any type of firearm, knife or martial arts equipment, explosive devices including fireworks, or a facsimile of a dangerous weapon. Any dangerous weapon in the possession of a student shall be removed from the student's custody, and any illegal weapon shall be turned over to the Newton Police Department. All other weapons shall be returned to the student or parent/guardian at the discretion of the principal or his/her designee. There shall be notification of the possession of a weapon to parents or guardians before the weapon is returned.

The term "controlled substances" shall include all controlled substances as defined in G.L. c.94C, including, but not limited to, marijuana and cocaine or prescription drugs for which the student does not have a valid prescription (see Section III, C for more information).

All of the above offenses may involve the exclusion of a student from school and/or school-sponsored activities. The principal or his/her designee will conduct disciplinary investigations and hearings.

1. Due Process\* - This applies to all short-term and long-term Out-of-School suspensions. The legal term "due process" comes from the Fifth and Fourteenth Amendments to the United States Constitution. The Fifth Amendment provides in part: "...nor shall any person be . . . deprived of life, liberty, or property without due process of law." The Fourteenth Amendment reads as follows:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States, nor shall any state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

In January 1975, the United States Supreme Court ruled that public school students facing suspension are protected by the Due Process Clause of the Fourteenth Amendment. Because state statutes require school districts to maintain schools and require students to attend them, the Court stated that public education is a property interest. Deprivation of education (through suspension) without minimum procedural protections is thus a violation of the property interest protection of the Due Process Clause of the Fourteenth Amendment.

Students facing suspension also have liberty interest. Because suspension may damage the reputation of the student and hamper his or her future opportunities (employment, college, etc.), lack of minimum procedural protections is contrary to the Fourteenth Amendment's prohibition against arbitrary deprivation of liberty.

In the Newton Public Schools, due process is assured in accordance with M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½ and §37H¾. In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow.

2. Due Process Rights for students charged with possession of a dangerous weapon, possession of a controlled substance, assault on school staff and/or students who have been charged with or convicted of a felony (M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½).

a. M.G.L. c. 71, §37H

State law permits principals to expel any student in grades 9-12 who, on school premises or at school-sponsored or school-related events, including athletic games:

1. is found in possession of a dangerous weapon, including, but not limited to, a gun or knife; or of a controlled substance as defined in G.L. c.94C; or, including, but not limited to, marijuana, cocaine or heroin; or
2. assaults a principal, assistant principal, teacher, teacher's aide or other educational staff.



Any student who is charged with a violation of the above shall be notified by telephone and in writing of an opportunity for a hearing, at which the student and his/her parent(s)/guardian(s) may have legal representation at their own expense, and the opportunity to present evidence and witnesses at said hearing before the principal/designee. After said hearing, a principal/designee may, at his/her discretion, decide to suspend rather than expel a student who has been determined by the principal/designee to have violated the above.

Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the superintendent of his/her appeal. The student shall have the right to counsel, at his or her own expense, at a hearing before the superintendent/designee. 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. Pending the outcome of any appeal, the disciplinary sanction imposed shall remain in effect.

b. M.G.L. c. 71, §37H ½

State law permits principals/designee to suspend students charged with a felony or a felony delinquency, or to expel students convicted of or admitting guilt to a felony or a felony delinquency if the principal/designee determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school (§37H1/2). A student subject to suspension or expulsion under this provision of the General Laws shall receive written notification of the charges and the reasons for such suspension or expulsion prior to the suspension or expulsion taking effect. Unless the proposed suspension is for 10 days or less, the student shall be afforded the procedural rights set out for suspensions greater than 10 days or for expulsions, whichever is applicable, as such rights are described in this handbook. The student shall also receive written notification of his/her right to appeal the suspension or expulsion to the superintendent provided, however, that such suspension or expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

A student may appeal the suspension or expulsion by giving a written notice requesting an appeal to the superintendent no later than five (5) calendar days following the effective date of the suspension or expulsion. The superintendent shall hold a hearing with the student and the student's parent(s) or guardian(s) within three (3) calendar days of the student's request for an appeal. The student may be represented and may present verbal and written testimony at the appeal hearing before the superintendent. The superintendent may overturn or alter the decision of the principal/designee and may recommend an alternate educational program for the student. The superintendent shall issue a decision on the appeal within five (5) calendar days of the hearing, which decision shall be the final decision of the school district with regard to the student's suspension or expulsion. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect.

3. Due Process Rights for students charged with other violations (M.G.L. c. 71, §37H ¾)

Notice and Principal's Hearing

For any suspension listed under this section, the principal/designee shall provide notice of the charges and the reason for the suspension or expulsion to the parent(s)/guardian(s) in English and

the primary language spoken in the student's home. The student shall receive written notice of the charges and the opportunity to participate in a hearing with the principal or designee to discuss charges and reasons for the suspension and/or exclusion prior to suspension/exclusion taking effect.

The principal or designee shall make reasonable efforts to notify the parent verbally of the opportunity to attend the hearing. The hearing may take place without the student's parent(s)/guardian(s) so long as the principal/designee 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.

The purpose of the principal/designee's hearing 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.

The principal/designee 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.

a. Short-term Out-of-School Suspension

The principal/designee 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, which the principal/designee should consider in determining whether other remedies and consequences may be appropriate. The principal/designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal/designee should consider in determining consequences for the student.

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

The principal/designee 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.

If the student is in a public preschool program or in grades K through 3, the principal/designee shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

b. Long-term Out-of-School Suspension

In addition to the rights afforded a student in a short-term suspension hearing, the student shall also have the opportunity to review the student's record and the documents upon which the principal/designee may rely in making a determination to suspend the student or not; the right to

be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; the right to cross-examine witnesses presented by the school district; the right to request that the hearing be recorded by the principal/designee, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal/designee 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.

If present, the parent shall have an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, which the principal/designee should consider in determining consequences for the student.

Based on the evidence, the principal/designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal/designee 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/designee and the parent.

If the student is in a public preschool program or in grades K through 3, the principal/designee shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

If the student is suspended for more than ten (10) days for a single infraction or for more than ten (10) days cumulatively for multiple infractions in any school year, the notice will include written notification of the right to appeal to the Superintendent and the process for appealing in English and the primary language spoken in the student's home. No student will be suspended for greater than 90 days; beginning on the first day the student is removed from the building.

#### 4. Appeals of Short-term Out-of-School Suspensions

For elementary school students, an appeal is filed with the Superintendent of Schools or his/her designee. For middle school or high school students, the appeal is filed with the principal of the school. An appeal must be in writing and must be filed by the student's parent/guardian (or student if 18 or older) within five (5) days of the student having served the suspension.

The principal's decision on the above appeal will be made expeditiously and will be in writing. Middle school and high school students may then further appeal the principal/designee's decision in writing by the student's parent/guardian (or student if 18 years or older) but must file within five (5) days from the date the principal/designee's decision is issued. Those appeals shall be filed in writing with the Superintendent of Schools or his/her designee. Decisions on the appeal of the principal/designee's decision will be issued expeditiously in writing and will be final.

Pending the outcome of any such appeal, the disciplinary sanction imposed shall be completed and remain in effect.

#### 5. Appeals of Long-term Out-of-School Suspensions—Superintendent’s Hearing

The parent(s)/guardian(s) shall have five (5) calendar days following the effective date of the suspension or expulsion to submit a written request for an appeal to the Superintendent but may be granted an extension of time of up to seven (7) additional calendar days. If the appeal is not timely filed, the Superintendent or his/her designee may deny the appeal or may allow the appeal in his or her discretion, for good cause.

The Superintendent or his/her designee will hold a hearing with the student and the parent(s)/guardian(s) within three (3) school days of the student’s request for an appeal. The time may be extended up to seven (7) additional calendar days if requested by the parent(s)/guardian(s). The Superintendent’s hearing may proceed without the parent(s)/guardian(s) if a good faith effort was made to include parent(s)/guardian(s). The Superintendent or his/her designee 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 or his/her designee shall send written notice to the parent of the date, time, and location of the hearing.

At the hearing, the Superintendent or his/her designee shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the principal/designee’s hearing for long-term suspensions. The Superintendent or his/her designee will issue a written decision within five (5) calendar days of the hearing. If the Superintendent/designee determines that the student committed the disciplinary offense, the Superintendent/designee may impose the same or a lesser consequence than the principal/designee, but shall not impose a suspension greater than that imposed by the principal/designee decision. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. Superintendent’s decision is the final decision of the district.

#### 6. Involuntary Transfer

The Superintendent of Schools, at his or her discretion, as a disciplinary consequence, may transfer a student from one school to another within the Newton Public Schools

#### 7. Emergency Removal pursuant to M.G.L. c. 71, § 37H¾

The principal/designee may remove a student from school temporarily on an emergency basis when all of the following criteria are met:

- 1) a student is charged with a disciplinary offense; and
- 2) the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school; and
- 3) in the principal/designee's judgment, there is no alternative available to alleviate the danger or disruption.

In the event of an emergency removal, the principal/designee shall make immediate and reasonable efforts to verbally notify the student and the student's parent(s)/guardian(s) of the

emergency removal and the reason for the need for emergency removal. The principal/designee shall provide written notice to the student and parent(s)/guardian(s) as provided above, and provide the student an opportunity for a hearing with the principal/designee as provided above, and the parent(s)/guardian(s) 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/designee, student, and parent(s)/guardian(s).

The principal/designee shall render a decision verbally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements as described above.

In the event of an emergency removal from school, the principal/designee will not release the student until adequate provisions have been made for the student's safety and transportation.

### **C. Bus Privileges**

A student's bus privileges may be revoked if the Discipline Code violation occurs on a school bus or while waiting to board, boarding or exiting said school bus.

### **D. Searches, Interrogations and Seizures**

#### Searches by Staff

Under the Fourth and Fourteenth Amendments to the U.S. Constitution, students are protected from unreasonable searches and seizures conducted by public school officials and teachers. However, equipment assigned to students, such as lockers, desks and technology devices, belong to the Newton Public Schools, and school officials reserve the right to inspect such equipment at any time without notice. This authority may be exercised as needed in the interest of safeguarding children, their own and school property.

Students, and their person or personal property, including personal electronics and vehicles on school property, may be searched by a public school official pursuant to the following procedure:

1. There is reasonable suspicion to believe that a search will disclose evidence that the student has violated or is violating either the law or the rules of the school;
2. When such reasonable suspicion exists, a search may be conducted under the explicit authorization of the Principal or his/her designee;
3. The measures adopted are reasonably related to the objective of the search and are not excessively intrusive to the age and gender of the student and the nature of the infraction. The manner and method of the search must be tailored to the circumstances. The search should be limited to areas and objects that reasonably could be expected to obtain the contraband material or evidence being sought;
4. Items, which might be used to disrupt or interfere with the educational process, such as weapons, will be removed from the student's possession and may be turned over to law enforcement officials.

"Reasonable Suspicion" for a student search may include, but is not limited to, for example, a school staff member's personal observation that the student possesses contraband material on school premises, or the staff member's receipt of a report to that effect by another school employee, a student, or some other reliable source. Even a report from an anonymous source may

constitute reasonable grounds for a search, if all the circumstances persuade the school official that the report is reliable.

#### Interrogations, Arrests, and Searches by Police

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or his/her designee will be present when possible. Except in exigent circumstances, the school Principal or his/her designee will attempt to contact the student's parent or guardian prior to the student's questioning by law enforcement.
2. School staff will assist or permit the police to search a student, his or her personal property, or school equipment assigned to such student, where the police have obtained a search warrant authorizing the search.
3. If law enforcement officials must arrest or take into custody a student on school grounds during school hours or during a school event, the Principal and his/her designee will be notified before the student is arrested or taken into custody. Law enforcement officials will consult with school officials to determine the least disruptive way to take the student into custody.

#### **E. Use of Force**

Corporal punishment is prohibited by state law. However, a teacher or other school personnel may use physical force against a student if that force is reasonable and necessary:

1. to obtain possession of a weapon or other dangerous object; or
2. to protect any person or property, provided there is a clear and present danger to that person or property; or in self-defense.

#### **F. Discipline of Students with Disabilities [Includes students currently on 504 Accommodation Plans or Individual Educational Programs.]**

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 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. 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 ten (10) cumulative school days in a given school year, building administrators, the parents/guardians and relevant members of the student's IEP or Section 504 Team will meet to determine the relationship between the student's disability and behavior (manifestation determination). During disciplinary exclusions exceeding ten (10) school days in a single school year, the student shall have the right to

receive services identified as necessary to provide him/her with a free appropriate public education during the period of exclusion.

2. If building administrators, the parents/guardians and relevant members of the student's IEP or Section 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 or Section 504 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.
3. If building administrators, the parents/guardians, and relevant members of the student's IEP or Section 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further 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 Section 504 Team develops, and the parent/guardians consent to, a new placement, or unless 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 the student's IEP, and modify as appropriate, any existing behavioral intervention plan or arrange for a functional behavioral assessment.
4. If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational placement (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.
5. Procedural requirements applied to students not yet determined to be eligible for special education.
  - a. If prior to the disciplinary action, a district had knowledge that the student may be a student with disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
    1. The parent/guardian had expressed concern in writing; or
    2. The parent/guardian had requested an evaluation; or
    3. School district staff had expressed concern that the student had a disability.
  - b. If the district had no reason to consider the student disabled, and the parent/guardian requests an evaluation subsequent to the disciplinary action, the district must have procedures to conduct an evaluation to determine eligibility. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.
  - c. The school district has developed procedures consistent with the federal requirements to expedite evaluations.

## **V. HEALTH INFORMATION**

The Newton School Health Program is administered by the Newton Health and Human Services Department. The school health team includes: Commissioner of Health and Human Services, Deputy Commissioner of Health and Human Services, Director of School Health Services, Assistant Director of School Health Services, School Nurses, Health Assistants, and School Physician. All medical information is confidential. For the health and safety of students, pertinent health information will be shared with school staff that have a “need to know.” In NPS, school nurses are responsible for the following:

### **A. Immunization Compliance**

All students must meet minimum immunization requirements for enrollment in school unless there is a medical or religious exemption or students are considered homeless. School Immunization requirements are listed [here](#). Once on the website, please select the Immunization Requirements for School Entry link.

### **B. Physical Examination Monitoring**

All newly registering students require a physical examination that has been done within one year prior to entrance to school or within 30 days after school entry. Physical examination documentation is collected in kindergarten and grades 3, 6 and 9. Students who require a physical examination for school activities are monitored by the school nurse.

### **C. Population-Based Health Screenings**

The following opt-out screenings take place annually in the grades listed:

- Vision Screening - Kindergarten and Grades 1, 2, 3, 4, 5, 7 and 9
- Hearing Screening - Kindergarten and Grades 1, 2, 3, 7 and 9
- Growth Screening and BMI - Grades 1, 4, 7 and 10
- Postural Screening - Grades 5, 6, 7, 8 and 9 (**opt-in screening program**)
- Substance Use Prevention Screening – SBIRT (Screening, Brief Intervention, Referral to Treatment) - Grades 8 and 10

### **D. Medication Administration**

All medication, including over-the-counter medication, must have a written medication order from a licensed prescriber and a completed [Medical Permission Form](#). All medication orders must be renewed at the beginning of each school year.

### **E. Communicable Disease Control**

Any student who is suspected to have a contagious health condition may be restricted from school at the discretion of the school nurse. To stop the spread of disease, please keep your child home for:

- a fever over 100 degrees during the past 24 hours
- a cold in the active stages
- a sore throat and/or swollen neck glands
- an undiagnosed rash or skin eruption
- vomiting or diarrhea within the past 24 hours
- a communicable disease diagnosis



#### **F. Health Care Planning**

The school nurse is central to all aspects of care and service delivery for students with special health care needs. An Individual Health Care Plan (IHCP) can be developed.

#### **G. Automated External Defibrillator (AED)**

School nurses serve as the site leader for school-based AED units available in the case of cardiac emergencies.

#### **H. Athletic Concussion and Head Injury Prevention and Management**

Information regarding the Athletic Concussion and Head Injury Prevention and Management Protocol can be found [here](#).

#### **I. Life-Threatening Allergy Management**

Information regarding the Life-Threatening Management Policy can be found [here](#).

### **VI. OTHER IMPORTANT SCHOOL INFORMATION**

#### **A. Accident Insurance**

There is information available on our website for parents or guardians to obtain a voluntary student accident insurance plan, if they so choose, to provide protection for children during school hours. Newton Public Schools provides information about this voluntary student accident insurance option for out-of-pocket medical expenses as a convenience to parents and does not endorse any particular insurance company. You can find more information [here](#).

#### **B. Care of Books and Equipment**

A student may be responsible for returning, in a timely manner, all classroom and library books, athletic equipment, cameras, musical instruments, computers, and other school equipment and property entrusted or loaned to him or her. Failure to return such materials upon request shall subject the student to detention and/or the deprivation of participation in extracurricular activities. A student may be responsible for returning such materials in the same condition in which they were entrusted or loaned to the student and shall bear the cost of repairing or replacing the damaged or lost materials.

#### **C. Career & Technical Education and Cooperative Opportunities**

Newton Public Schools maintains citywide Career & Technical Education (CTE) programs open to students from Newton North and Newton South High Schools, that are housed primarily at Newton North High School. Newton South students may participate in the CTE major courses while pursuing their academic program at Newton South. If a Newton South student wishes to transfer to Newton North as a full-time student to pursue a major in CTE, then the district policy concerning school transfer requests must be followed. Students who complete a CTE Exploratory and decide they want to pursue a career major must complete the CTE application. The application can be accessed on the Newton Public Schools website through the CTE section. For additional information, contact the Director of Career and Technical Education at (617) 559-6250.

Cooperative Education work experience is available to CTE students who are in a Major 3 (4<sup>th</sup> year) course of study. The cooperative education workplace experience offers students an additional learning dimension to their educational experience and is designed to expand their knowledge and skills in an authentic workplace-learning environment. This is a paid, supervised, instructional experience directly related to their CTE program that also carries school credit. The student's days are divided between their academic studies and their work-site training. To be eligible for a cooperative experience, students must demonstrate mastery in their competency skills, have a good attendance record, be in good academic standing, develop a resume, complete a Career Plan, and receive the recommendation of their teacher.

#### **D. Crossing Guard Coverage**

Elementary Only (K-5) - Police crossing guards are on duty at major intersections for twenty-five minutes before the start of the school day and forty-five minutes after the close of the school day. Parents or guardians should instruct students to walk to and from school during these times. Current times are listed below and are subject to change.

- Monday, Tuesday, Thursday, Friday: 7:45 to 8:30 a.m. and 2:50 to 3:35 p.m.
- Wednesdays and early release days: 7:45 to 8:30 a.m. and 12:20 to 1:05 p.m.

Day Middle School at Minot Place and Walnut Street

- Monday, Tuesday, Thursday, Friday: 7:30 to 8:15 a.m. and 2:20 to 2:35 p.m.
- Wednesdays and early release days: 7:30 to 8:15 a.m. and 1:35 to 2:00 p.m.

Please see the district [calendar](#) for the early release dates and dismissal times. They can also be found on the last page of this handbook.

#### **E. English Language Learners (ELL) Program**

The Newton ELL program serves approximately 800 students in grades PK-12 at all schools. All students entering the Newton Public Schools who speak a language other than, or in addition to, English at home are evaluated for English language proficiency. If services are recommended, parents or guardians are advised of their choices and have the right to accept or reject the services available. Speaking, listening, reading and writing skills to increase English proficiency are taught by ESL teachers and instructional aides. Instruction is tailored to the individual linguistic, cultural, and educational needs of the student. English learners have equal rights of access to all courses of study in regular, special, technical and vocational school programs. They also have the right to participate in all school-sponsored activities. English learners have the right to counseling and course information (high school) in a language they understand. Families of English learners have a right to school information in a language and/or way they understand. School staff will arrange to have an interpreter for conferences or meetings related to the education of their child. For further information, call the ELL Department at (617) 559-6043.

#### **F. Field Trips**

Field trips can bring the school and the community closer together, which can result in real life experiences that enrich the curriculum for students. Specific guidelines and appropriate administrative procedures have been developed to screen, approve and evaluate field trips and to ensure that all reasonable steps are taken for the safety of the participants. For field trips to be

approved: all students must have parent/guardian permission; all trips must be properly supervised; all safety precautions must be observed; all trips must contribute substantially to the educational program; and all trips must allow equal access and provide reasonable accommodations, financial and other, to all interested students. Children of parents/guardians or teacher chaperones who are not enrolled students in the school should not be allowed to accompany a field trip. Here you will find more information on the [protocols, procedures and forms](#) for field trips.

#### **G. Importance of Accurate Contact Information**

Parents are responsible for updating their emergency contact information directly within our [Aspen Family Access website](#), a feature of our *Aspen* student information system. This feature allows parents and guardians to review and update their contact information in a secure, online format. Required emergency contact information includes present home addresses and phone numbers, parents'/guardians' work, cell phone numbers, email addresses, and names and phone numbers of two neighbors or nearby relatives who can be called in the case of an accident or emergency, should the school be unable to locate the parents/guardians. (Permission of these people should be obtained prior to the use of their names.) It is vital that this information be kept up to date and accurate. Parents/guardians should adjust/update this information, (e.g., change of address, phone number, business, marital status) on an on-going basis. Accurate information is extremely important, as this information is used to update our emergency communication system that enables the schools to communicate by telephone about emergency situations, school events and important issues impacting students.

#### **H. No School Announcements / Delayed Openings**

When school sessions are cancelled or there is a delay in opening, parents will be notified via the school system's automated phone calling service. The announcement will also be made over the following television stations: Channel 4, Channel 5 and Channel 7 or the Newton Public School website: <http://www.newton.k12.ma.us>. Parents or students may also call the District's emergency access line at (617) 559-9699 for a pre-recorded message. Please do not call the Fire Department or the Police Department. Watch television, check the website or call the school emergency access line for a recorded message.

Although schools may be open on days following snow or ice storms, parents or guardians should use their own judgment in determining whether road conditions in their area permit students to proceed safely to school. The judgment of the parent or guardian will be accepted as a legitimate reason for student absence.

#### **I. School Transfer Request (formerly Out-of-Assigned District Placement)**

The Newton Public Schools considers applications for students to transfer to schools outside of their home district. Impact on enrollment, staffing and space availability now and in the future, are key considerations for students who wish to attend a school in Newton other than his/her district school are limited. Such placements will be made on a space available basis only. Parents/guardians of METCO Program students are not required to apply for a school transfer, however, their initial assignment in the district is governed by the procedures of this [policy](#).

## **J. Parent Advisory Council for Special Education (PAC)**

The Newton Parent Advisory Council for Special Education (NewtonPAC) provides advocacy, information, and community connection for Newton families whose children receive special education services. Special Education regulations require that every school district establish a PAC “to advise the School Committee on matters that pertain to education, health and safety of children with special needs.” The NewtonPAC is an all-volunteer group that welcomes parents, educators, providers, and interested community members. NewtonPAC holds monthly meetings that offer opportunities to network with other parents, with school staff, and with outside speakers, as well as information about Newton’s current education programs and about topics of particular interest to NewtonPAC families. You may check the website, <https://newtonpac.org>, the Student Services Office at (617) 559-6025, or your school principal for the name of your school’s NewtonPAC representative.

## **K. Research**

The Newton Public Schools regularly conducts studies in the areas of student performance and curriculum development/implementation or focuses on research questions in special areas such as early childhood education, and elementary and/or secondary education. From time-to-time Newton Public Schools receives requests from individuals, institutions, and/or organizations to conduct research in the schools. Any such request must be submitted in writing for the approval of the Assistant Superintendent for Secondary Education and Special Programs. Follow this link for more [information and an application](#) for conducting research within the Newton Public Schools.

## **L. Required Notifications**

### **1. Asbestos Notification**

Newton Public Schools is required to provide annual Asbestos Hazard Emergency Response Act (AHERA) notice. NPS conducts periodic six (6) month evaluations, and every three years, updates its AHERA asbestos management plan to summarize abatement response actions, findings and ACBM classification and recommend response actions. A copy of the NPS Asbestos Management Plan is available in the Facilities Office at the Educational Center at 100 Walnut Street, Newtonville, MA. Additionally, each school receives a copy of the plan to keep in their main office. The District continues to update the AHERA Asbestos Management Plan as remediation projects are completed. Any inquiries regarding the management of asbestos-containing materials in our schools should be directed to the district's AHERA Designated Person, Arthur Cabral, who can be reached at the Public Buildings Department, 52 Eliot Street, Newton, Massachusetts 02467.

### **2. Parents Right to Know Teacher Qualifications Notification**

The No Child Left Behind Act (NCLB) allows parents or guardians to request information about the professional qualifications of their children's classroom teachers. Parents/Guardians can request this information from the school principal. The parent/guardian will be provided with the following information on request: (1) whether the teacher has met state certification or licensing requirements for the classes being taught by the teacher; (2) the teacher's degree major and other graduate degrees or certifications held by the teacher identified by field or discipline; and (3) whether the child is receiving services from paraprofessionals, and if so, their qualifications.

### **3. Parental Notification Relative to Sex Education**

At the beginning of each school year, all families of students in our schools will be notified in writing of the courses and curriculum offered that primarily involve human sexual education or human sexuality issues. The Superintendent or designee will determine the administrator(s) responsible for sending the notice(s). Families of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If the planned curriculum changes during the school year, to the extent practicable, parents/guardians will be notified of this fact in a timely manner before implementation.

Each such notice to families will include a brief description of the curriculum covered by this policy and will inform families that they may:

1. Exempt their student from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, without penalty to the student, by sending a letter to the school principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.
2. Inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the Principal to review the materials at the school and may also review them at other locations that may be determined by the Superintendent or designee. Further appeal of any decision regarding the materials is available, as delineated in our policy.

### **M. School Committee Public Meetings**

The Newton School Committee usually meets on two Monday evenings during each month from September through June and periodically during the summer, although meetings may be held on other days (instead of Monday) if the School Committee agrees to change. Meetings are generally held at the Education Center, 100 Walnut Street, Newtonville, in the Frazier Room/Room 210. The meetings are open to the public. For further information go to the [School Committee page](#) of the NPS website.

### **N. Student Fees**

Programs and/or services that are subject to a fee include: bus transportation, student parking, school lunch, elementary early morning program, athletics, elementary instrumental music, Newton Public Schools All City Band, Orchestra and Chorus, middle school student activities (with drama option), and high school drama. Below is a list of the fees (many of which have family caps), an explanation of the “Super Cap” or overall family cap which is set to establish a maximum amount a family might pay in fees and information on financial waivers so that no student is denied participation due to financial hardship.

The fees are set by the School Committee as follows for the 2021-2022 school year.

Type of Fee	Fee/Cap	
Bus Transportation—Annual Round Trip All students in grades K-5 and students in grade 6 who live more than 2.0 miles from their school are exempt from the fee. All other riders in grades 6-12 are subject to the fee, including students who live in a safety zone. Parents/guardians can query the NPS website at: <a href="http://www.newton.k12.ma.us/transportation">http://www.newton.k12.ma.us/transportation</a> for the walking distance from their home to school and other frequently asked questions.	\$350 per student/family cap of \$700  Passes are checked regularly at all schools. Abuse of the bus pass system or violation of the school system’s rules of behavior will result in disciplinary action including suspension of transportation privileges and forfeiture of fees.	
<u>Elementary Instrumental Music</u> Instruction Grade 4	\$150 per participant per year with option to pay \$75 per semester	
<u>Elementary Instrumental Music</u> Ensemble Grade 5	\$150 per participant per year	
Elementary Early Morning Program	\$12 per day with payment by semester	
NPS All City Band, Chorus and Orchestra	\$150 per participant; Students who pay either the Grade 4 or Grade 5 Instrumental Music Fee are exempt from paying the All City Fee.	
<u>Student Activities – Middle School</u> Including school-sponsored extracurricular activities/Triple E	\$60 for annual unlimited participation in all clubs or \$100 per student (if the student also participates in drama)	
Athletics – Middle School	\$180 per sport/family cap of \$540	
<u>High School Drama</u> Including actors and assistants	\$150 per participant per production, maximum of \$450 per participant per year	
Athletics – High School	\$325 per sport (Hockey, Alpine Ski & Football are \$425)/Family cap of \$975	
Parking Fees – South High School only	\$350 per year, payable on a semester basis	
School Lunch for Type A Meal	Elementary	\$3.30
	Middle School	\$3.60
	High School	\$3.85
	Adult	\$4.50 plus tax

### Super Cap

The School Committee has set an overall cap on fees so that no family will pay more than \$1,500 per year. Because the bus fee applications will be required before the opening of school, no family will pay more than \$700 for busing. The remainder of the cap will apply to all other fees except for the Elementary Early Morning Program, student parking and preschool tuition. The school administration maintains records of payment for each student so that individual caps or the family “super cap” can be applied appropriately.

### Fee Waivers

Waivers will be available in all qualified cases of financial hardship so that no student is denied participation in school-sponsored activities or bus transportation due to an inability to pay. Federal and state guidelines for waivers are based on income and family size. Additional consideration may be given for special circumstances such as unforeseen medical problems, change in family status, and change in employment status or other emergencies. The financial assistance form can be downloaded from the Newton Public Schools website or is available at schools.

### Online payment of fees

Parents may pay all school-related fees electronically via the [online payment system](#) accessed through the Newton Public Schools website.

Payment is accepted in the form of ACH transfer from checking account, or by credit card (MasterCard or Discover only). The service is free for ACH checking account transfers and a convenience fee assessed for credit card use that is paid directly to the online payment system provider. Newton Public Schools does not charge a fee for this service.

Transportation payments and registration can also be made through our online payment system - [My School Bucks](#). More information is also available on the [Transportation](#) page.

### **O. Transportation and Bus Safety**

All information and forms regarding Newton Public Schools student transportation can be found at [here](#).

Special education transportation is authorized through the Student Services Office, (617) 559-6025, and scheduled through the Transportation Office. MBTA student badges that allow for reduced fares are available through each school's main office. MBTA monthly passes are available. Please call the Transportation Office, (617) 559-9051, for more information.

### Bus Safety

Newton Public Schools must comply with Chapter 246 of the Acts of 1986, relative to certain school bus safety practices, which amends G.L. c.90, §7B.

This legislation requires that during the school year all school districts provide classroom instruction in safe bus riding practices to all students transported in a school bus (including field trips, athletics, etc.). Classroom instruction should occur at least three times during the following periods: (1) the first week of the school year, (2) the period between the months of September and January, and (3) the period between January and the end of the school year. The Act also requires that all students transported on school buses participate at least twice during each school year in bus emergency evacuation drills.

All yellow school buses are equipped with lap belts to be used at the discretion of students K-12. Students must be seated at all times. Beginning in the 2019-20 school year, all NPS buses will be equipped with onboard cameras.

## **P. Visitors to the Schools—Expectations and Procedures**

All visitors to school buildings must obtain a visitor's badge from the Main Office and sign the logbook. Visitors will be directed to sign-out in the log book immediately prior to leaving so that the Main Office has a record of who is in the building at any time. Staff members and students should be aware of and report to the main office any visitor in the building without a badge. In the event of a health emergency or other crisis, visitors to school buildings may be restricted.

### Elementary and Middle Schools

At elementary and middle schools, all doors will be locked during the school day with the exception of student arrival time in the morning. Parents who accompany their children in the morning will be asked to sign in and wear visitor badges if they plan to stay in the building when the school day officially begins.

Once the school day begins, the doors will lock, and all visitors must request admission at the main entrance. The main entrance has a video/audio buzzer device that will ring the Main Office and allow a staff member to activate a door release to unlock it. Staff members in the Main Office may first ask for the visitor's name, reason for visit and to see identification, such as a license, if required to establish identity. Visitors will be directed to the Main Office to obtain a visitor's badge and sign the logbook. In the event that a visitor attempts to follow a staff member into the building, the staff member should request that the visitor wait to be properly signed in by the Main Office. Doors will remain locked at dismissal. Parents meeting students at dismissal are expected to wait outside the assigned dismissal exit doors. Following dismissal, access to elementary school after school programs is available only at the designated afterschool program door which will also have a video/audio/buzzer device controlled by afterschool program staff.

### High Schools

High schools will have designated doors unlocked throughout the school day. All other doors will be either locked or accessible only via a school-issued access badge or a universal student access code. Regardless, all visitors are required to obtain a visitor's badge from the Main Office. Visitors should sign in and out in the office so that the school has a record of who is in the building at all times.

### Procedure for Someone without a Visitor's Badge

- Approach visitor(s) and offer assistance.
- Escort visitor(s) to the main office to obtain a visitor's badge and sign in or out.
- If the staff member or student is uncomfortable approaching a visitor without a visitor's badge, he/she should ask one or two staff members to assist with approaching the visitor.
- If a visitor(s) refuses to cooperate, do not escalate the situation. If it can be done safely, monitor the direction the intruder is going, then call the office and give a detailed description of the visitor(s). Adults should not send a student to the office to get an administrator.
- The Newton Police Department may be contacted to address intruder violations.

## **Q. Student Records**

The Superintendent provides for the proper administration of student records in keeping with state and federal requirements and as defined therein. The definitions of school records under federal and state law can be found at 20 U.S.C.1232, the Family Educational Rights and Privacy Act (FERPA)



and 603 CMR 23.00, respectively. The temporary record of each student will be destroyed seven (7) years after the student transfers, graduates or withdraws from the school district. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, is made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

Students and/or parents/guardians have the right to see school records and should contact the school principal and ask for an appointment. Parents and eligible students (age 14 or in ninth grade) may obtain a copy of all or any portion of the student's record upon request. They have the right to add relevant comments, information or other written material to the student's record or to request that information contained in the record be amended or deleted (except for information inserted in the record by a team evaluation) in accordance with FERPA and state law procedures. Within a week after the meeting, the Principal must render a decision in writing on their objections to the record. If the parent/guardian or eligible student is not satisfied with the Principal's decision, he or she may appeal such decision to the Superintendent and, ultimately, to the School Committee.

For our full policy on student records, including definitions, and for the process to request specific student records, see our [online policy manual](#) and our records protocol.

#### **R. Protection of Pupil Rights Amendment (PPRA)**

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. §1232h, affords parents/guardians and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conducting of surveys, collection and use of information for marketing purposes ("marketing surveys"), and certain physical exams and screenings.

These include the right to:

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

- activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
3. Inspect, upon request and before administration or use:
- protected information surveys of students;
  - instruments used to collect personal information from students for any of the above marketing, sales or other distribution purposes; and
  - instructional material used as part of the educational curriculum.

The PPRA also requires that the Newton Public Schools notify and obtain consent or allow parents/guardians to opt their child out of participating in certain school activities such as a protected information survey, marketing surveys, and certain physical exams and screenings as set forth above. Newton has developed and adopted policies, in consultation with parents/guardians, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. Newton will directly notify parents/guardians and eligible students of these policies at least annually at the start of each school year and after any substantive changes. Newton will also directly notify parents/guardians and eligible students, (such as) through either U.S. Mail or email, at least annually at the start of each school year of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in the collection, disclosure, or use of personal information for marketing, sales or other distribution; the administration of any protected information survey not funded in whole or in part by the U.S. Department of Education; and any nonemergency, invasive physical examination or screening as described above.

Parents/guardians/eligible students who believe their rights have been violated may file a complaint with Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920 or at 1-800-USA-LEARN (1-800-872-5327). This information comes from the U.S. Department of Education.

## **VII. OTHER RELEVANT POLICIES AND PROCEDURES**

### **A. Physical Restraint of Students and Risk Assessment**

There may be instances when students may behave in ways that pose a threat to their own safety and to other members of the Newton Public Schools community. In any unsafe situation, Newton Public Schools staff will conduct a careful assessment of the risks and benefits of any intervention. In most cases, unsafe situations can be de-escalated by verbal intervention and the use of positive behavior support strategies. Newton Public Schools is committed to the prevention of physical restraint whenever possible and is used only as a last resort. If physical restraint is necessary, the safe administration of physical restraint is of the utmost importance and will be done in accordance with the regulations for the prevention and safe use of physical restraint (603 CMR 46.00) which were established by the Department of Elementary and Secondary Education (DESE) and effective on January 1, 2016 and the Newton Public Schools Physical Restraint of Students Policy.

Physical restraint shall only be implemented to protect a student or other members of the Newton Public Schools from assault or imminent, serious, physical harm. Newton Public Schools, in accordance with these regulations, will use physical restraint only in emergency situations of last resort, and only after other less intrusive alternatives have been tried and been unsuccessful. Only school personnel who have received training pursuant to 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint to students. Please see the full policy and protocol on our [online policy manual](#), including information about restrictions, exclusionary timeouts and the timely notification of and documentation of any restrain or exclusionary timeout.

Further, in cases where a student threatens the safety to self or others, the school may require a risk assessment by a qualified professional before allowing the student to continue in school.

## **B. Assessments**

Teaching and learning in the Newton Public Schools is assessed using national, state and local instruments. Currently, elementary, middle school, and high school students are assessed in English Language Arts, Mathematics and Science and Engineering using the Next Generation MCAS. The purpose of the MCAS is to assess student's proficiency levels on standards-based curriculum. More information can be found on the [Massachusetts Department of Elementary and Secondary Education](#) website.

In addition to MCAS, Newton Public Schools assesses students more frequently using a variety of other assessments chosen for particular purposes. Data from individual and school-based assessments are used to determine student needs for additional instruction—either more challenging materials or more time in a particular skill or concept. At the district level, data is used to identify long-term trends and to inform large-scale curricular and instructional initiatives.

## **C. Memorandum of Understanding between NPS and the Newton Police Department**

The Newton Public Schools and the Newton Police Department have executed a Memorandum of Understanding to coordinate their efforts and share information to intervene and prevent violence involving the students of the Newton Public Schools; to prevent the improper and/or illegal use, abuse and distribution of alcohol and other controlled substances involving the students of Newton Public Schools; and to promote a safe and nurturing environment in the school community.

NPS and NPD collaborate to effectively and cooperatively respond to and address, for everyone's protection, incidents of truancy, school delinquency, criminal behavior, and other activity detrimental to the welfare of the school community. The joint and cooperative response efforts will focus on incidents that take place on school grounds, within school property, at school sponsored events, and other locations in which students of the Newton Public Schools are involved.

The Memorandum of Understanding can be found in the [online policy manual](#).

## **D. Additional Relevant Policies**

All policies of the Newton Public Schools, including those listed below, can be found in the [online policy manual](#) on the NPS website.

- (ECA) Security Policy Including Protocol for Security Camera Recorded Data
- (GBEBC) Staff Gift and Solicitations for Teachers Policy

- (IHBf) Homebound Instruction
- (IMG) Animals in School Policy
- (JRD) Student Photographs
- (KDB) Public's Rights to Know
- (KHA) Public Solicitation in the Schools
- (KHB) Advertising in Schools

## VIII. FAMILY AND STUDENT SIGNATURE PAGES

Please complete these forms on our online [Aspen Family Access website](http://www.newton.k12.ma.us/), a feature of our *Aspen student information system*. These copies are provided for reference or if you are unable to complete the forms online. A link to the Aspen Family Access website can also be found on the district home page under the quick links and the Families tab: <http://www.newton.k12.ma.us/>. Contact your child's school if you need help with your login information.

### A. Publishing of Limited Student Information

1. Pursuant to the federal and state regulations governing student records, Newton Public Schools may release student "directory information" unless you have indicated by checking the box below that you do not want the information released. See 34 C.F.R. 99.37(d); 603 CMR 23.02. "Directory information" could include a student's name, ID number, address, telephone listing, date and place of birth, major field of study, dates of attendance, photographs (such as those included in yearbooks and school newsletters), weight and height of members of athletic teams, grade level, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans. Unless you indicate otherwise, NPS may release "directory information" under limited circumstances as permitted or required by law. You will be asked to review and renew this release annually.

☐

#### Release of Limited Student Information

By checking the box, I understand that I DO NOT give permission for my child's name, directory information and/or photograph to be included in newsletters, programs, and other district and school publications (such as a playbill or honor roll). Directory information will NOT be released to partner organizations including Parent Teacher Organizations (PTOs) or external vendors who may seek to market goods and/or services to students.

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#### Permission to Use Student Picture

By checking the box, I understand that I DO NOT give permission for my child's picture or likeness to be published on Newton Public Schools/ School/Class/ Activity website or social media page. A picture could take the form of a photograph, video, or multimedia project. No personally identifying information, including name, home address, or telephone number would appear on such picture, photo or video.

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#### Teacher Internal Evaluative Permissions

By checking the box, I understand that I DO give permission for a staff member to record my child using an NPS device for lesson assessment purposes. The video belongs to NPS and shall not be disclosed or shared outside of the District. The intent is to video/record students solely for the purpose of the staff member's professional growth and assessment.

Signature \_\_\_\_\_  
Parent or Student (age 18 or older)

Date \_\_\_\_\_

## **B. Release of Student Information – Secondary Students Only**

1. Release of Information to Military and Higher Education Recruiters: Federal law requires public schools receiving federal funds to provide the names, addresses and telephone numbers of secondary school students upon a request made by military recruiters and institutions of higher education. Federal law also provides that the parent/guardian of the student or the secondary school student may request that the school not release this information without the prior written consent of the parent/guardian or student. You will be asked to renew this request annually.

☐ By checking the box, I DO NOT give permission to release student information on my child/me (if over 18 years of age) to military recruiters.

☐ By checking the box, I DO NOT give permission to release student information on my child/me (if over 18 year of age) to institutions of higher education.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Parent or Student (age 18 or older)

## **C. Media and Publishing Releases**

Please put a checkmark in each box to indicate approval for each category.

☐ Permission for Media/Interview/Recognition  
By checking the box, I authorize Newton Public Schools to allow my child to be interviewed and/or photographed during the course of the year or have his/her name appear in media publication of the Newton Public Schools/School/Class/Activity website or media page (such as Facebook or Twitter) and/or have his/her name appear in a media publication, such as the Newton Tab, Boston Globe, NewTv, when this media visit has been authorized by NPS and/or its designees because of a student accomplishment.

☐ Permission to Publish Student Work on NPS website or social media pages  
By checking the box, I authorize NPS to publish my child's work on Newton Public Schools/School/Class/Activity website or media page (such as Facebook or Twitter). I understand that copyright and ownership of the work or writing remain my child's property. No last name, home address, or telephone number will appear in the work.

☐ Student Teacher Permissions  
By checking the box, I authorize a student teacher to use a photograph, video or other media production, containing an image of my child or my child's classwork for internal college/university use for student teacher evaluation purposes.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Parent or Student (age 18 or older)

#### D. Federal School Lunch Program Release

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##### Permission to Utilize Lunch Eligibility for Educational Access

I authorize Newton Public Schools (NPS) to share my child's eligibility for the Federal School Lunch Program with limited NPS educators. Your consent will help determine further eligibility for financial assistance should your child participate in any NPS supplemental programs, including summer enrichment and field trips. Eligibility information for the Federal School Lunch Program will only be shared with NPS teachers or administrators directly connected to your child or your child's program that need such information. Eligibility or related personal information will not be shared with other NPS staff, non-NPS individuals or by the receiving program with any other third-party entity or program. Your response to this request for permission will not affect eligibility or participation for the supplemental or enrichment programs.

Signature \_\_\_\_\_

Parent or Student (age 18 or older)

Date \_\_\_\_\_

**Elementary:** 12:10PM; **Middle:** 11:20AM; **High:** 12:45PM; **NECP:** no school



## School Hours 2021-22

Elementary Schools		Start Time	Mon.	Tues.	Wed.*	Thurs.	Fri.
		8:10 a.m.	2:50 p.m.	2:50 p.m.	12:20 p.m.	2:50 p.m.	2:50 p.m.
Middle Schools		Start Time	Mon.	Tues.	Wed.*	Thurs.	Fri.
Bigelow		8:05 a.m.	2:35 p.m.	2:35 p.m.	1:50 p.m.	2:35 p.m.	2:35 p.m.
Brown		8:20 a.m.	2:50 p.m.	2:50 p.m.	2:05 p.m.	2:50 p.m.	2:50 p.m.
Day		7:55 a.m.	2:25 p.m.	2:25 p.m.	1:40 p.m.	2:25 p.m.	2:25 p.m.
Oak Hill		7:50 a.m.	2:20 p.m.	2:20 p.m.	1:35 p.m.	2:20 p.m.	2:20 p.m.
High Schools		Start Time	Mon.	Tues.*	Wed.	Thurs.	Fri.
Newton North		9:00 a.m.	3:45 p.m.	3:25 p.m.	3:45 p.m.	3:45 p.m.	3:45 p.m.
Newton South		9:00 a.m.	3:45 p.m.	3:25 p.m.	3:45 p.m.	3:45 p.m.	3:45 p.m.

*\*Early release days are on Wednesdays for the elementary and middle schools, and on Tuesdays for the high schools.*

## Special Early Release Dates/Times 2021-22

	Elementary	Middle	North & South	NECP
October 7, 2021	12:10 p.m.	11:20 a.m.	12:45 p.m.	12:00 p.m.
November 2, 2021	12:10 p.m.	11:20 a.m.	12:45 p.m.	12:00 p.m.
December 9, 2021	12:10 p.m.	11:20 a.m.	12:45 p.m.	12:00 p.m.
February 3, 2022	12:10 p.m.	11:20 a.m.	12:45 p.m.	12:00 p.m.
March 24, 2022	12:10 p.m.	11:20 a.m.	12:45 p.m.	12:00 p.m.
May 12, 2022	12:10 p.m.	(if needed*)	(if needed*)	12:00 p.m.

\* If one of the previously scheduled early release days is cancelled, then the make-up day will be on May 12 for middle and high schools.

## Day Before Thanksgiving and Last Day of School

Dismissal time for both the day before Thanksgiving and the last day of school are as follows:

Elementary	Middle	Newton North & South	NECP
12:10 p.m.	11:20 a.m.	12:45 p.m.	no school