

# **West Springfield Public Schools**

## **Student Handbook 2021-2022**

### **Preschool, Kindergarten & Elementary Grades**

#### **Dear Parents/guardians of Preschool, Kindergarten & Elementary Students:**

This handbook provides you with information, policies, and regulations of our schools. In addition to providing useful information, it is important that you read and discuss its contents with your child[ren]. We have tried to address what we feel are matters of importance to students and parents/guardians throughout the pages of this handbook. Each year the district requests that the handbook be reviewed and acknowledged. This is part of an annual process for all families and acknowledgement is part of the on-line verification form. Please be advised that even if you do not complete the online verification form, the West Springfield Public Schools will assume that you have read and understood the contents of this handbook as well as the policies cited which are also available on the following web site: <https://sites.google.com/a/wsps.org/policy-manual>.

Please feel free to contact your school principal if you have any questions or concerns not formally addressed within this handbook. We look forward to serving you throughout the coming year. The staff of the West Springfield Public Schools feels that the best educational environment is one which fosters mutual respect and cooperation among students, parents/guardians, and staff. We will do our best during the school year to maintain and promote a happy, orderly, and secure environment conducive to learning.

Sincerely,



Timothy W. Connor  
Superintendent of Schools

**TRANSLATION INFORMATION:**

If you need assistance reading this document or other school publications, please contact the principal to obtain translation services.

**Spanish**

Si usted necesita ayuda para leer este documento u otras publicaciones de la escuela, por favor póngase en contacto con el director del edificio para obtener servicios de traducción.

**Portuguese**

Se você necessitar o auxílio que lê este original ou outras publicações da escola, contate por favor o principal do edifício para obter serviços de tradução.

**French**

Si vous avez besoin de l'aide pour lire ce document ou des autres publications de l'école, svp entrez en contact avec le principal du bâtiment pour obtenir les services de traduction.

**Italian**

Se avete bisogno dell'assistenza che leggete questo documento o altre pubblicazioni della scuola, mettasi in contatto con prego il principale della costruzione per ottenere i servizi di traduzione.

**German**

Wenn Sie Unterstützung dieses Dokument oder andere Schulepublikationen lesend benötigen, treten Sie bitte mit der Gebäudedirektion in Verbindung, um Übersetzungsdienste zu erhalten.

**Russian**

## ***TABLE OF CONTENTS***

Letter to Parent(s) / Guardian(s).....	1
Translation Information .....	2
Table of Contents .....	3
Pre-K through Elementary Schools Contact Information .....	5
Link to District Policy Manual.....	5
Home/School Compact Voluntary Agreement.....	6

### **SCHOOL PROCEDURES/GENERAL INFORMATION**

Emergency Contact Information .....	7
Arrival-Departure Times .....	7
Student Dress Code .....	7
Field Trips .....	7
Money and Valuables.....	7
Lost and Found.....	8
Lavatory .....	8
Cell Phone Usage .....	8
Care of Books/Equipment/School Property .....	8
School Lockers.....	8
School Pictures.....	8
Publication of Student Information .....	8
Parent/Teacher Organization.....	8
School Council .....	9
School Closings or Delayed Start Times.....	9
School Lunch .....	9

### **ACADEMICS / MISCELLANEOUS**

Physical Education .....	9
Human Sexuality .....	9
Homework/Independent Study Statement.....	10
Google Apps for Education – Student Accounts .....	10
Library.....	11
Parent Conferences (Progress Reports-Report Cards) .....	11
Requesting Teachers and Classrooms .....	12
Promotion and Retention of Elementary School Students .....	12
Student Attendance .....	12
Standardized Testing.....	13

### **HEALTH and SAFETY**

Face Coverings.....	13
Student Health Services and Requirements .....	14
Health Procedures .....	15
Administering Medicines to Students .....	15
Immunizations of Students.....	16
Physical Examination and Screenings of Students.....	16
Fire Drills/Evacuations.....	17
Lockdown/Stay-In-Place.....	17
Tobacco Free Zone.....	17

## **STUDENT DISCIPLINE**

In-School Suspension.....	17
Out-of-School Suspension .....	18
Emergency Removal .....	18
Expulsion .....	18
Due Process.....	19
M.G.L. c. 71 Section 37H .....	21
M.G.L. c. 71 Section 37H ½ .....	21
Discipline for Special Education Students .....	22
Discipline for Students not yet Eligible for Special Education.....	24
Discipline of Students on 504 Plans.....	24
Academic Progress.....	24
Collection and Review of Discipline Data.....	24

## **RELEVANT LAWS AND SCHOOL POLICIES**

Bullying Prevention .....	25
Student Records .....	27
General Provisions.....	27
Directory Information Notice .....	28
Recruiter Access to Students and Student Information .....	28
Rights of Parents without Custody .....	28
Amending Your Child’s Record.....	29
Notice on Transfer to Other Schools .....	29
Destruction of Records .....	30
Notice of Non-Discrimination.....	30
Title IX.....	30
Anti-Discrimination / Anti-Harassment Policy and Grievance Procedure.....	30
Grievance Process for Title IX Complaints .....	36
Physical Restraint.....	39
Acceptable Use of Computers Policy.....	41
Grievance Process for Alleged Violations of Access to Education .....	43
Parent Observation in Classrooms .....	44
Parent Observation in Special Education Classrooms .....	45
 Asbestos Hazard Emergency Response Act (AHERA) of 1986.....	 46
Notice of Asbestos Management Plan .....	46

## **ELEMENTARY SCHOOL CONTACT INFORMATION**

### **John R. Fausey School**

780 Amostown Road

Tel: 263-3314

Principal: Myriam Skolnick

Vice Principal: John Thoma

### **Philip G. Coburn School**

115 Southworth Street

Tel: 263-3318

Principal: Gina Martin-Ryan

Vice Principal: Mike Atkins

### **Memorial School**

201 Norman Street

Tel: 263-3333

Principal: Donna Calabrese

### **Tatham School**

61 Laurel Road

Tel: 263-3330

Principal: Kathleen Morneau

### **John Ashley School (Kindergarten)**

88 Massasoit Avenue

Tel: 263-3323

Principal: Paul Heath

### **Mittineague School**

Second Street

Tel: 263-3327

Principal: Diane Doe

### **William A. Cowing (EC & CAS Programs)**

160 Park Street

Tel: 263-3326

Director: Lisa Aubin

## **CITED DISTRICT POLICIES**

<https://sites.google.com/a/wsps.org/policy-manual/>

**Food Allergies and Life Threatening Allergies**

**Student Transportation Services**

**School Bus Safety Program**

**Interrogations and Searches**

**(File: JIHCA)**

**(File: EEA-R)**

**(File: EEAE)**

**(File: JIH)**

# West Springfield Public Schools

## Home - School Compact

**As mandated by Title I**, this Home-School Compact is a voluntary agreement between the home and school. The agreement defines goals, expectations, and shared responsibilities of schools, parents/guardians, and students as equal partners for student learning.

### **Student**

I, *the student*, understand that my education is important. I know that I am responsible for my own success. Therefore, I agree to carry out the following responsibilities:

I will...

- Attend school every day, on time.
- Do my best in class.
- Do my homework.
- Ask for help when I need it.
- Respect myself, my classmates, teachers, and other school staff.
- Help keep my school safe.
- Share my school day with my parents/guardians.

### **Parent**

I, *the parent*, understand that my involvement in my child's education will help his/her progress, attitude, and behavior. Therefore, I agree to carry out the following responsibilities:

I will...

- Support my child to develop self-help skills.
- Provide a quiet place for my child to study and complete homework.
- Make sure my child attends school daily and arrives on time.
- Read to my child and have my child read to me.
- Attend parent-teacher conferences.
- Maintain contact with my child's teacher.
- Participate in school events.
- Have high expectations for my child.

### **Teacher**

I, *the teacher*, understand the importance of the educational experience for every student and my role as teacher and model. In order to encourage learning at home, at school, and in the community, I agree to carry out the following responsibilities:

I will...

- Have high expectations for all students.
- Address each student's needs and encourage individual talents.
- Provide a safe and positive learning environment for each student.
- Communicate with all parents/guardians about their child's progress.
- Ensure that homework assignments are understood and built on classroom instruction.
- Work with families to support student progress.
- Respect cultural differences of students and their families.

## SCHOOL PROCEDURES / GENERAL INFORMATION

### EMERGENCY CONTACT INFORMATION

If there are any changes of a phone number, address, place of employment or emergency phone number of either parent/guardian, please notify the teacher or office immediately. This information is extremely important in the event that parents/guardians must be notified of an emergency.

### ARRIVAL/DEPARTURE TIME

**EARLY CHILDHOOD (EC) & ASHLEY KINDERGARTEN:** Starting time for EC A.M./full day and Ashley Kindergarten students is 9:00 a.m. Teachers are on duty at 8:45 a.m. There is no supervision before that time. For this reason, **no student should arrive at school before 8:45 a.m.** The school cannot accept responsibility for any pupil who arrives before 8:45 a.m. Dismissal time for the EC A.M. session is 11:30 a.m. Starting time for the EC P.M. session is 12:45 p.m. Teachers are on duty for 12:30 p.m. Full-day EC and Kindergarten students are dismissed at 3:15 p.m. Upon arrival, students are to proceed directly into the building where they will remain until the end of the school day. Coburn school start time is 8:30 a.m. and students are dismissed at 2:45 p.m.

**GRADES 1-5:** For those participating, breakfast begins at 8:05 a.m. and will not extend beyond the 8:30 arrival time. Gyms are used for physical education classes beginning at 8:30 a.m. Students are not marked tardy until 8:30 a.m., but morning work in the classrooms begins at 8:15 a.m. School starting time is 8:30 a.m. Teachers are on duty at 8:00 a.m. There is no supervision before that time. For this reason, **no student should arrive at school before 8:05 a.m.** The school cannot accept responsibility for any pupil who arrives before 8:05 a.m. Students are dismissed at 2:45 p.m. Upon arrival, students are to proceed directly into the building where they will remain until the end of the school day. **If a student needs to be picked up prior to dismissal time, please contact the school no later than 2:00 p.m. that day.**

### STUDENT DRESS CODE

It is expected that students will exercise good taste in dress and grooming. Dress and grooming that interferes with the educational process or endangers the health or safety of the individual student or student body will not be tolerated. Hats or bandannas or similar head cover may not be worn in school except for religious or disability reasons. Students are expected to wear safe footwear. Revealing clothing is also not acceptable. No undergarments should be exposed at any time. Clothing and footwear that do not meet the above standards include: flip flops, slippers, pajamas/lingerie, clothing with spaghetti straps, halter, off-the shoulder, or backless shirts, muscle shirts, gang-related colors or paraphernalia, chains or tube tops. Articles of clothing bearing advertising in the promoting of alcoholic beverages, tobacco products, illegal drugs, and profanities may not be worn.

### FIELD TRIPS

Field trips are a part of the educational program. Notices will be sent home to advise parents/guardians of field trips and the amount of money that may be needed for the bus transportation and the cost of admission at various events. Permission forms must be signed by parents/guardians for each field trip outside of West Springfield. When children are on field trips, they are expected to behave and to follow the rules that have been set up in the classroom. A child who is disruptive or who endangers the safety of other children will not be allowed to continue the field trip. The parent will be contacted and asked to come and pick up the child. A child may be excluded from a field trip if, in the judgment of the principal, he/she may present a potential safety problem to himself and/or to others.

### MONEY AND VALUABLES

Children are discouraged from bringing money or valuables to school. The practice of leaving money or valuables on or in a desk or in a coat is decidedly unwise. Children are responsible for any money or valuables they bring to school. Money for lunch, milk, or field trips should be kept in coin purses, wallets, handbags, envelopes, etc., to minimize loss or theft.

### **LOST AND FOUND**

All lost and found items are sent to the office and are placed in a designated box. If requested, valuable items and money may be kept by the principal or by the secretary. It is recommended that all articles brought to school be labeled. The district is not responsible for personal lost or stolen items.

### **LAVATORY**

There are regularly scheduled lavatory breaks throughout the school day. Students are encouraged to use the lavatory at these times. If it is necessary for a student to use the lavatory at any other time, he must obtain permission from his teacher.

### **CELL PHONE USAGE**

Students who bring cell phones to school must follow the policy of "OFF AND AWAY". The following restrictions will apply for all students:

1. Cell phones are not to be visible, turned on, or used in any way (camera, text functions, etc.) upon entering the building and continuing throughout the school day.
2. Any cell phone that is visible or in use will be confiscated by school staff and turned over to the Vice Principals, and will be available at the end of the school day. After the first offense, parents/guardians will be notified and will be required to pick up the device in the main office.
3. Refusal to turn over cell phone will be considered insubordination and will result in a suspension from school.

### **CARE OF BOOKS/EQUIPMENT/SCHOOL PROPERTY**

1. All basic texts are loaned to students for their use during the school year.
2. Please be sure your name is written on the book label in case the book is misplaced.
3. In accepting a book or equipment, pupils assume the responsibility for the proper care of the book or school equipment.
4. Any damage to a book or equipment resulting from improper care must be paid for by student.
5. The office secretary assesses all book and/or equipment damages, determines fees, and advises the teacher who, in turn, informs the pupil of the fee. When the pupil pays for the book, the teacher will issue a replacement book. Whenever possible, teachers will permit students to use a textbook during classroom instructional period until the obligation is met.

### **SCHOOL LOCKERS**

Lockers for the storage of books and clothing will be issued when and as available to pupils of the school system (*as applicable*). The locker is school property and is provided only for the convenience of the pupil and is in no way to be considered the pupil's personal property. Teachers and the administrative staff have the right to open lockers and to examine and inspect the contents of lockers at any time.

### **SCHOOL PICTURES**

School pictures may be taken every year. Individual schools handle the arrangements. Parents/guardians have the option of whether or not to purchase the pictures.

### **PUBLICATION OF STUDENT INFORMATION**

Parents who do not want their child's **photograph/video recording** to appear in any school department publication (e.g., newsletters, press releases, the school calendar, etc.) should submit a written statement to that effect to their child's school principal.

### **PARENT-TEACHER ORGANIZATION**

The P.T.O. is a very active organization in our schools. The purpose of the P.T.O. is to plan programs which are informational and beneficial to parents/guardians and teachers and which are under the guidance of the principal. The most important function of the P.T.O. is to foster the interaction of parents/guardians, teachers and principals who work together for the success and benefit of the children and of the school.



## SCHOOL COUNCILS

The Commonwealth of Massachusetts has enacted legislation, which calls for the establishment of a school council for each elementary, secondary and independent vocational school in the Commonwealth. Each council is to have the following categories of membership: principal, teachers, parents/guardians of students attending the school, and community representatives who are not parents/guardians, teachers, or students at the school. Councils are to assist principals in adopting educational goals for each school, identifying the educational need of the students attending the schools, and formulating a school improvement plan.

## SCHOOL CLOSINGS OR DELAYED STARTING TIMES INCLEMENT WEATHER - NO SCHOOL

The "NO SCHOOL" signal will be given only in cases of extreme weather conditions. Many pupils are transported to our schools, and conditions may vary in the various areas of town. When the decision is made to keep schools open on stormy days, *parents/guardians are urged to exercise their personal judgment* about whether or not to send their children to school. If there is a possibility that severe storm conditions could subside and improve later in the morning, a *delayed school opening* of up to 2 hours will go into effect. This means that bus pick-ups and school openings will go into effect up to 2 hours later than the regular time. If you transport your child to school on the day of a delay, be sure you drop them off at school at the adjusted time. Staff is not available to supervise students earlier than the scheduled delayed start time. In the event that a decision is made not to open school or to delay school starting time, the phone number listed in your child's school record will receive an automated message. Please be sure to report any changes in your phone number to the school office. Also, an announcement will be made over the following television and radio stations as close to 6:30 A.M. as possible: **Radio:** WHYN (560), WPKX (97.9), WMAS (94.7); MIX (93.1), **TV:** Channel 40, WGGB; Channel 22, WWLP; Channel 3, WSHM, **Automatic Phone System, Internet:** [wsps.org](http://wsps.org)

## SCHOOL LUNCH

West Springfield schools use a computerized point of sale system to identify students. Each student has been assigned a unique PIN which allows the cashier to determine if the student is free, reduced or paid. If your child is a paying student you have two options for making prepayments. We encourage parents/guardians to pay online by registering with our online provider. Additional instructions and information may be obtained by visiting [WSPS.org](http://WSPS.org); Families & Community; School Nutrition or by contacting the School Nutrition Office at [schoolnutrition@wsps.org](mailto:schoolnutrition@wsps.org) or send in all prepaid monies to school on Mondays. All prepayments sent to school should be in an envelope with your child's name, date, grade and the amount you are paying. Students still have the option of purchasing a meal any day by presenting their money to the cashier at the point of service.

## ACADEMICS / MISCELLANEOUS

### PHYSICAL EDUCATION

1. Physical Education is required for grade K-5 students. Students are required to report to class with proper attire (sneakers, shorts, shirt) and are expected to participate in all scheduled activities.
2. An injury must be reported to the instructor immediately.
3. All valuables should be kept locked in the student's hall locker, or checked in with the instructor, NOT left in the gym locker (*as applicable*). The school is NOT responsible for any lost or stolen articles or equipment.
4. If a physician advises against a student taking part in physical education, it is necessary that a written excuse from the physician be presented to the school nurse. All requests for LIMITED physical activity must be accompanied by a physician's statement which advises the school about what type of activity is to be avoided.

### HUMAN SEXUALITY

Parents/guardians of children who would be receiving instruction in human sexual education or human sexuality shall be notified in advance of presentation of such curriculum. Parents/guardians will be afforded the opportunity to exempt their children from any portion of said curriculum through written notification to the

school principal. No child so exempted shall be penalized by reason of such exemption. The program instruction materials for said curricula shall be made reasonably accessible to parents/guardians, educators, school administrators and others for inspection and review. At the 5th grade level, a Puberty and HIV/AIDs curriculum is taught. Additional notification/consent forms will be sent home prior to this.

## **HOMEWORK INDEPENDENT STUDY STATEMENT**

It is the belief of the West Springfield Public Schools that independent study is a vital and integral part of a student's total school experience and is to be encouraged and supported. Homework or independent study should reinforce the school experience, provide opportunity for independent thinking, assist the student in developing good work and study habits, encourage profitable and worthwhile out-of-school leisure hours, and help the home and school to better understand the educational philosophy, goals, and objectives of the West Springfield Public Schools. To that end each party must fully understand and fulfill its obligations. The instructional staff recognizes its responsibility in designing meaningful home assignments and in collecting, grading, returning, and discussing said assignments in a timely manner. The students will recognize their responsibility in completing these assignments with quality and in a timely manner. Failure to comply with established homework procedure will be reflected as a part of the student's grade. Parents/Guardians are encouraged to provide a time and place for completion of home assignments. Parents/Guardians share in the responsibility for the completion of homework and are encouraged to contact the school if they have any questions about a student's home assignments.

Homework is to be considered an extension of the daily classroom activity. Homework may take either written or oral form; on occasion, outside events or activities should be used as topics for assignments. Homework may serve either as a classroom follow-up or as an enrichment experience. Homework is not to be considered busy work and is not to be used as punishment. Teachers are to assign outside work, collect and grade homework, and return it to the student. Class discussions may be based on the assignment(s). Outside activities may include the assignment of a television program to be used as the basis for class discussion, an event in town such as attendance at a Town Council Meeting, or some other worthwhile educational or learning experience. Building Administrators will oversee compliance with this policy. The following are suggested time standards:

**Grade 1** - Homework assigned at the discretion of teacher - No more than 15-20 minutes per day

**Grade 2 - 3** - Homework assigned regularly - 1/2 hour per day, Monday through Thursday.

**Grade 4 - 5** - Homework assigned regularly - 1/2 to 3/4 hour per day, Monday through Thursday.

## **GOOGLE APPS FOR EDUCATION – STUDENT ACCOUNTS**

West Springfield Public Schools has implemented “Google Apps for Education” for students. Students will have accounts allowing documents and presentations to be stored online and accessible from home, school, and anywhere there is an internet connection reducing the need for emailing files and/or flash drives. Since Google Apps is all online, it is the same everywhere you use it. There is no issue with having one version of a program at home and a different version at school. Google Apps allows you to easily share documents and files with teachers and other students, so you can turn in assignments electronically and collaborate on projects with classmates. Students, teachers, and administrative staff will have access to Google Docs, Google Calendar, and Google Sites. Google Apps for Education includes the following programs:

Using their G Suite for Education accounts, students may access and use the following “Core Services” offered by Google (described at: [https://gsuite.google.com/terms/user\\_features.html](https://gsuite.google.com/terms/user_features.html)) :

- Gmail
- Google+
- Calendar
- Chrome Sync
- Classroom
- Cloud Search

- Contacts
- Docs, Sheets, Slides, Forms
- Drive
- Groups
- Google Hangouts, Google Chat, Google Meet, Google Talk
- Jamboard
- Keep
- Sites
- Vault
- Clever

In addition, we also allow students to access certain other Google services with their G Suite for Education accounts. Specifically, your child may have access to the following “Additional Services” listed on the WSPS website at [www.wsps.org/studenttechnology](http://www.wsps.org/studenttechnology)

### **Responsible Use Guidelines**

I have read the Acceptable Use of Computer Policy [File: IJNDB] (available online at [www.wsps.org](http://www.wsps.org) - Online Policy Manual and also on page 41 in this handbook). I will instruct my child regarding any restrictions against accessing material that are in addition to the restrictions set forth below. I will also emphasize to my child the importance of following the rules for personal safety. Please review these documents carefully to ensure proper use of these services.

All participants will be respectful in their postings and comments. No cyber bullying, inappropriate language, personal insults, profanity, spam, racist, sexist or discriminatory remarks, or threatening comments will be tolerated.

### **The West Springfield Public Schools assumes no responsibility for:**

- Any financial obligations arising out of unauthorized use of the system.
- Any cost, liability or damages caused by a user's violation of these guidelines.
- Any information or materials that are transferred through the network.
- The reliability of the data connection.
- The West Springfield Public Schools shall not be liable for any loss or corruption of data resulting while using the network.
- A student's illegal distribution (pirating) of software.

### **LIBRARY**

Each child has library period every week. The library is available to all students, kindergarten through grade 5, in all schools. Books may be checked out for a period of one week and are renewable. There are no fines for overdue books, but parents/guardians will be expected to pay for any books which become lost or damaged. The school encourages parents/guardians to see that their children spend part of everyday reading. Frequency of reading helps to improve overall reading ability.

### **PARENT CONFERENCES PROGRESS REPORTS - REPORT CARDS**

Parent conferences play a part in our marking system. In Pre-school and kindergarten, a parent conference is held in place of a report card during the first marking period. School personnel will formally notify parents/guardians of the date and time of the conference. However, if a parent wishes to see a teacher or a teacher wishes to see a parent, additional conferences may be arranged at a time which is convenient for both parties. A teacher or parent may request that the principal sit in on the conference if, in certain situations, a third party is required. Both parents/guardians are urged to attend these conferences if possible. We ask that conference slips be answered immediately. If a parent is unable to attend a conference, he/she should notify the teacher or the school office. If the teacher is not notified that a parent cannot attend, valuable conference time is wasted.

## REQUESTING TEACHERS AND CLASSROOMS

Our teachers are all highly qualified and have been selected with a great deal of care. We place the students into a class after taking several factors into account to ensure a diverse group of students. Therefore, **we do not accept requests for specific teachers.** We will consider requests for:

1. Siblings/twins to be placed in the same classroom or to be separated (if possible)
2. Students to be separated in extenuating circumstances
3. All requests must be made directly to the principal by May 15 or in Kindergarten and pre-school upon registration.

## PROMOTION AND RETENTION OF ELEMENTARY SCHOOL STUDENTS

File: IKEA

On the elementary school level, promotion from grade to grade shall be granted to those completing, in the opinion of the Principal and the Superintendent, the necessary requirements. Massachusetts State Law Chapter 766 requires principals to notify parents of the following conditions:

- Any child who at mid-year present a substantial risk of non-promotion\*
- Any child who fails to be promoted at the end of the year.
- Any child who is suspended for more than five school days in any quarter or excluded from school.
- Any child who has been absent without medical excuse more than fifteen school days in any quarter.

\* Non-promotion shall be considered to exist if a child is failing in two or more non-elective subjects at mid year. (S.C. APPROVED 12/13/2005)

## STUDENT ATTENDANCE

The West Springfield School District encourages good school attendance, since only through regular attendance can a student take full advantage of the educational opportunities offered. We believe in a direct and positive correlation between good school attendance and academic success. Therefore students are expected to be in attendance every day of the school year.

The school system does, however, recognize that occasional absence from school is unavoidable and legitimate.

Responsibility for regular attendance and adherence to district policy lies with the students and parents/guardians. The law requires that the parents/guardians of mandatory school age children (ages six through fifteen inclusive) ensure attendance of their children in accordance with district policy.

Pupils shall attend schools in the district and in accordance with district lines as approved by the School Committee.

Excessive absences, tardiness, and early dismissals have a negative effect on test scores, class participation, and other criteria used by the classroom teacher to establish satisfactory performance. Parents will receive notice when their child is absent or tardy five (5) days cumulative. When a student is absent or tardy for a total of ten (10) days, a meeting may be held with administration. Excessive absences may jeopardize a student's promotion and/or successful course completion. Work and/or educational support services will be provided for students whose absence is excused; the student is expected to complete all such work. The school reserves the right to request a doctor's note in the case of excessive absences. Students who are absent are considered ineligible for participation in any after-school activities.

A note from a parent or guardian must accompany the student upon his/her return from **any** absence. Arrangements should be made with the classroom teacher to clarify when and how work needs to be completed. It is the responsibility of the student to make up class work missed during any absence. Failure to complete class work will negatively impact a student's grade.

Students may be excused temporarily from school attendance for the following reasons:

- Illness or quarantine (with a doctor's note)
- Bereavement or serious illness in family

- For Observance of major religious holidays
- Legal (with documentation from the court, lawyer etc.)
- Other - a student may be excused for other absences with approval from the school administrator

Documentation for the above absences should be provided to the school principal or designee within five (5) school days of the absence. Documentation provided after ten (10) school days may require a meeting with a principal or designee. (S.C. approved 10/16/18)

## **STANDARDIZED TESTING**

State law (G.L., c.69, s.1I requires that all students who are educated with Massachusetts public funds participate in a statewide student assessment program under the direction of the Board of Elementary and Secondary Education (“Board”). This requirement was first enacted as part of the landmark Education Reform Law of 1993. This statute does not contain an “opt-out” provision for parents/guardians to remove their children from participating. In short, participation in the statewide student assessment program is mandatory. (T. Connor/2016)

## **HEALTH and SAFETY**

### **FACE COVERINGS**

File: EBCFA

Effective immediately, public school students (age 5 and above), visitors and staff in all grades are required to wear masks indoors in schools, except when eating, drinking, or during mask breaks. By federal public health order, all students and staff are required to wear a mask on school buses. Masks should cover an individual’s nose and mouth.

The West Springfield School District is committed to providing a safe environment as schools reopen during the COVID-19 pandemic. According to public health experts, one of the best ways to stop the spread of coronavirus and to keep members of our school community safe is the use of face masks or face coverings. Therefore, in accordance with guidance from the Center for Disease Control (CDC), the Department of Elementary and Secondary Education (DESE) and the Massachusetts Department of Public Health (DPH), the following requirements are in place until further notice.

For those choosing cloth face masks, they should be made of 2 or more layers of washable, breathable fabric, must cover the nose and mouth, fit snugly against the side of the face and be secured with ties or earloops. Masks should allow for breathing without restriction and be able to be laundered and machine dried without damage or change to shape.

There should be no vents in masks. Gaiters, bandanas and hand knit masks are not acceptable.

A face covering that covers the nose and mouth must be worn by all individuals in school buildings, and on school transportation, even when social distancing is observed.

Face masks or face coverings will not be required when appropriate social distancing is enforced:

- during mask breaks;
- while eating or drinking;

All face coverings must comply with the dress code provisions of the student handbook. Mask guidance will be updated according to Massachusetts Department of Public Health and CDC recommendations.

Individuals may be excused from the requirement for the following list of reasons, per CDC guidance:

The individual:

- has trouble breathing;
- is unconscious;
- is incapacitated;
- cannot remove the mask or face covering without assistance.

Parents may not excuse their child from the face mask requirement by signing a waiver.

**Medical Exemptions:**

Students and staff who cannot wear a mask for documented medical reasons, and students who cannot wear a mask for documented behavioral reasons, may be exempted from the requirement. A written note from the student's physician is required for an exemption which must be approved by the school principal in consultation with the school nurse/school physician or 504 process.

**Mask Compliance:**

Positive behavioral interventions, conferencing between families and school administration and progressive discipline will be used to address student non-compliance with this policy. Only after these steps are taken may a student be removed from the school building until such time as they can comply with the requirement or the requirement is lifted.

Violations of this policy by staff will be handled in the same manner as other violations of School Committee policy.

Visitors in violation of this policy will be denied entry to the school/district facility. [S.C. approved 8/31/21]

**NOTE:** The mask requirement will be in place until at least October 1, 2021, and is subject to change thereafter.

**STUDENT HEALTH SERVICES AND REQUIREMENTS**

File: JLC

Activities may include identification of student health needs, health screening tests (including vision and hearing screening tests, communicable disease prevention and control, promotion of the correction of remediable health defects, emergency care of the ill and injured, health counseling, health and safety education, and the maintenance of a healthful school environment.

The district recognizes that parents have the primary responsibility for the health of their students. The school will cooperate with appropriate professional organizations associated with maintaining individual and community health and safety.

The district shall provide the services of a medical consultant who shall render medical and administrative consultative services for personnel responsible for school health and athletics.

Procedures for Emergency at School

School personnel shall give only emergency care to students who become ill or injured on school property, buses, or while under school supervision.

Each year parents shall supply information indicating where the student is to be taken in case of an emergency; the name, address, and phone number of two (2) people to contact in case the parent or guardian are not available; and any allergies or conditions the student might have.

Written permission of a parent or guardian is required for the administration of medication to students. Any medication to be administered in school, not covered by a school physician's standing orders, also requires an order from the prescribing physician.

The district shall maintain a Medical Emergency Response Plan, as required by law, and an Emergency Procedures Handbook, which shall be utilized by the district personnel for handling emergencies. Emergency procedures shall include the following:

- Provisions for care beyond first aid, which would enable care by the family or its physician or the local Emergency Medical Services (EMS) agencies. In the instances when the EMS is required, every effort shall be made to provide them with the student's emergency card which lists any allergies or conditions the student might have.

- Information relative to not permitting the administration of any form of medicine or drugs to students without written approval of parents. Requests made by parents for such administration of medication shall be reviewed and approved by the principal or designee
- Provisions for reporting all accidents, cases of injury, or illness to the principal. Provisions shall be made (in all cases of injury or illness involving possible legal or public relations implications for reporting such to the appropriate executive director of education immediately.

#### Student Illness or Injury

In case of illness or injury, the parent or guardian will be contacted and asked to call for the student or provide the transportation.

Transportation of an ill or injured student is not normally provided by the school. If the parent cannot provide transportation and the student is ill or injured, an ambulance will be called. Expense incurred as a result of an emergency ambulance use will not be borne by the district.

Transportation of a student by school personnel will be done only in an emergency and by the individual so designated by the school administrator. [S.C. Approved 9/11/12]

### **HEALTH PROCEDURES**

1. The elementary schools have the services of the school nurse on a regular basis.
2. A student must request permission from a teacher to go to the nurse. Students should not interrupt their subject instruction by requesting to go to the nurse for minor complaints such as blisters, splinters, band-aids, etc. unless these activities are the result of activity within that class.
3. Pupils are dismissed to the care of parents/guardians when necessary. Transportation at this time is the responsibility of the parent.
4. In the event of serious accidents or emergencies when the parent cannot be reached, medical help will be contacted.
5. Any child who is too ill to concentrate in class should remain at home until completely recovered. A child with an elevated temperature of 100 degrees or higher, vomiting, or experiencing diarrhea should be **symptom free** for 24 hours before returning to school.
6. Injuries suffered outside of school on weekends or in the evening cannot be effectively evaluated and treated at school, but should be reported to the school nurse. A physician should see the child for any serious injury.
7. Every attempt should be made to schedule medication outside of school hours to avoid interruption of your child's school day. If medication has to be given at school, it will only be accepted if it is accompanied by a written order from a physician and written permission from a parent/guardian. This includes non-prescription items such as ibuprofen, cough medicine, etc.
8. Food allergies are becoming more common. In the schools we strive to create as safe an environment as we can for all students. **We ask that parents/guardians and students not bring in food prepared at home to share with classmates.** If parents/guardians make arrangements with a teacher to bring in pre-packed food for a special occasion, it must have clear labeling. When parents/guardians inform the school nurse of their child's allergy, their teachers will be notified.
9. Parents/guardians are responsible for providing an Epi-Pen, if ordered by the physician, with Parent permission/Physician orders, and work with the nurse to complete an Allergy Action Plan for their child when school starts.
10. If you do not wish to have your child participate in any or all health screenings please notify the school nurse at the beginning of the year.

### **ADMINISTERING MEDICINES TO STUDENTS**

File: JLCD

#### **Prescription Medications**

Medication may not be administered to students while at school unless such medicine is given to them by the school nurse acting under specific written request of the parent or guardian and under the written directive of the student's personal physician (see below for exceptions). If a student has been approved for self-administration, a

student who needs medication during the school day may be reminded to take the medicine by the school nurse or other individual designated by the school nurse in the student's medical administration plan. This provision only applies when the school nurse has a medical administration plan in place for the student. No one but the school nurse, and those others listed in the medical administration plan acting within the above restriction, may give any medication to any student.

**Exceptions:**

The school district shall, through the Director of Health Services, register with the Dept. of Public Health and train personnel in the use of Epi-pens.

The school district may, in conjunction with the school physician and the director of health services, stock nasal naloxone (Narcan) and trained medical personnel and first responders may administer nasal naloxone to individuals experiencing a life threatening opiate overdose in a school setting.

If the school district wishes medical personnel to train non-medical staff in the administration of nasal naloxone, the school committee shall vote to approve such training and the superintendent shall ensure that medical personnel have a written protocol which complies with medical directives and regulations from the Department of Public Health.

Following consultation with the school nurse, students who fall into the following exceptions may self-administer medications:

1. Students with asthma or other respiratory diseases may possess and administer prescription inhalers.
2. Students with cystic fibrosis may possess and administer prescription enzyme supplements.
3. Students with diabetes may possess and administer glucoses monitoring tests and insulin delivery systems.
4. Students with life threatening allergies may possess and administer epinephrine.

**Over the Counter Medications**

With parent/guardian permission, your child's school nurse may administer over the counter (OTC) medication to your child according to established protocols. The parent/guardian may choose which OTC medications they want the school nurse to use, if needed. No OTC medication will be given at school without a parent/guardian signature. [s.c. approved 8/17/21]

**IMMUNIZATIONS OF STUDENTS**

File: JLCB

Students entering school for the first time, whether at kindergarten or through transfer from another school district, will be required to present a physician's certificate attesting to immunization against communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interests of the child, or by the student's parent/guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent/guardian, which must be renewed annually at the start of the school year. Student immunizations must be up to date in accordance with the Massachusetts School Immunization Requirements. [s.c. approved 8/17/21]

**PHYSICAL EXAMINATION AND SCREENINGS OF STUDENTS**

File: JLCA

It is the policy of the school district that parents/guardians will provide documentation of physical examinations from their child's physician for students in the kindergarten and grades four, seven and ten and to provide documentation of a current physical examination upon enrollment.

Since family physicians have a comprehensive knowledge of the health stature of their student patients, parents/guardians should have their doctor perform the examination.(MA DPH 105 CMR 200.000)



Students will receive screenings in school according to the guidelines and schedules developed by the Massachusetts Department of Health. Results of screenings will be reported to parents/guardians per state regulations. Parents/guardians may request annually, in writing, that their child not participate in the program. In addition, non-identifiable aggregate data from screenings may be used to support the health of students. [s.c. approved 8/17/21]

### **FIRE DRILLS/EVACUATIONS**

Depending on the circumstance, it may be necessary to quickly evacuate the building. In this event the fire alarm will sound in all corridors. When the fire alarm sounds everyone should promptly clear the building by the posted route as quickly as possible. The teacher in each classroom will give the students instructions. These procedures should be posted in each room and will be reviewed and practiced periodically through drills.

### **LOCKDOWN/STAY-IN-PLACE**

Depending on the circumstance, it may be necessary to have all students remain in the classroom for their safety. In this event either the “lockdown” or “stay in place” command will be given over the intercom.

“Lockdown” – When “lockdown” is called there is an immediate threat and all students should follow the lockdown procedures and attempt to conceal their location.

“Stay in place” – When “stay in place” is called there is not an immediate threat, but students should not be in the common areas of the building. Students should remain in their classroom but the class should continue as usual.

These procedures should be posted in each room and will be reviewed and practiced periodically through drills.

### **TOBACCO FREE ZONE**

Use of any tobacco products or tobacco related products such as e-cigarettes or vaping devices within the school buildings, school facilities, on school grounds, including vehicles or school busses by any individual, including school personnel and students, is prohibited at all times.

## **STUDENT DISCIPLINE**

### **IN-SCHOOL SUSPENSION**

#### **(Not More Than 10 Days Consecutively or Cumulatively)**

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year.

The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses, provided that the student has the opportunity to make academic progress and the principal follows the following procedures:

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

On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student’s academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two (2) attempts

to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

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

### **OUT-OF-SCHOOL SUSPENSION (OSS)**

Some infractions are of such a serious nature that immediate and severe action is warranted. Suspension is the temporary exclusion from the regular school program for a specified number of days. The number of suspension days assigned is determined by the administration and depends on the nature of the case and your disciplinary record.

*Because of our commitment to make discipline more effective and to keep students in their classes, we will use suspensions rarely and only in seriously disruptive situations or when a student owes an excessive number of hours of detentions.*

Out-of-School Suspension will be imposed for serious incidents including, but not limited to: fights, drugs, alcohol, weapons, or other very serious offenses deemed so by the administration. Police may be involved in any instance which requires Out-of-School Suspension. Before a student is suspended from school, he or she is first given an informal hearing by an administrator. During the time of out-of-school suspension, a student may not participate in any sports practices and games, or extracurricular activities. Furthermore, a student must stay off school grounds during this time. In cases of a serious nature, OSS will begin immediately. Otherwise, OSS will be in effect for twenty-four hours for each day of suspension from 7:30 a.m. to 7:30 a.m. the next school day. Students are allowed to make up all missed work. Chronic school offenders may be referred to the juvenile court for further action.

### **EMERGENCY REMOVAL**

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

The principal shall not remove a student from the school until adequate provisions have been made for the student's safety and transportation, and immediate and reasonable efforts are made to orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

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

### **EXPULSION**

Expulsion is defined as the removal of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed by law for possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction,

or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Any student alleged to have committed one of these acts shall be afforded the same due process rights as for a long-term suspension. Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

### **DUE PROCESS FOR SUSPENSIONS/EXPULSIONS**

Any principal or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

#### **Due Process for Certain Disciplinary Consequences:**

##### **I. Suspensions of Ten Days or Fewer**

Unless emergency circumstances dictate otherwise, the following procedure will be followed for suspensions of ten days or fewer.

The student will receive a letter in English and in the primary language spoken in the home of the student, indicating the intent to suspend which will include: the disciplinary offense; the basis for the charge; the potential consequences, including the potential length of the student's suspension; the opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing; the date, time, and location of the hearing; and the right of the student and the student's parent to interpreter services at the hearing if needed to participate. The principal, or a designee, shall ensure that the parent/guardian of the student is included in the meeting, provided that such meeting may take place without the parent/guardian only if the principal, or a designee, can document reasonable efforts to include the parent/guardian in that meeting.

At the hearing, the student and parent/guardian will be told the nature of the charges, and have an opportunity to respond. The principal will make a decision based upon information presented by the student, further investigation if required, and evidence already known to the principal. If the principal determines that a suspension is warranted, he/she will notify the student of the nature and duration of the suspension verbally and in writing, and, if the student previously denied the charges, the principal will supply an explanation of the basis of his/her finding.

The school will make every effort to notify parent/guardian of the suspension by telephone immediately, and will, in all cases, notify them in writing.

In most cases, suspensions will be based upon the disciplinary consequences listed in this handbook. However, the principal retains discretion to impose a suspension of a different length (longer or shorter), or impose some other penalty based upon the circumstances of the case.

In all cases, once a student has been assigned to suspension, he/she will not be allowed to take part in or attend any school-related function or activity. This remains in effect until the student has officially returned to school from suspension. Suspension days will be counted as excused absences. Students who are suspended will be given the number of days they are out to make up their work.

##### **II. Suspensions in Excess of Ten Days or Expulsion**

For cases involving suspensions in excess of ten days, expulsion, or indefinite suspensions based upon the issuance of a felony criminal complaint, the following procedure will be followed:

The Principal will notify the student in writing in English and in the primary language spoken in the home of the

student, of the reasons for a suspension in excess of ten days or expulsion. The notice will include the information set forth in Section I. for “Suspensions of Ten Days or Fewer,” as well as the following additional student rights: the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not in advance of the hearing; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's/guardian's expense; the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; the right to cross-examine witnesses presented by the school district; and the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

The student will be allowed a hearing, prior to the suspension/expulsion taking effect except where circumstances make it necessary to impose the suspension prior to such a hearing. (Such circumstances may include, but are not limited to, incarceration of student, refusal of student to attend the hearing, or where the student poses an unreasonable danger to the welfare of the school). In cases involving a felony criminal complaint, the principal may decide to take action without a hearing.

The principal, or a designee, shall ensure that the parent/guardian of the student is included in the meeting, provided that such meeting may take place without the parent/guardian only if the principal, or a designee, can document reasonable efforts to include the parent/guardian in that meeting.

The Principal will issue a prompt written decision setting forth findings on whether the student committed an offense and if so, the penalty awarded. If the principal decides to impose a long-term suspension, the written determination shall:

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

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

Suspensions will be of a definite duration, except when based upon a pending felony criminal complaint. For suspensions in excess of ten days, educational services will be provided.

### **Superintendent Appeals**

A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent/guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent/guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent/guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent/guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a

designee, may proceed with a hearing without a parent/guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent/guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

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

#### **MASSACHUSETTS GENERAL LAW, c. 71, §37H**

By State Law the following procedure is followed in certain cases of serious student misconduct as specified below:

- (a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- (b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
- (d) Any student who has been expelled from the school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his/her appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- (e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under Section 21 of Chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its school or provide educational services to the student in an education service plan, under Section 21 of Chapter 76.
- (f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type in a manner and form established by the commissioner. The Department of Elementary and Secondary Education shall use its existing data collection tools to obtain this information from districts and shall modify those tools as necessary to obtain the information. On an annual basis, the department of Elementary and Secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.
- (g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the Commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

#### **FELONY COMPLAINT OR CONVICTION OF STUDENT; SUSPENSION; EXPULSION, RIGHT TO APPEAL (M.G.L., c. 71 §37H 1/2)**

- (1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or

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

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

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

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

### **Discipline and Special Education Students**

All students are expected to meet the requirements for behavior as set forth in this handbook. However, students eligible for special education are entitled to certain additional protections under state and federal law.

Specifically, these laws include M.G.L. c. 71B and its implementing regulations (603 CMR 28.00) and 20 USC 1401 et.seq. ("IDEA") and its implementing regulations (34 CFR 300 et. seq.).

Students eligible for special education who violate school rules are subject to removal from their current educational placement for up to ten school days per school year, to the extent that such removal would be applied to students without disabilities, without prior determination as to whether the misconduct is related to the student's disability.

Any time school personnel seek to remove a student from his or her current educational placement for more than ten school days in a school year, this constitutes a "change of placement" and invokes certain procedural rights including but not limited to a review by the IEP Team of the relationship between the student's disability and the behavior subject to the disciplinary action, which is referred to as a Manifestation Determination. The Team will determine whether the student's misconduct is a direct and substantial manifestation of the student's disabilities, or results from an inappropriate special education program/placement or an IEP that was not fully implemented. School personnel may consider any unique circumstances on a case-by-case basis before deciding whether a change in placement is warranted. Depending of the result of the determination, exclusion may or may not be implemented.

If the behavior is a manifestation of the student's disability the student's Team must convene within to 10 days to revise the IEP to reflect a new program or placement designed to meet the student's needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken to ensure that the IEP is fully implemented. The student will also be returned to his educational placement unless the parent and the school agree otherwise.

If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parental approval of the IEP. If the parent(s)/legal guardian(s) refuse consent to the IEP, the school or parent(s)/legal guardian(s) may request a hearing to determine the appropriateness of the proposed program. Alternatively the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in his/her last agreed upon educational placement, unless another placement is agreed upon by the school and the student's parent(s)/guardian(s), or a court or hearing officer's order permits the school to change the student's placement based on a showing the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

If the behavior is not a manifestation of the student's disability, then the student may be removed from his educational placement to the same extent that a regular education student would be removed, provided that the school shall: (1) conduct a Functional Behavior Assessment and develop a Behavioral Intervention Plan, (2) Provide an appropriate interim alternative educational plan for the delivery of services to the student during the period of exclusion; and (3) Present the interim alternative educational plan to the student's parent(s)/legal guardian(s). A copy of the interim alternative educational plan must be included in the student's file, which shall also include documentation which demonstrates that: (1) the school has complied with all required procedures; (2) the disciplinary action is for a stated number of days; (3) the action is necessary in light of the needs of the student and others; (4) the school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.

There are certain situations in which school personnel may order a change in placement of a special education student without regard to whether the student's behavior is determined to be a manifestation of the student's disability. These situations include when a special education student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;
2. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

In these situations, school personnel may remove the special education student to an appropriate Interim Alternative Educational Setting (IAES) for not more than forty-five (45) school days without regard to whether the student's behavior is determined to be a manifestation of the student's disability. A student may also be placed in such a setting on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is substantially likely to injure him/herself or others.

If a special education student commits an offense, which causes the student to be expelled from school, the school district continues to be responsible for providing the student with a free appropriate public education in another educational setting.

For more information regarding the rights of special education students see the MA Department of Education's Procedural Safeguards Notice, which is available in many languages, at [www.doe.mass.edu/sped/prb/](http://www.doe.mass.edu/sped/prb/).

Additionally, copies of the state and federal special education laws are available online at the Massachusetts Bureau of Special Education Appeals website, at [www.doe.mass.edu/bsca/](http://www.doe.mass.edu/bsca/) or can be requested from the Director of Special Education at 978-249-2403.

### **Discipline of Students not yet Eligible for Special Education**

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates the Student Code of Conduct, may assert any of the protections provided for special education students if the school had knowledge (as determined by the IDEA) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. The school district may be considered to have prior knowledge if, before the behavior that resulted in the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the student's school or to a teacher of the student that the student is in need of special education and related services; or
2. The parent requested an evaluation of the student; or
3. District staff expressed, directly to the special education director or other supervisory personnel, specific concerns about a pattern of behavior demonstrated by the student.

The district may not be deemed to have had knowledge if the parent has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student was completed and resulted in a determination of ineligibility. If the district had no knowledge that the student is a student with a disability prior to taking disciplinary action, the student may be subjected to disciplinary measures applied to students without disabilities. However, if an evaluation is requested during the time period in which the student is subjected to these disciplinary measures, the district must conduct the evaluation in an expedited manner.

### **Discipline of Students of 504 Plans**

School personnel may not suspend a student on a 504 plan for more than ten consecutive school days without a manifestation determination. Procedural protections for eligible 504 students are the same as those afforded to special education students. Please contact the principal of the School.

### **Academic Progress**

Any student who is suspended or expelled shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal shall inform the student and parent of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

The school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

### **Collection and Review of Discipline Data**

West Springfield Public Schools shall collect and annually report data to the DESE regarding in-school suspensions, short- and long-term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.



The Principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with laws and regulations.

## **RELEVANT LAWS AND SCHOOL POLICIES**

### **BULLYING PREVENTION**

File: JICFB

The West Springfield Public Schools is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student or school staff member shall be subjected to harassment, intimidation, bullying, or cyber-bullying.

“Bullying” is the repeated use by one or more students or school staff members including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- creates a hostile environment at school for the target;
- infringes on the rights of the target at school; or
- materially and substantially disrupts the educational process or the orderly operation of a school.

“Cyber-bullying” means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:

- wire
- radio
- electromagnetic
- photo-electronic or photo-optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications.

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

Bullying is prohibited:

- on school grounds;
- on property immediately adjacent to school grounds;
- at school-sponsored or school-related activities;
- at functions or programs whether on or off school grounds;
- at school bus stops;
- on school buses or other vehicles owned, leased or used by the school district; or,

through the use of technology or an electronic device owned, leased or used by the West Springfield Public Schools;

Bullying and cyber-bullying are prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the West Springfield School District if the act or acts in question:

create a hostile environment at school for the target;  
infringe on the rights of the target at school; and/or  
materially and substantially disrupt the education process or the orderly operation of a school.

#### Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially. The principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within his or her school.

#### Reporting

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying.

Each school shall have a means for anonymous reporting by students of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

A member of a school staff shall immediately report any instance of bullying the staff member has witnessed or become aware of to the school principal or their designee.

#### Investigation Procedures

The principal or their designee, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed.

The school principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school principal or a designee determines that bullying has occurred he/she shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the

principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

When possible, the investigation shall be completed within fourteen (14) school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken against their child. At a minimum the principal or his/her designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the principal or designee. A monthly report shall be provided to the Superintendent.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

#### Retaliation

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.

#### Target Assistance

The West Springfield Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

#### Training and Assessment

Annual training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all K to 12 students.

#### Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the West Springfield Public Schools website. [Duperé Law Office 8/11/21] [S.C. approved 8/31/21]

## **STUDENT RECORDS**

### **A. General Provisions**

The student record contains all information concerning a student that is kept by the school.

The rights outlined below may be exercised by the parent/guardian of the student (for a student under the age of 14 years), or jointly by the student and the parent/guardian of the student (if the student is over the age of 14

years). A student 14 years of age or older, or who has entered 9<sup>th</sup> grade is called “an eligible student”. A student 18 years or older may, in writing, deny his/her parents/guardians access to his/her student record, with the exception of transcripts, report cards and/or progress reports.

Each eligible student and parent/guardian has the right to see his or her own student records. Copies of records may be obtained upon request and shall be provided within ten (10) days of the request.

The student’s record is available to school contracted personnel who work directly with the student. This includes administrators, teachers, counselors, administrative office, staff and clerical personnel. They do not need permission to see student records.

Information in a student’s record is not available to anyone outside the school system without written permission from the student and/or parent and/or guardian, unless the requesting party is entitled to such information through an exception as provided by the Student Records regulations. However, students and parents will generally be notified before these records are released. A written release must be signed to have any part of the student record sent outside the school when an exception does not apply. This includes, but it not limited to prospective employers, other technical schools, and colleges.

An eligible student and parent/guardian have the right to request to add relevant information to the student’s record as well as the right to request removal of information believed to be untrue or incorrect.

#### **B. Directory Information Notice**

The West Springfield Public Schools has designated certain information contained in the education records of its students as directory information for purposes of the Family Educational Rights and Privacy Act (FERPA) and the Student Record Regulations at 603 CMR 23.00 et seq.

The following information regarding students is considered directory information: (1) name, (2) address, (3) telephone number, (4) date and place of birth, (5) major field of study, (6) participation in officially recognized activities and sports, (7) weight and height of members of athletic teams, (8) dates of attendance, (9) degrees, honors and awards received.

Directory information may be disclosed for any purpose at the discretion of the school system, without the consent of a parent of a student or an eligible student. Parents of students and eligible students have the right, however, to refuse to permit the designation of any or all of the above information as directory information. When a parent or eligible student has provided notice that they do not wish for their directory information to be shared, this information will not be disclosed except with the consent of a parent or student, or as otherwise allowed by FERPA and 603 CMR 23.00 et seq.

Any parent or student refusing to have any or all of the designated directory information disclosed must file written notification to this effect with the principal on or before the 15th day of each September.

In the event that a refusal is not filed, it is assumed that neither a parent of a student or eligible student objects to the release of the directory information designated.

#### **C. Recruiter Access to Students and Student Information**

The law provides secondary schools shall give access to secondary school students’ names, addresses, and telephone listings, when requested by military recruiters or an institution of higher education. A secondary school student or the parent of the student may request that the student’s name, address, and telephone listing not be released without prior written parental consent, and the school shall comply with any such request.

#### **D. Rights of Parents without Custody**

It is necessary for divorced parents to submit a copy of the custody agreement or order so that the school system may identify which of the parents has custody of the child. If a parent does not have custody of a child, then the parent will not be allowed to access the records of his/her child unless the parent submits a written request for the student record to the school principal (this request must be submitted annually).

Upon receipt of the request the school will immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access. Such documentation prohibiting the non-custodial parent from accessing these records would need to indicate one of the following:

1. The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation;
2. The parent has been denied visitation;
3. The parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record; or
4. There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

The school will delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records will be marked to indicate that they shall not be used to enroll the student in another school.

#### **E. Amending Your Child's Record**

1. A parent has the right to add information, comments, data, or any other relevant written material to the student's record. The parent should submit the additional information in writing to the principal with a written request that the information be added to the student record.
2. A parent has the right to request in writing deletion or correction of any information contained in the student's record, except for information which was inserted into that record by the TEAM. Such information inserted by the TEAM shall not be subject to such a request until after the acceptance of the Individual Educational Plan (IEP), or, if the IEP is rejected, after the completion of the special education appeal process. Any deletion or amendment shall be made in accordance with the procedure described below:
  - a) If a parent is of the opinion that adding information is not sufficient to explain, clarify or correct objectionable material in the student's record, the parent shall present the objection in writing and/or have the right to have a conference with the principal or his/her designee to make the objections known.
  - b) The principal or his/her designee shall within one week after the conference or receipt of the objection, if no conference was requested, render to such parent a decision in writing, stating the reason or reasons for the decision. If the decision is in favor of the parent, the principal or his/her designee shall promptly take such steps as may be necessary to put the decision into effect.
  - c) If the principal's decision is not satisfactory to the parent, the parent may file an appeal to the Superintendent. Such appeal shall be in writing and submitted to the Superintendent within five (5) business days of receipt of the principal's decision. The Superintendent shall render a written decision on the appeal within two (2) weeks of receipt of the written appeal.
  - d) If the Superintendent's decision is not satisfactory to the parent, the parent may appeal to the School Committee by filing a written appeal within five (5) business days of receipt of the Superintendent's decision. The School Committee shall conduct a hearing on the appeal as required by 603 CMR §23.09(4).

#### **F. Notice on Transfer to Other Schools**

Pursuant to 603 CMR 23.07(g), notice is hereby given to parents and eligible students that the West Springfield Public Schools forwards the complete school record of a transferring student to schools in which the student seeks or intends to enroll. Such transfer of records takes place without consent of the parent or eligible student.

## **G. Destruction of Records**

1. Notice is hereby given that the temporary record of a student will be destroyed no later than seven (7) years after that student transfers, graduates or withdraws from the school system. When the student transfers, graduates or withdraws from school, and if the eligible student or the parent/guardian want the temporary record, they must request, in writing, prior to the last day of school, that the documents be provided to them. No additional notice, other than this Notice in the handbook, will be provided to the student or the parent/guardian of such destruction.
2. In addition, each year, the principal and/or teachers and/or other service providers may destroy the following documents that are considered part of the student's temporary record: disciplinary records (other than documentation of suspensions/expulsions/exclusions), any notes from the parent/guardian, or other documents concerning absences, early dismissals, late arrivals, as well as examples of student work. If the eligible student or the parent/guardian want those records, they must request, in writing, prior to the last day of school that the documents be provided to them.

## **NOTICE OF NON-DISCRIMINATION**

The West Springfield Public Schools reaffirms that it does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, pregnancy, pregnancy related condition, sexual orientation, gender identity, or exercise of civil rights in admission to, access to, treatment in or employment in its programs or activities. The West Springfield Public Schools also affirms its commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, pregnancy, pregnancy related condition, sexual orientation, gender identity, or exercise of civil rights. Any harassment on the basis of sex, race, national origin, religion, age, disability, pregnancy, pregnancy related condition, sexual orientation, gender identity, or exercise of civil rights will not be tolerated.

If you should have a complaint or concern that there has been discrimination, you may contact the principal, a trusted teacher, the Title IX Coordinator, and/or the Superintendent.

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

## **TITLE IX**

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance." The Assistant Superintendent, Dr. Vito J. Perrone, is the Title IX, Coordinator, whose contact information is:

Dr. Vito J. Perrone, Assistant Superintendent  
(413) 263-3299 / [perrone@wsps.org](mailto:perrone@wsps.org)  
West Springfield School District  
11 Central Street, 2<sup>nd</sup> Floor  
West Springfield, MA 01089

## **ANTI-DISCRIMINATION/ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURE**

File: ACAB

The West Springfield Public Schools are committed to maintaining and promoting an educational environment free from all forms of discrimination, including harassment. The civil rights of all school community members are guaranteed by law, and the protection of those rights is of utmost importance and priority to the District. Discrimination, including harassment, on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, gender identity, age, pregnancy, pregnancy related condition, or disability (hereinafter "membership in a protected class") will not be tolerated. Retaliation against any student or other individual who has complained of discrimination, including harassment, or individuals who have cooperated with an investigation of such a complaint, is also unlawful and will not be tolerated. The District will promptly investigate, remedy any harm, seek to prevent recurrence of such conduct, and will also develop

procedures to accomplish this end. This policy applies to conduct directed toward persons associated with the educational community by all other persons associated with the educational community including, but not limited to, students, District employees, the School Committee, school volunteers, and independent contractors.

### **I. What Is Discrimination, including Harassment?**

- A. Discrimination: Treating persons differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class.
- B. Harassment: Oral, written, graphic, electronic, or physical conduct relating to a person's actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that person's ability to participate in the District's programs or activities by creating a hostile, humiliating, intimidating, or offensive educational environment.

Harassing conduct based on a person's protected status may include, but is not limited to:

- Degrading, demeaning, insulting, or abusive verbal or written statements;
- Taking personal belongings, taunting, teasing, name-calling, or spreading rumors;
- Drawing or writing graffiti, slogans, visual displays, or symbols on school or another's property;
- Telling degrading or offensive jokes;
- Unwanted physical contact of any kind;
- Physical violence, threats of bodily harm, physical intimidation, or stalking;
- Threatening letters, emails, instant messages, or websites that come within the scope of the District's disciplinary authority;
- Defacing, damaging, or destroying school or another's property.

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

- i. A school employee conditioning education benefits on participation in unwelcome sexual conduct (i.e. quid pro quo); or
- ii. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
- iii. Sexual assault (as defined in the Clery Act as: any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress.).

Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment

### **II. Responsibilities of all Persons Associated with Educational Community**

Each member of the educational community is personally responsible for ensuring that his/her conduct does not in any way harass or discriminate against any other person that he/she has contact with in the performance of his/her duties or studies or while acting as a member of the school community. In addition, each member of the educational community is required to fully cooperate in any investigation of alleged discrimination, including harassment. Further, District employees are obligated to intervene and stop any discrimination, including harassment they witness and to immediately report to the appropriate party instances of discrimination, including harassment that are reported to them or of which they otherwise learn.

### **III. Designated Officials for Addressing Discrimination and Harassment Complaints**

The Civil Rights Coordinator(s) and Title IX Coordinators are responsible for receiving reports and complaints of violations of this Policy. Individuals may file a report or complaint of discrimination, including harassment, with the Civil Rights Coordinator(s) and/or Title IX Coordinators. If the complaint involves allegations of discrimination based on disability, the person filing the complainant also has the option to file his/her complaint with the building level 504 coordinator. A report or complaint of a violation involving the Civil Rights Coordinator(s) and/or Title IX Coordinators should be filed with the Superintendent. A report or complaint of violation involving the Superintendent should be filed with the Committee.

#### **Civil Rights, Title VI & Title IX Coordinator**

Dr. Vito J. Perrone, Assistant Superintendent

(413) 263-3299 / [perrone@wsps.org](mailto:perrone@wsps.org)

West Springfield School District

11 Central Street, 2<sup>nd</sup> Floor

West Springfield, MA 01089

#### **Section 504/Title II Coordinator**

Mark Minnucci, Special Education Director

(413) 263-3277 / [mminnucci@wsps.org](mailto:mminnucci@wsps.org)

West Springfield School District

11 Central Street, 1<sup>st</sup> Floor

West Springfield, MA 01089

### **IV. Procedure for Reporting Discrimination and Harassment**

The following complaint procedure has been established to ensure prompt and effective investigation into allegations of discrimination, including harassment.

A person who believes that he or she had been discriminated against, including being harassed may, to the extent that they feel comfortable, immediately:

1. Confront the harasser(s) or person believed to be discriminating against him/her;
2. State the conduct that he/she objects to;
3. Indicate that he/she finds such conduct offensive, intimidating and/or embarrassing;
4. Insist that the person(s) engaging in the conduct stop the conduct immediately; and/or
5. Report the conduct immediately to the Civil Rights Coordinator(s);

If the individual with the concern is not comfortable with such a confrontation, or feels that such a confrontation is unsafe and/or otherwise inappropriate, he/she should instead report the situation to the Civil Rights Coordinator(s). Reports /complaints are to be filed within ninety (90) days after the conduct complained of occurred or within the time the individual reasonably becomes aware of the conduct. (Note: this filing period may be extended for good cause.) Reports/complaints filed after ninety (90) days will still be accepted, however, it is important to know that the investigation may be impeded due to the passage of time after the conduct or occurrence. The report can be written or oral and should consist of the following:

1. the specific conduct objected to,
2. the date(s) and time(s) such conduct took place,
3. the name(s) of the alleged harasser(s) or person believed to be discriminating against them,
4. the location(s) where the conduct occurred,
5. the name(s) of any witness(es),
6. action sought to remedy the situation, and
7. any other details or information requested by the designated official.



The individual can contact the Civil Rights Coordinator(s) to file a report/complaint as well as to seek assistance in the filing of a report/complaint. If a report/complaint is filed, the person should provide the Civil Rights Coordinator(s) with any documentation (emails, notes, pictures, etc.) or other information in support of the allegation of discrimination, including harassment.

#### **V. Investigation of Complaints**

Upon receipt of a report or complaint, the Civil Rights Coordinator(s) should conduct a prompt investigation. The investigation must allow for the complainant, the subject of the complaint, the alleged harasser, and any other appropriate party to provide information, including witnesses or other evidence, relevant to the consideration and resolution of the complaint. The Civil Rights Coordinator(s) will also endeavor to promptly interview and obtain detailed written statements from potential witnesses. If further documentation or information is necessary, the Civil Rights Coordinator(s) will notify the appropriate party, asking that the information be provided within ten (10) school/working days.

The District will take interim steps, as necessary, to ensure the safety and well-being of the complainant and the alleged harasser while the investigation is being conducted. Interim measures are available even if the complainant does not file or continue to pursue a complaint. The Civil Rights Coordinator(s) shall notify the complainant and the alleged harasser of specific types of interim measures available, which may include measures to avoid contact with the other party, allowing employees to change work situations as appropriate, or prohibiting contact between the parties pending the results of the District's investigation. At any time, a complainant or the alleged harasser may request either orally or in writing to the Civil Rights Coordinator that specific interim measures be taken pending the outcome of the investigation.

A written determination regarding the complaint and any resolution will be provided by the Civil Rights Coordinator to the complainant and the alleged harasser within thirty (30) school/working days of the complaint. The determination of whether the District's antidiscrimination policy has been violated will be based upon a preponderance of the evidence standard.

The complainant or the alleged harasser may request reconsideration of the determination and/or resolution of a complaint by notifying the Superintendent in writing or verbally within seven (7) school/working days of receipt of the written determination of the Civil Rights Coordinator. The Superintendent or his/her designee will respond to such request with notice to both parties within (30) thirty school/working days of receipt of the request for reconsideration; his/her decision is final.

If a violation is found to have occurred, the District will take steps to prevent recurrence of the violation and correct its discriminatory effect on the person(s) affected. Such steps may include appropriate disciplinary action, counseling, development of a safety plan and other remedies, as appropriate.

#### **VI. Consequences of Violating Policy - Discipline & Discharge**

Any employee who violates this policy will be subject to disciplinary action consistent with the contractual provisions governing his/her employment. In appropriate circumstances, the District may also refer the matter to law enforcement officials for possible prosecution.

Any student who violates this policy will be subject to disciplinary action which may range from detention, suspension from schools, or expulsion from school. (Note: students with disabilities will be subject to the applicable disciplinary procedures set forth in the Students' Rights and Responsibilities District handbook, which adhere to Individuals with Disabilities Education Act and Section 504 of Rehabilitation Act of 1973.) In appropriate circumstances, the District may also refer the matter to law enforcement officials for possible prosecution.

#### **VII. Confidentiality**

Investigations of discrimination, including harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the

investigation. Please note, some level of disclosure may be necessary in the course of conducting interviews in connection with investigation of any complaint under this policy. The District shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation.

### **VIII. State and Federal Authorities**

In addition to the process described above, the complainant may, at any time, file a complaint with the U.S. Department of Education Office for Civil Rights, Massachusetts Commission Against Discrimination, Massachusetts Department of Elementary and Secondary Education, or other appropriate federal or state agency charged with enforcement of state and federal laws prohibiting discrimination, including harassment based on membership in a protected class.

U.S. Department of Education  
Office for Civil Rights  
5 Post Office Square  
8th Floor, Suite 900  
Boston, MA 02109-3921  
Telephone: (617) 289-0111 <http://www.ed.gov>

Massachusetts Commission Against Discrimination  
436 Dwight St., 2nd Floor, Rm. 220  
Springfield, MA 01103  
Telephone: (413) 739-2145

Massachusetts Department of  
Elementary and Secondary Education  
75 Pleasant Street  
Malden, MA 02148-4906  
Telephone: (781) 338-3000

### **IX. Procedure for Reporting and Investigating Title IX Complaints**

**Notice:** The school is considered to have actual knowledge of a sexual harassment complaint if notice of sexual harassment or an allegation of sexual harassment is provided to a Title IX Coordinator, any school official, or any school employee. The School will investigate every formal complaint (which may be filed by a complainant or by a school's Title IX Coordinator). If the alleged conduct does not fall under Title IX, then a school may address the allegations under the school's code of conduct and can still provide supportive measures. The school is required to investigate the allegations in a complaint, send written notice of the allegations to both parties upon receipt of a formal complaint, and investigate under specified procedures. Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

**Reporting:** Any person may file a report of sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), at any time either in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. However, if a person files a false complaint in bad faith, knowingly and intentionally, they will be subject to discipline.

**Investigations:** The School will investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. The school's grievance process will:

- Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout the investigation;

- Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
- Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
- Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;
- Apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly;
- Use the preponderance of the evidence standard for all complaints of harassment on the basis of sex, regardless of whether the complaint is against students or district employees;
- Ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator (i.e., no "single investigator models");
- Parties may submit written questions for the other parties and witnesses to answer;
- Protect all complainants from inappropriately being asked about prior sexual history ("rape shield")
- Send both parties a written determination regarding responsibility explaining how and why the decision-maker reached conclusions;
- Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment;
- Offer both parties an equal opportunity to appeal;
- Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process;
- Make all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public; and
- Document and keep records of all sexual harassment reports and investigations for at least seven years.

### **Record Keeping for Sexual Harassment Complaints**

Schools must create and maintain records documenting every Title IX sexual harassment complaint. Records relating to complaints of sexual harassment must be kept in accordance with the records retention schedule. Such records include: records of a school's investigation (including complaints (formal and informal), notices, the determination, investigative report, disciplinary measures or remedies, etc.); records of any appeals and materials associated with the appeal; records of any supportive measures taken in response to a complaint of sexual harassment (even if the complainant does not file a formal complaint); records of any informal resolution process; all materials used to train Title IX Coordinators, Investigators, decision makers, and those facilitating an informal resolution. The training materials must be kept on the School's website.

### **Retaliation is prohibited.**

Any person who experiences retaliation for exercising their rights under Title IX can file a retaliation complaint with the Title IX Coordinator. The school will keep the names/identity of parties and witnesses confidential unless such disclosure is required under another law, or is necessary to conduct a thorough grievance procedure.

### **Supportive Measures**

When alleged sexual harassment is reported, the Title IX Coordinator must inform the victim to their right of supportive measures even if not formal complaint is filed. The school must consider the alleged victim's wishes with respect to supportive measures. Supportive measures for those involved in the sexual harassment complaint

process may include: counseling, extending deadlines, modifications of work and/or class schedules, school escort services, increased school security and/or monitoring, mutual restrictions on contact between the individuals involved through a safety plan.

Supportive measures will be kept confidential whether they are provided to the alleged victim or accused person to the extent the confidentiality will not interfere with the supportive measure offered. [Source: Duperé Law Offices 8/13/20] [s.c. approved 8/25/20]

## **GRIEVANCE PROCESS FOR TITLE IX COMPLAINTS**

File: ACAB-R

### **Civil Rights, Title VI & Title IX Coordinator**

Dr. Vito J. Perrone, Assistant Superintendent

(413) 263-3299 / [perrone@wsps.org](mailto:perrone@wsps.org)

West Springfield School District

11 Central Street, 2<sup>nd</sup> Floor

West Springfield, MA 01089

### **General Information:**

- Practices within these grievance procedures will be applied equally to both complainants and respondents.
- The respondent is presumed innocent and can only be found responsible for the alleged conduct at the conclusion of this grievance process.
- All parties are entitled to an advisor of their choice to assist them in this process. The advisor may, but does not have to be, an attorney.
- Schools may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.

### **Important Terms**

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

**Respondent** – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Title IX Coordinator** – The person who oversees the grievance process and coordinates communication between the school and the parties.

**Investigator** – The person conducting the investigation into the allegations of sex discrimination and/or harassment. This person is not the Title IX Coordinator in order that the Title IX Coordinator remains a neutral participant.

**Decision Maker** – The person who reviews all the information/evidence gathered by the investigator and decides whether or not the sex discrimination and/or harassment occurred. This person is not the Title IX Coordinator or the Investigator.

**Appeals Decision Maker** – The person who makes the final determination in the event an appeal is filed. This person is not the Title IX Coordinator, the Investigator, or the original Decision Maker.

### **Supportive Measures**

Supportive measures are individualized services reasonably available that are non- punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

When the school becomes aware of alleged sexual harassment, the Title IX Coordinator must inform the victim to their right of supportive measures even if no formal complaint is filed. The school must consider the alleged victim's wishes with respect to supportive measures. Supportive measures for those involved in the sexual harassment complaint process may include but are not limited to: counseling, extending deadlines, modifications of work and/or class schedules, school escort services, increased school security and/or monitoring, and mutual restrictions on contact between the individuals involved through a safety plan.

Supportive measures will be kept confidential to the extent the confidentiality will not interfere with the supportive measure offered.

### **Dismissals of Complaints:**

- **Mandatory Dismissals of Complaints**

The School must dismiss a complaint of harassment on the basis of sex when:

1. The conduct in the complaint does not meet the definition of sexual harassment;
2. The alleged sexual harassment did not occur within the school's education program or a school activity;
3. The alleged sexual harassment did not occur in the United States at all.

Complaints falling into these categories can still be processed under the school's code of conduct.

- **Discretionary Dismissals of Complaints:**

The School may dismiss a complaint of harassment on the basis of sex when:

1. The Complainant notifies the Title IX Coordinator in writing that the complainant wishes to withdraw all or some of the allegations within the formal complaint;
2. If the respondent no longer is enrolled in the school, or employed by the school; or
3. If specific circumstances prevent the school from gathering evidence sufficient to reach a determination about the allegations.

Whenever a dismissal occurs, the Title IX investigator will send written notice of the dismissal to the parties outlining the reason for the dismissal. Both parties have the right to appeal the dismissal decision as outlined in the appeals process below.

### **THE PROCESS:**

#### **Step One: Filing a Complaint**

Any person may file a report of sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), at any time either in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. There is no time limit or statute of limitations on a complainant's decision to file a formal complaint. However, if a person files a false complaint in bad faith, knowingly and intentionally, they will be subject to discipline.

Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party during a grievance process, and must comply with requirements for all Title IX personnel to be free from conflicts and bias.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

#### **Step Two: Initial Notice**

Upon the filing of a formal complaint, both parties will be provided with written notice of the complaint. The notice will include key details of the alleged sexual harassment incident. Such details will include but not be limited to: who was involved, when and where the alleged incident occurred, and the alleged misconduct that constitutes sexual harassment. Any known possible violation of the code of conduct along with potential consequences must be included in the initial notice. A copy of this grievance process must also be included with the notice.

This written notice will be sent to the parties within three business days of the filing of a formal complaint.

\* Interviews with a respondent may not occur until this notice has been provided and the respondent is provided reasonable time to prepare before an initial interview.

### **Step Three: Gathering Evidence**

During the collection of evidence, the school is not allowed to access a party's personal records if they are maintained by a physician, attorney, psychologist, psychiatrist or other professional with whom the student shares privileged information unless the student provides written consent.

Equal opportunity will be provided for all parties to provide witnesses and evidence, including written expert testimony and inculpatory and exculpatory evidence. Parties cannot be prevented from discussing the allegations or collecting relevant evidence. The school will use the preponderance of the evidence standard for all complaints of harassment on the basis of sex, regardless of whether the complaint is against students or school employees.

- **Interviews**

Students will be provided with written notice prior to any interviews or meeting involving the Title IX complaint. The notice will include the date, time, location, participants, and purpose of the interview/meeting and will allow the respondent/complainant enough time to properly prepare for the meeting.

- **Inspection of Evidence**

The school must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.

- **Opportunity to Respond**

The parties will have the opportunity to provide a response to the evidence if they desire.

- **Opportunity to Ask Questions**

The parties will have the opportunity to provide relevant written questions to each other before the decision maker reaches a determination. In the event the decision maker decides not to allow a particular question, the decision maker must explain to the parties why the question is not relevant to the determination. \* Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

The investigator will attempt to conclude the evidentiary process within three weeks. This may be extended if the investigator finds that more time is necessary to appropriately investigate the matter. The Title IX Coordinator will have to approve the investigator's request to extend the timeline in order to assure all investigations are processed in a timely manner as to prevent evidence from becoming stale or unobtainable.

### **Step Four: The Investigative Report**

After the evidence is collected, and the parties have been provided with ten days to respond to the evidence in writing, the investigator will prepare an investigative report regarding the allegations in the complaint. If a party submits a response to the evidence, the school must consider that response before finalizing the investigative report. The report will fairly summarize the evidence the school gathered about the alleged incident. The report, once finalized, must be submitted to the parties in electronic form, or a hard copy. The parties then have another 10 days to provide additional information before a determination is made.

### **Step Five: The Determination**

The decision maker will objectively review the relevant evidence and reach conclusions about whether the respondent engaged in the alleged harassment. The decision maker must use independent judgment, so the decision maker is not the same person who conducted the investigation and cannot be the school's Title IX Coordinator.

- The determination must be written. It must include at a minimum, the following information:
  - 1) The school's policy/policies that were alleged to be violated;

- 2) A description of the procedural steps that were taken (including notices sent, interviews conducted, evidence gathered);
- 3) A section detailing the findings of fact;
- 4) A conclusion section that applies the facts to the relevant policy/policies;
- 5) A statement and rationale regarding the ultimate determination of responsibility;
- 6) Any disciplinary sanctions the school will impose and any remedies to the complainant if applicable;
- 7) A statement of the rationale for the remedies to the complaint and how those remedies will restore or preserve equal access;
- 8) A statement of the school's procedures and a statement regarding the parties' rights to appeal the initial determination of responsibility and the permissible basis for an appeal.

The determination will be sent to the parties simultaneously along with the appeals information.

### **Step Six: The Appeals Process**

Parties may appeal after a dismissal occurs, or a determination is issued. Parties will have five (5) days to appeal the dismissal or determination.

### **Grounds for Appeals**

- 1) If a party believes that procedural irregularity altered the outcome of the determination or dismissal.
- 2) New evidence has been discovered that was not reasonably available at the time of the determination or dismissal. \*An appeal for this reason may occur after the five day appeal requirement but not after one year.
- 3) A conflict of interest on the part of a Title IX Coordinator, investigator who compiled evidence, or the decision maker existed, and that conflict of interest affected the determination or dismissal.

To file an appeal, a party must notify the Title IX Coordinator in writing that they wish to appeal the determination. All parties will have an equal opportunity to submit a written statement supporting or challenging the determination. The Title IX Coordinator will inform the parties that they have 7 days to submit their written statements.

The person who will decide the appeal cannot be the decision maker, the investigator, or the Title IX Coordinator. Upon review of the parties' written statements (if they so choose to provide them), and review the determination, the appeals decision maker will issue a written decision and send it to the parties simultaneously. The determination becomes final after the appeals process.

### **Remedies:**

If the school makes a determination that sex discrimination/harassment did occur, the school will help effectively implement remedies for a complainant.

### **Retaliation is prohibited.**

Any person who experiences retaliation for exercising their rights under Title IX can file a retaliation complaint with the Title IX Coordinator. The school will keep the names/identity of parties and witnesses confidential unless such disclosure is required under another law, or is necessary to conduct a thorough grievance procedure.

### **If the Grievance Process may Result in Discipline:**

If upon the conclusion of this grievance process, discipline appears warranted, the school will follow the usual disciplinary process for students outlined within the student handbook. The school will also follow the required disciplinary process for school employees. [Source: Duperé Law Offices 8/13/20]

### **PHYSICAL RESTRAINT**

File: JKAA

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. Physical restraint is defined by 603 CMR 46.02 as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote

student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Physical restraint shall be used only in emergency situations as a last resort and with extreme caution after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring himself or herself, another student or school community member, a teacher or employee or agent of the school district may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The use of mechanical restraint, medication restraint, and seclusion is prohibited. The use of prone restraint except as permitted under 603 CMR 46.03, or of any physical restraint in a manner inconsistent with the regulations at 603 CMR 46.00, is also prohibited. The definitions of forms of restraint shall be as defined in 603CMR 46.02.

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

*The Superintendent will develop procedures identifying:*

- Appropriate responses to student behavior that may require immediate intervention;
- Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
- Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations;
- Descriptions of the school's training requirements, follow-up procedures, and procedures to comply with reporting requirements including, but not limited to making reasonable efforts to orally notify a parent of the use of restraint within 24 hours of its imposition;
- Procedures for receiving and investigating complaints regarding restraint practices;
- Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;
- Procedures for conducting periodic review of data and documentation on the use of restraint as required by the regulations; and
- A process for obtaining Principal approval for a time out exceeding 30 minutes.

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

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

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

Physical restraint is prohibited when it is medically contraindicated, as previously documented by a licensed physician.

The use of time-out procedures during which staff continuously observe and remain immediately available to the student shall not be considered seclusion restraint.



This policy and its accompanying procedures (see: Physical Restraint Procedures [File: JKAA-R]) shall be reviewed and disseminated to staff annually and made available to parents of enrolled students.

**Nothing in this policy shall be construed to preclude any teacher, employee, or agent of the West Springfield Public Schools from using reasonable force to protect students, other persons or themselves from assault or imminent serious harm.** [s.c. approved 11/12/19]

## **ACCEPTABLE USE OF COMPUTERS**

File: IJNDB

In support of the district's mission for educational technology the West Springfield School District is now offering Internet access for student use. The use of the computer system is a privilege, not a right.

Inappropriate use will result in the loss of this privilege. This document contains the Acceptable Use Policy for student use of the West Springfield School District's computer system.

### **A. Educational Purpose**

1. The West Springfield School District's computer system has been established for educational purposes. The term "educational purpose" includes classroom activities, career development, and limited high-quality self-discovery activities.
2. The West Springfield School District's computer system has not been established as a public access service or a public forum. The West Springfield School District has the right to place reasonable restrictions on the material you access or post through the system. You are also expected to follow the rules set forth in the West Springfield School District's disciplinary code and the law in your use of the West Springfield School District's computer system.
3. The West Springfield School District's computer system cannot be used for commercial purposes. This means you may not offer, provide, or purchase products or services through the West Springfield School District's computer system.
4. The West Springfield School District's computer system cannot be used for political lobbying but you may use the system to communicate with elected representatives to express your opinion on political issues.

### **B. Student Internet Access**

1. All students will have access to Internet World Wide Web information resources through their classroom, library, or school computer lab. Internet access is filtered to comply with the Children's Online Privacy Protection Act (COPPA).
2. E-mail accounts are available for all students except Pre-Kindergarten (EC). Students can only send/receive email to/from people with the WSPS domain and outside domains whitelisted with approval from an Administrator. Personal accounts cannot be accessed.

### **C. Unacceptable Uses**

The following uses of the West Springfield School District's computer system are considered unacceptable:

#### ***1. Personal Safety***

- a. Students will not post personal contact information about themselves or other people. Personal contact information includes your address, telephone, school address, work address, etc.
- b. Students will not agree to meet with someone they have met online without their parent's or guardian's approval. Your parent or guardian should accompany you to this meeting.
- c. Students will promptly disclose to their teacher or other school employee any site that is inappropriate or makes them feel uncomfortable.
- d. Chat rooms cannot be accessed with the exception of teacher supervised sites for educational purposes.

#### ***2. Illegal Activities***

- a. Students will not attempt to gain unauthorized access to the West Springfield School District's computer system or to any other computer system through the West Springfield School District's computer system or go beyond their authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing".
- b. Students will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal.
- c. The West Springfield School District's computer system cannot be used to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of person, etc.

### **3. *System Security***

- a. Students are responsible for their individual accounts and should take all reasonable precautions to prevent others from being able to use their accounts. Under no conditions should they provide their password to another person.
- b. Students will immediately notify a teacher or the system administrator if they have identified a possible security problem. Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.
- c. To avoid the inadvertent spread of computer viruses students will not download software.
- d. The student is responsible for keeping all accounts and passwords confidential, not sharing an account and not leaving an account open or unattended. It shall be a violation of school rules to divulge such information to another".

### **4. *Inappropriate Language***

- a. Restrictions against inappropriate language apply to public messages, private messages, and material posted on Web pages.
- b. Students will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
- c. Students will not post information that could cause damage or a danger of disruption.
- d. Students will not engage in personal attacks, including prejudicial or discriminatory attacks.
- e. Students will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If you are told by a person to stop sending them messages, you must stop.
- f. Students will not knowingly or recklessly post false or defamatory information about a person or organization.

### **5. *Respect for Privacy***

- a. Students will not repost a message that was sent to them privately without permission of the person who sent the message.
- b. Students will not post private information about another person.

### **6. *Respecting Resource Limits***

- a. Students will use the system only for educational and career development activities.
- b. Students will not download files.

### **7. *Plagiarism and Copyright Infringement***

- a. Students will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.
- b. Students will respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, you should follow the expressed requirements. If you are unsure whether or not you can use a work, you should request permission from the copyright owner. Copyright law can be very confusing. If you have questions, ask a teacher.

### **8. *Inappropriate Access to Material***

- a. The West Springfield School District's computer system cannot be used to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature).

- b. If students mistakenly access inappropriate information, they should immediately tell their teacher or another West Springfield School District employee. This will protect them against a claim that they have intentionally violated this Policy.
- c. Parents or guardians should instruct their child if there is additional material that they think would be inappropriate for them to access. The district fully expects that students will follow your parent's or guardian's instructions.

#### **D. Your Rights**

1. ***Student Conduct*** - The student's conduct, as set forth in the West Springfield School District's disciplinary code, applies also to communication on the Internet. The West Springfield School District's computer system is considered a limited forum, similar to the school newspaper, and therefore the District may restrict student communication for valid educational reasons. The District will not restrict speech on the basis of a disagreement with the opinions students are expressing.
2. ***Search and Seizure.***
  - a. Students should expect only limited privacy in the contents of their personal files on the District system. The situation is similar to the rights you have in the privacy of your locker.
  - b. Routine maintenance and monitoring of the West Springfield School District's computer system may lead to the discovery of violations of this Policy, the West Springfield School District's disciplinary code, or the law.
  - c. An individual search will be conducted if there is reasonable suspicion that students have violated this Policy, the West Springfield School District's disciplinary code, or the law. The investigation will be reasonable and related to the suspected violation.
3. ***Due Process***
  - a. The District will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through the West Springfield School District's computer system.
  - b. In the event there is a claim that you have violated this Policy or the West Springfield School District's disciplinary code in your use of the West Springfield School District's computer system, you will be provided with a written notice of the suspected violation and an opportunity to present an explanation before a neutral administrator (or - will be provided with notice and opportunity to be heard in the manner set forth in the West Springfield School District's disciplinary code).
  - c. If the violation also involves a violation of other provisions of the West Springfield School District's disciplinary code, it will be handled in a manner described in the West Springfield School District's disciplinary code. Additional restrictions may be placed on your use of your Internet account.
  - d. All files and resources on the network are the property of the West Springfield Schools. Any unauthorized use shall be grounds for disciplinary action or possible prosecution"

#### **E. Limitation of Liability**

The District makes no guarantee that the functions or the services provided by or through the District system will be error-free or without defect. The District will not be responsible for any damage you may suffer, including but not limited to, loss of data or interruptions of service. The District is not responsible for the accuracy or quality of the information obtained through or stored on the system. The District will not be responsible for financial obligations arising through the unauthorized use of the system.

**GRIEVANCE PROCESS FOR ALLEGED VIOLATIONS OF ACCESS TO EDUCATION** File: ACE-R  
Any student, parent/guardian of a minor student or employee of the West Springfield Public Schools who believes that he/she has been discriminated against or excluded from participation in or denied the benefits of any program, activity or service of the West Springfield Public Schools because he/she is an otherwise qualified disabled individual may file a written grievance giving the factual basis of the grievance, and the requested remedy, with the school principal when such grievance arises from an alleged discriminatory practice occurring in a school or related to a school program or policy. The principal or the principal's designee will investigate the grievance and respond, in writing, within seven (7) working days. The investigation will include an interview of the grievant. If the grievance alleges discrimination which is based upon a policy or district-wide procedure or event, then the grievant should file the grievance with the Section 504/ADA coordinator for the District.

If the complaint is not satisfactorily resolved at the principal's level, the written complaint may be forwarded to the West Springfield Public Schools' Section 504/ADA Coordinator who is the Administrator of Special Services. The written grievance must fully set out the circumstances that gave rise to the alleged grievance and must be filed within seven (7) working days of the receipt of a response from the school principal or designee.

The Section 504/ADA Coordinator will conduct a hearing, and respond in writing within fourteen (14) working days.

If the parent/guardian, student, or employee disagrees with the decision or proposed resolution made by the Coordinator, the grievant may appeal, in writing, to the Superintendent of Schools. Such appeal must be received by the Superintendent within seven (7) working days of the response from the Section 504/ADA Coordinator. The Superintendent will provide the grievant with the opportunity to present evidence supporting the grievant's position that the response of the Coordinator was wrong. The Superintendent will issue a written response to the appeal within fourteen (14) working days of the final submission of written or oral information provided by the grievant.

If the grievant is still not satisfied with the response of the District, he/she must notify the Superintendent within seven (7) working days of the Superintendent's determination, and the Superintendent shall arrange for a due process hearing with an impartial hearing officer who shall be an individual knowledgeable about Section 504 and the ADA, and who shall not be an employee of the district. The impartial hearing officer shall conduct a hearing as soon as practicable, and shall issue a decision writing on the grievance. The complainant has the right to opt for a hearing before the BSEA if the complainant is bringing a grievance on behalf of a student. Rules for the conduct of the hearing shall be generally consistent with the BSEA rules for due process hearings, but may be modified as determined appropriate by the hearing officer. [S.C. Approved 1-11-11]

## **PARENT OBSERVATIONS IN CLASSROOMS**

File: IKA

The West Springfield Public Schools believes parents are important partners in educating students and welcomes parental participation in determining a child's appropriate educational program. To that end, we open our classrooms to parents or a parent representative\* who want to observe a child in the school setting.

\* For the purposes herein, "parent representative" means an independent evaluator, educational consultant, or an individual who preferably holds certification or licensure from the Commonwealth of Massachusetts in a field directly related to the child's educational program.

The following procedures shall be followed when an observation is requested:

1. All requests to observe a child in school shall be responded to in a timely manner;
2. All observations must be scheduled through the building principal;
3. Observations during MCAS testing or the first or last several weeks of school are highly discouraged and will generally not be scheduled;
4. The parent and/or parent representative will discuss the purpose(s) of the observation with the principal prior to the observation being scheduled;
5. The observation will be scheduled at a mutually agreed-upon time and date after consultation with the classroom teacher(s);
6. The principal and parent/parent representative shall determine the parameters (date, time, length) of the observation;
7. The duration and extent of the observation shall be determined on an individual basis;
8. The parent/parent representative must report to the school office, as do all visitors (see policy IKA "Visitor Passes and Sign In"). The parent/parent representative will then be directed to the classroom by the administration. The principal or his/her designee(s) may accompany the parent/parent representative during the observation;
9. The parent/parent representative must sign the **Observation Agreement** (link below) so that both the School district and classroom parents have assurance that information concerning other students' education remains in the classroom and is not discussed publicly;

10. The parent/parent representative may only observe a classroom in which the parent's child is enrolled and in attendance that day or in a specific program proposed by the School District for the child;
11. The parent/parent representative must be a silent observer at all times and not interrupt or disrupt the educational process in the classroom;
12. The parent/parent representative must refrain from using the observation to critique or evaluate teacher performance;
13. The parent/parent representative may schedule a time to meet with the teacher(s) or administrator(s). The principal or his/her designee(s) has a right to be present at all parent/teacher meetings;
14. When observing interferes with the educational process, the school committee recognizes the administration has the right to refuse any request;
15. The principal has the right to limit the number of parent observations in a school setting.

**Observation Agreement:**

<https://sites.google.com/a/wsps.org/policy-manual/wsps-policy-manual-introduction/section-i/ika-1>

**PARENT OBSERVATIONS OF SPECIAL EDUCATION PROGRAM**

File: IHBA

1. Parents/guardians' request to observe their child(ren), current program, or a potential placement must be made at least five (5) days in advance with the Special Education Director or designee and Principal.
2. The Special Education Director or designee shall contact the parent/guardians(s) for initial scheduling conversation within five (5) days of receipt of the request.
3. When a parent/guardian requests an observation of a special needs student or program, the Special Education Director or designee will seek approval from the building principal before it is processed. Such approval may only be withheld for those reasons outlined within the law and DESE regulations. When possible or appropriate, the specific teacher(s) will be notified of observation.
4. The Special Education Director or the Principal will work with the classroom teacher and the observer to set up the specifics of the observation (including, but not limited to, scheduling and placement of the observer in the classroom).
5. The number, frequency, and duration of observation periods will be determined on an individual student basis in accordance with law and regulation. The start and end time of observation periods and a schedule of observation periods will be stated in advance. In order to minimize classroom or student disruption, the length of individual observation periods may be limited.
6. If the observer is not the parent/guardian, the parent/guardian must sign a release for the individual to observe.
7. The number of observers at any one time may be limited.
8. The observer will be informed that they are not to interfere with the educational environment of the classroom. If the observer's presence presents a problem, they will be asked to leave. This notice is particularly important, since the presence of parents can influence both the performance of their child(ren) and those of others.
9. The observer will be asked to submit a report of the observation to the Educational Team Facilitator at least three (3) days in advance of any follow-up TEAM meeting.
10. The observer will be informed that they are there to evaluate the appropriateness of a specific educational program to meet the needs of an individual child. They are not there to evaluate a teacher's ability to perform his/her contractual job duties.
11. The observer will be instructed regarding the disclosure of confidential or personally identifiable information relating to other children. Staff must be mindful of removing materials which may be part of a student's records from plain view. In the event that removal is not possible, the observer will be asked to sign a non-disclosure agreement.
12. A school administrator or designee will also observe at the same time and take notes as to what is observed, paying particular attention to note anything that is non-typical concerning the period. This observation summary will be placed in the student's file and provided to the parent(s) at least three (3) days in advance to any follow-up TEAM meeting.
13. When observing interferes with the educational process, the school committee recognizes the administration has the right to refuse any request.

14. The parent or parent representative must sign the attached **Observation Agreement** (link below), so that both the School District and classroom parents/guardians have assurance that information concerning other students' education remains in the classroom and is not discussed publicly.
15. The amount of observation time will be determined by the Special Education Director in conjunction with the building principal. [S.C. approved 8/17/21]

**Observation Agreement:**

<https://sites.google.com/a/wsps.org/policy-manual/wsps-policy-manual-introduction/section-i/ihbaa>

**NOTICE OF ASBESTOS MANAGEMENT PLAN**

To all parents/guardians, teachers, employee organizations, workers and building occupants of the West Springfield Public Schools: please be advised that in accordance with the Environmental Protection Agency (EPA), Code of Federal Regulations, an Asbestos Management Plan has been prepared for the West Springfield Public School system. The Plan is on file at the administrative offices located at 26 Central Street, West Springfield, MA, and a copy is on file in the main offices at each school. It is available for review on the premises during normal business hours, without cost or restriction, for inspection by the public, including teachers, other school personnel and their representatives, and parents/guardians. Routine operations and maintenance procedures may occur as necessary in any school, including Post-Response Actions, where applicable. The next three-year re-inspection at each school building will be scheduled by the Central Maintenance Department in 2021. Periodic surveillance inspections are scheduled every six months.

**Asbestos Hazard Emergency Response Act (AHERA) – Annual Notice**

In 1986 an amendment to the Toxic Substances Control Act was signed into law which required schools to determine the presence of asbestos-containing building materials in all school buildings. That amendment, called the Asbestos Hazard Emergency Response Act (AHERA), required that all school buildings be visually inspected by accredited inspectors to identify such materials or materials that are assumed to contain asbestos, pending sample testing.

The act further required that maintenance plans be created for each individual building and that the maintenance and custodial personnel receive training. The Asbestos Management Plan prescribes the means and methods to effectively deal with asbestos containing materials.

The West Springfield Public Schools developed a comprehensive management plan in 1989 and it has been periodically updated since then. Re-inspections of all identified asbestos materials, whether verified or assumed, are conducted twice yearly. A copy of the Asbestos Management Plan is available for review at each of our school buildings and at the central office.

Questions relating to the plans or to this notice should be directed to:

Dr. Vito J. Perrone, Assistant Superintendent  
West Springfield Public Schools  
11 Central Street, 2<sup>nd</sup> Floor  
West Springfield, MA 01089-2777  
[perrone@wsps.org](mailto:perrone@wsps.org)

**NOTE:** *This handbook has been updated with edits elementary principals; S. Straitiff, CTF; Atty. Roche, Duperé Law Offices and approved by the School Committee*