



K-8 Student Handbook 2021-2022

Longmeadow, Massachusetts

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Susan Bertrand, Assistant Superintendent for Learning
Thomas Mazza, Assistant Superintendent for Finance & Operations
Jean Fontaine, Director of Pupil Services
Nicholas Jorge, Director of Technology

August, 2021

Dear Parents/Guardians, Students and Staff,

Longmeadow Public Schools is pleased to provide the students and families of Longmeadow with a K-8 Student Handbook that articulates parent and student rights and responsibilities and serves as a disciplinary code of conduct. We believe that this handbook is a reflection of our deep commitment to establishing safe, supportive, and orderly learning environments where the expectations for staff and students are clear and widely understood. Additionally, we view this handbook as a reflection of the District's firm and enduring commitment to creating schools that are welcoming, inclusive and free from discrimination, harassment and bullying.

We hope that this document serves our families as a valuable reference and guide to the statutes, regulations, policies and practices that govern the operation of our schools.

As always, Longmeadow Public Schools welcomes your questions and feedback.

Sincerely,

Marty O'Shea
Superintendent of Schools

LONGMEADOW PUBLIC SCHOOLS

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Mary McKenna, Food Services Director ext. 4047
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Blueberry Hill Elementary School

(413)565-4280

275 Blueberry Hill Road, Longmeadow, MA 01106

Amy Stec, Principal

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Marie Sickman, Secretary

Center School

(413)565-4290

837 Longmeadow Street, Longmeadow, MA 01106

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(413)565-4270

62 Wolf Swamp Road, Longmeadow, MA 01106

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(413)565-4250

110 Cambridge Circle, Longmeadow, MA 01106

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(413)565-4260

410 Williams Street, Longmeadow, MA 01106

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(413)565-4220

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Equality in Education

The Longmeadow Public Schools complies with state and federal non-discrimination laws including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Chapter 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Massachusetts General Laws Ch. 76, § 5, and 603 CMR 26.00.

These federal and state laws prohibit exclusion from participation in, denial of benefits from, or discrimination in, any education program or activity, including athletics and other extra-curricular activities, because of sex, race, color, sexual orientation, gender identity, pregnancy or pregnancy related condition, national origin, religion, or disability. The Longmeadow School Committee Policies on Non-Discrimination (AC, ACA, ACE), Harassment (ACAB, JBA), Sexual Harassment (ACAC) and Equal Educational Opportunities (JB) affirm the District's non-tolerance for harassment and discrimination.

Any student in the Longmeadow Public Schools who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any school education program or activity based on sex, race, color, sexual orientation, gender identity, pregnancy or pregnancy related condition, national origin, religion, or disability may file a complaint with the Director of Pupil Services.

Complaints of discrimination or harassment based on disability should also be made to the Principal at the elementary level or to the Assistant Principal at the middle school and high school levels.

The Longmeadow Public Schools will promptly and thoroughly investigate all complaints of discrimination and harassment. Whenever it is determined that discrimination and/or harassment has occurred, the Longmeadow Public Schools will take appropriate action to eliminate the harassment and/or discrimination and prevent its future reoccurrence. Students who engage in discrimination and/or harassment will be subject to disciplinary action up to and including suspension or expulsion.

Rights and Responsibilities

Students – (see Policy JI)

The School Committee has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statutes. In connection with rights there are responsibilities that must be assumed by the students.

Among these rights and responsibilities are the following:

- Civil rights – including the right to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.

- The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
- The right to due process of law with respect to suspension, expulsion, and decisions that the student believes injure his/her rights.
- The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
- The right to privacy, which includes privacy in respect to the student's school records.

It is the Committee's belief that as part of the educational process, students should be made aware of their legal rights and of the legal authority of the District to make rules regarding the orderly operation of the schools.

Students have the right to know the standards of behavior that are expected of them, and the consequences of misbehavior.

The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through handbooks or updates distributed annually.

Parents/Guardians

Parents/Guardians are afforded rights that encourage their involvement in school and in educational decision making. Some of these rights are:

- To be treated with courtesy by all members of the Longmeadow community
- To be informed of the academic requirements for any of the school programs
- To participate in meaningful parent/teacher conferences
- To be informed of school policies
- To review their child's school records
- To be made aware of the academic progress of their child
- To be informed when discipline problems arise that may impact their child

Parents also have important responsibilities to fulfill. They bridge the gap between students and administration, and teach their child to be respectful and able to carry out their responsibilities.

Some parental responsibilities follow:

- Strive to prepare the child emotionally and socially to make them receptive to learning and discipline.
- Have the child attend school regularly and on time.
 - With the addition of Chronic Absenteeism as an accountability measure it is helpful to understand what it is and why it is important. Massachusetts defines Chronically Absent as missing at least 10% of days enrolled (e.g., 18 days absent if enrolled for 180) regardless of whether the absences are considered excused, unexcused and/or for disciplinary reasons. Being chronically absent can have a significant impact on a student's ability to read at grade level, perform academically, and graduate on time.
- Encourage the child to develop proper study habits at home.
- Be aware of school requirements and procedures.
- Communicate to prevent misunderstandings.
- Collaborate with students and administration to improve school programs and understand what is happening in your child's school.

Faculty and Administration

Some rights of the staff and administration include:

- To be treated with courtesy by all members of the Longmeadow school community
- To discipline students in a consistent and fair way
- To take necessary disciplinary action with reasonable cause

Some of the faculty's and administration's responsibilities follow:

- Encourage learning in an open and positive atmosphere
- Be aware and concerned about the personal, social, and academic growth of the Longmeadow community
- Be available to help students
- Make sure students know and understand the school's policies
- Communicate with parents and students about any problems that may arise

Above are listed some of the rights and responsibilities of parents, students, faculty, and administration. If people exercise these rights, we will have better school environments. But to use these rights, all involved must understand them. To understand them is to communicate with each other. Parents should get involved with the school; administrators and teachers should be willing to help all students; students should fulfill their responsibilities and appreciate their rights.

Directory Information Notice

The Longmeadow 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 (published only), (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, (10) post high school plans of the student, (11) photos of the student. Personally identifiable information from the student's education records may be released without student or parent consent in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. During the course of the school year, personally identifiable student work may be seen and reviewed by third parties. For example, personally identifiable student work may be displayed on bulletin boards, at fairs/shows, during Open House and Parent Teacher Conferences, via videotape and audio tape and thus will be seen and/or heard by many different people, not just the student, the parent and the teacher. In addition, as an instructional technique, students may be asked to edit, grade, review and/or comment on another student's work. All of this activity is part of the regular education process and serves to benefit the student. Directory information may be disclosed for any purpose in the discretion of the school system, without the consent of a parent of a student or an eligible student.

Laws Concerning School Records

By statute and regulation, Longmeadow is required to notify parents and students that the school maintains records on the educational status of all students. This serves as proper notice.

The Student Records Regulations provide custodial parents/legal guardians and students 14 years of age or older with an opportunity to view the student's records. Custodial parents/students may also move to amend or delete material with the approval of the principal. If the principal denies the request, the reasons for the denial will be provided in writing. The principal's decision may then be appealed to the Superintendent, followed by the School Committee, should the Superintendent also deny the amendment or deletion to the student's records.

Access to student records by noncustodial parents is governed by Mass. General Laws Chapter 71§34H. The law requires that the school system obtain certain information from noncustodial parents prior to providing the noncustodial parent with a student's educational records.

Specifically, noncustodial parents may continue to be eligible to receive student records information if: (1) they have not been denied legal custody of their child or have been ordered to supervised visitation, based on a threat to the safety of the child which is expressly noted in a court order; and (2) they have not been denied visitation; (3) they have not had access to their child or the custodial parent restricted by a temporary or permanent protective order, unless the protective order has been modified to permit access to the student information covered by the law; or (4) a probate and family court order prohibits distribution of student records to the parent..

In order to obtain access to student records, an eligible noncustodial parent must submit a written request to the school principal which includes the following: (1) a certified copy of the Probate Court's Order or Judgment relative to the child's custody; (2) in the alternative, an order of the Probate Court specifically ordering the student record information to be made available to the noncustodial parent; (3) an affidavit stating that no temporary or permanent protective order is in effect restricting the noncustodial parent's access to the child. Upon receipt of the request LPS will immediately notify the custodial parent in English and in that parent's primary language that it will provide the noncustodial parent with access after the expiration of 21 days, unless the custodial parent provides the principal with documentation showing that the noncustodial parent is not eligible for access. If student records are provided to the noncustodial parent, all electronic and postal address and telephone information relating to the work and home locations of the custodial parent shall be deleted and the records shall be marked so as to indicate that they cannot be used to enroll the student in another school. Upon receipt of a court order which prohibits distribution of student records, LPS shall notify the noncustodial parent.

A student and/or parent/guardian may not require a school to remove reports of disciplinary incidents involving suspension, expulsion or violation of the school's handbook, including criminal acts with which the student was charged or conduct for which the student was suspended or expelled pursuant to Mass. General Laws Chapter 71 §37H and 37H1/2. Pursuant to Mass. General Laws Chapter 71 §37L, any student transferring into the Longmeadow Public Schools including School Choice students, must provide the district with a complete school record including, but not limited to: any incidents involving suspension, or violation, or criminal acts or any incident reports in which such student was charged with any suspended act. The responsibility under M.G.L. Chapter 71, Section 37L rests with the student who is transferring; the student may either obtain the records from the former school and present them to Longmeadow, or may request that the former school send the records directly to Longmeadow.

Additionally, under Section 37H(e) when a student has been expelled for possession of a dangerous weapon or a controlled substance or assault on school staff, and the student applies for admission to another school, Longmeadow will notify the superintendent of the receiving school of the reasons for the student's expulsion.

Pursuant to 603 CMR 23.07(g), notice is hereby given to parents and eligible students that the Longmeadow Public Schools forwards the complete school records 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. Parents are hereby notified that the student's transcript, a document containing the student's name, address, phone number, date of birth, course titles, grades, grade level completed and the year of completion, as well as the parents' name(s), address(es) and

phone number(s) is maintained for 60 years following the student's transfer, graduation, or withdrawal from the system. All other data pertinent to the student and maintained by the system is destroyed five (5) years following the student's termination in this system.

Periodically, the principal or his or her designee may review a student's records to destroy misleading, outdated, or irrelevant information. Prior to this occurrence, at the end of grade 12, parents/students may request a copy of this information.

Disciplinary Action by Administrators

In addition to excluding a student from his or her school program by means of short-term, long-term suspensions, and expulsions, administrators have the right to institute other disciplinary measures as an alternative to or in addition to such exclusions from school. These measures include, but are not limited to, the following:

- restitution
- school-based community service
- referral for and/or participation in counseling, or meeting with specific personnel or contracted individuals
- referral for specific tests, assessments and evaluations by school personnel or contracted individuals/agencies, risk assessment
- oral or written apology
- creation of a discipline contract
- exclusion from/restriction from participation in extra-curricular activities
- detention

MA Department of Education Problem Resolution

The Massachusetts Department of Elementary and Secondary Education ("the Department") is committed to helping individuals and school districts resolve problems promptly. Laws exist to protect the rights of all students in the Commonwealth, and to ensure that all students receive equal educational opportunities.

The Department encourages schools and districts to take quick action to respond to questions and concerns about students' educational programs. Therefore, individuals with such concerns are encouraged to contact school district personnel (for example, the principal, superintendent of schools, or the administrator of special education) first to resolve the problem. However, individuals may ask the Department for assistance without speaking first with someone in the school or district. Through its Problem Resolution System (PRS), the Department handles complaints that allege a school or a district is not meeting legal requirements for education. Program Quality Assurance Services (PQA) is the unit that manages the PRS. Anyone, including parents, students, educators, community members, and agency representatives, may contact PQA for assistance.

Contact Program Quality Assurance Services at:

Program Quality Assurance Services
Massachusetts Department of Elementary and Secondary Education
75 Pleasant Street, Malden, MA 02148-4906
Telephone: 781-338-3700
TTY: N.E.T. Relay: 1-800-439-2370
FAX: 781-338-3710
Email: compliance@doe.mass.edu
Web: [Program Quality Assurance Services](#)

For people who do not write or speak English, or are not comfortable communicating in English, the Department will make appropriate arrangements.

Student Discipline, Suspension and Expulsion Statutes (See Policy JK)

Student Behavior

In their relationships with faculty and staff members, fellow students and all other persons, students shall conduct themselves with courtesy and respect for the rights of others. Students shall, to the best of their abilities, pursue their studies with diligence and serious purpose. In addition, the Longmeadow Public Schools reserves the right to discipline under MGL 37H, 37H ½ & 37H ¾. For further information regarding discipline and disciplinary procedures unique to each school, please refer to individual school handbooks.

Statutory Bases for Student Discipline

Expulsion for assault on staff, possession of weapons, or possession of controlled substance

Chapter 71: Section 37H Policies relative to conduct of teachers or students; student handbooks

Section 37H. The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of other student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

- a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a 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 discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).
- d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at 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 schools 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.

Suspension/Expulsion for a Felony Charge or Conviction

Chapter 71: Section 37H 1/2 Felony complaint or conviction of student; suspension; expulsion; right to appeal

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

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

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

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

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

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 schools or provide educational services to the student under an education service plan, under section 21 of chapter 76.

Suspension or Expulsion on Grounds Other than those set forth in Secs. 37H or 37H1/2

Chapter 71: Section 37H 3/4 Suspension or expulsion on grounds other than those set forth in secs. 37H or 37H1/2.

Section 37H3/4.

- a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.
- b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

- c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.
- d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled 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, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.
- e) 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 or 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 or 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 or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or 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 or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or 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.
- f) 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.

Student Discipline, Suspension, and Expulsion Procedures

Student Behavior

In their relationships with faculty and staff members, fellow students and all other persons, students shall conduct themselves with courtesy and respect for the rights of others. Students shall, to the best of their abilities, pursue their studies with diligence and serious purpose.

Student Discipline

Principals shall have the right to utilize a variety of methods to address violations of school and district rules. These include but are not limited to consultation with the student, detention, in-house suspension, short-term suspension, long-term suspension (in excess of 10 days) or expulsion.

The Student Conduct policies do not cover every possible infraction and do not preclude the administration from responding to conduct that is deemed inappropriate for the school setting in a manner other than is set forth in this handbook. Longmeadow Public Schools reserves the right to discipline, suspend, expel or otherwise remove a student from the school setting; consistent with state and federal law and to consider the severity of each incident, whether the student was involved in prior disciplinary incidents and other relevant factors.

In-School Suspension

In-School Suspension is a temporary exclusion from the activities of the regular classroom when deemed appropriate by the administrator. School work is obtained for/by the student and the student completes his or her daily assignment in the area designated for in-house suspension. All completed assignments are handed back to the respective teachers for grading.

A student who receives an in-house suspension for a disciplinary offense is entitled to the following process:

- a) The Principal or designee shall inform the student of the disciplinary offense charged and the basis for the charge.
- b) The student shall be permitted an opportunity to dispute the charges and to explain the circumstances surrounding the alleged incident.
- c) If the Principal or designee determines that the infractions occurred, the Principal or designee shall inform the student of the length of the in-school suspension (not to exceed 10 days).
- d) On the same day as the in-school suspension decision, the Principal or designee shall make reasonable efforts to notify the parent/guardian orally of the offense, the reasons for their conclusion, and the length of the in-school suspension.
- e) The Principal or designee shall also invite the parent/guardian to a meeting to discuss the incident and the student as soon as possible
- f) The Principal or designee shall send written notice of the in-school suspension to the student and parent/guardian on the day the suspension is issued.

Short –Term Suspension (10 days or less)

- a) Before a suspension of ten days or less takes place, the school owes a student: notice, explanation and a hearing.
- b) Notice of the charge: The principal or designee shall provide written notice to the parent/guardian, offering an opportunity to meet and to discuss the violation as charged prior to the suspension taking place.
- c) Meeting with the Principal or designee: The student shall meet with the principal or designee regarding the alleged offense. The principal or designee shall make a good faith

effort to include the student's parent/guardian in this meeting. The parent/guardian, if present, shall have an opportunity to discuss the student's conduct and to offer additional information or mitigating facts.

- d) Explanation of the evidence: At the meeting, the student shall be told the basis of the accusation, the nature of the disciplinary offense, and any other pertinent information. The student, and their parent/guardian if present, shall have the opportunity to present additional information and to offer mitigating facts. However, the student will not have the opportunity to secure counsel, to confront and cross-examine witnesses or to call their own witness to verify their version of the incident. The Principal or designee, in their sole discretion, may permit the student to question the accuser or present their own witnesses.
- e) Written determination: The principal or designee will issue a written determination of the suspension to both the student and the parent/guardian, including the key facts and conclusions reached, and length and effective date of the suspension, and a date of return to school, and the opportunity to make up assignments and other needed school work.
- f) Appeal of Short-Term Suspensions (10 days or less): If the suspension was imposed by the Assistant Principal, the student may appeal the suspension in writing to the Principal. The appeal must be made within one (1) school day of the student's receipt of the notice of the suspension. An appeal of a suspension does not stay the discipline, but may result only in the expunging of a student's record. There is no right of appeal beyond the Principal. Additionally, there is no right of appeal if the Principal, rather than the Assistant Principal, imposes the suspension.
- g) Applicability to Students with Disabilities: This provision shall apply to students with disabilities who are suspended for ten (10) or fewer cumulative days in one academic year. Suspensions of students with disabilities exceeding ten (10) cumulative days in one academic year shall be governed by applicable state and federal law.

Long-Term Suspension

Students facing a suspension of more than ten days (cumulatively within a school year or consecutively) and up to ninety days have the right to a more formal process. These rights include the following in addition to those described for short-term suspensions:

- a) to review the student's own record and any documents on which the principal may rely, in making their decision regarding suspension
- b) to be represented by counsel (at the student's expense)
- c) to present the student's own explanation of the alleged incident
- d) to produce witnesses on their own behalf
- e) to cross-examine witnesses presented by the school or district (unless the student's interest in cross-examining witnesses is outweighed by the need to protect witnesses from possible retaliation)
- f) to request a recording of the meeting
- g) notice of the student's opportunities to make academic progress during suspension, with information about the school's education service plan
- h) notice of the right to appeal the suspension, with instructions about the process for doing so

Appeal of Long-Term Suspension (more than 10 days)

If a student receiving a long-term suspension (more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple disciplinary offenses in any school year) wishes to appeal that decision to the Superintendent, the student or parent/guardian must do so in writing no later than 5 calendar days following the effective date of the suspension.

The student or parent/guardian may request an extension of up to 7 calendar days to submit this request for an appeal. The Superintendent or designee shall hold a hearing within 3 school days of receiving the student's request for an appeal.

The student or parent/guardian may request an extension of up to 7 calendar days for this hearing to be held. The Superintendent or designee must include the parent/guardian in this hearing, or else must show a good faith effort to include them.

At the hearing, the student has the same rights afforded to them at the principal's meeting prior to issuing the long-term suspension.

The Superintendent or designee will arrange for an audio recording of the hearing, a copy of which will be provided to the student or parent/guardian upon request.

The Superintendent will issue a written decision within 5 calendar days of the hearing, either upholding or lessening the suspension. This will be the school district's final decision on the matter.

Emergency Removal

Emergency removal of a student is within the Principal's authority when, in their judgment, the student's continued presence poses a danger to persons or property and there is no adequate alternative to alleviate that danger. The Principal or designee shall do the following:

- a) Make adequate provisions for the student's safety and transportation before removing the student from school on an emergency basis.
- b) Make immediate reasonable efforts to orally notify the student and parent/guardian of the emergency removal and the reason for it.
- c) Provide written notice to the student and parent/guardian.
- d) Provide an opportunity for a hearing before the principal, with the parent/guardian in attendance, within two school days of the emergency removal (unless the parties agree to an extension of time).
- e) Render a decision orally on the same day as the hearing, and a written notice of the hearing no later than the following school day.

Students Serving Suspensions

Students who are suspended from school (other than an in-school suspension) are not allowed to be in school or on school property at any time during the period of suspension and are not allowed to attend any school-sponsored activities. When the period of suspension includes a weekend or vacation period, the student is ineligible to participate in or attend any activities throughout the entire period. Students who do not fulfill outstanding disciplinary obligations by the last day of school must make arrangements with the Principal or Assistant Principal to serve detentions and work details during the summer. A student serving a suspension will be required to complete these obligations at the beginning of the next school year. If a school-sponsored activity begins prior to the start of the school year, that time will be included as part of the suspension.

Applicability of Suspension Policy to Students with Disabilities

This provision shall apply to students with disabilities who are suspended for ten (10) or fewer cumulative days in one academic year. Suspensions of students with disabilities exceeding ten (10) cumulative days in one academic year shall be governed by applicable state and federal law.

Hazing – (see Policy JICFA)

Massachusetts General Laws, Chapter 269, §§ 17-19 states the following:

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars (\$3,000) or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term “hazing” as used in this section and in sections eighteen (18) and nineteen (19), shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conducts shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen (17) and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars (\$1,000).

Section 19. Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

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

Each institution of secondary education and each public or private institution of post-secondary education shall deliver, at least annually, before or at the start of enrollment, to each person who enrolls as a full time student in such institution, a copy of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the Board of Education, certifying that such institution has

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

Bullying Prevention – (see Policy JICFB)

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

“Bullying” is the repeated use by one or more students or staff members of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a student 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 education 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 (i) the creation of a web page or blog in which the creator assumes the identity of another person, (ii) the knowing impersonation of another person as the author of posted content or messages, (iii) the distribution by electronic means of a communication to more than one person, or (iv) the posting of material on an electronic medium that may be accessed by one or more persons, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

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

Bullying and cyber-bullying are prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities, function, or program whether on or off school grounds;

- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; and
- Through the use of technology or an electronic device owned, leased or used by the Longmeadow Public Schools.

Bullying and cyber-bullying are further prohibited at any 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 Longmeadow 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; or
- materially and substantially disrupt the education process or the orderly operation of a school.

Prevention and Intervention Plan

The Superintendent or his/her designee shall oversee the development of a bullying prevention and intervention plan, in consultation with district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians. 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 intervention plan within his or her school.

The Longmeadow School Committee recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. The Bullying Prevention and Intervention Plan will identify specific steps the district will take to create a safe, supportive environment for vulnerable populations in the school community and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

Reporting

Students who are a target of bullying, who observe an act of bullying, or who have reasonable grounds to believe that bullying is taking place are obligated to report incidents to a member of the school staff. Students who fail to report bullying are considered "bystanders" and may be subject to discipline. A target of bullying shall, however, not be subject to discipline for failing to report bullying.

Reports of bullying may be made anonymously; however, no disciplinary action shall be taken solely on the basis of an anonymous report.

Any student or staff member 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.

School district staff members must immediately report any instance of bullying the staff member has witnessed or become aware of to the school principal or their designee, or to the superintendent if the principal or assistant principal is the alleged aggressor, or to the school committee if the superintendent or assistant superintendent is the alleged aggressor.

Investigation Procedures

Upon receipt by any school district employee of a report of bullying, the district shall promptly commence an investigation. The investigation may include interviewing the alleged target(s), alleged perpetrator(s), staff members, students and/or witnesses. In addition, support staff shall assess the alleged target's needs for protection and make provisions to restore their sense of safety.

If the designated investigator determines that bullying has occurred, he/she shall take appropriate disciplinary action consistent with the district's policies on student discipline and applicable laws. The disciplinary action shall balance the need for accountability with the need to teach appropriate behavior. If the investigator determines that criminal charges may be pursued against the perpetrator, the principal shall immediately notify the school's resource officer and the Superintendent, who may refer the matter to local law enforcement.

The parents or guardians of both the target and the perpetrator shall be contacted upon completion of the investigation and informed whether a violation of this policy was found. The parents or guardians of the target will be notified of any action(s) taken to prevent any further acts of bullying or retaliation and informed of the Department of Elementary and Secondary Education's Problem Resolution System ("PRS") and the process for seeking assistance of filing a claim through the PRS.

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.

Throughout the investigatory process, confidentiality shall be maintained to the extent consistent with the school's obligations under applicable state and federal law.

Retaliation

Retaliation against a person who reports bullying, provides information during a bullying investigation, or witnesses or has reliable information about bullying shall be prohibited. Retaliation constitutes separate grounds for discipline, up to and including long-term suspension.

Target Assistance

The Longmeadow Public Schools shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to both targets and perpetrators of bullying, as appropriate.

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. 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 faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

The bullying prevention and intervention plan shall be posted on the Longmeadow Public Schools website.

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model Bullying Prevention and Intervention Plan

LEGAL REFS.:

Title VII, Section 703, Civil Rights Act of 1964 as amended

Federal Regulation 74676 issued by EEO Commission

Title IX of the Education Amendments of 1972

603 CMR 26.00

MGL 71:37O

MGL 265:43, 43A

MGL 268:13B

MGL 269:14A

CROSS REFS.:

AC, Nondiscrimination

ACAB, Sexual Harassment

JBA, Student-to-Student Harassment

JICFA, Prohibition of Hazing

JK, Student Discipline Regulations

Approved: May 9, 2018

Discipline for Students with Disabilities - (See Appendix C – Parent's Notice of Procedural Safeguards)

1. All students are expected to meet the requirements for behavior as set forth in this Handbook. Chapter 71B of the Mass. General Laws, requires that additional provisions be made for students who have been found by a TEAM to have disabilities and whose individualized program is described in an Individualized Educational Plan (IEP).

- a. Students with Disabilities may be suspended for up to ten (10) consecutive or

cumulative days, as fully outlined under M.G.L. c. 71B, and the Individuals with Disabilities Education Act. Such suspensions may be carried out without any further or additional process.

- b. Suspensions or exclusions in excess of ten (10) consecutive days or ten (10) cumulative days may also occur, provided that the conduct for which the student is being disciplined is not a manifestation of his/her disability, and the District provides educational services which will allow the student to access the general curriculum and to make progress toward his/her goals.
2. The IDEA and M.G.L. c. 71B allow school personnel to move a student with disabilities to an interim alternative educational setting (IAES) for up to 45 school days, if that student is in possession of a dangerous weapon at school or a school function or on school property, is in possession or uses a controlled substance or sells or solicits the sale of a controlled substance while at school or a school function or on school property, or inflicts serious bodily injury on a person, including him/herself. The appropriate interim alternative educational setting shall be determined by the IEP TEAM.
3. The IDEA and M.G.L. c. 71B also allow school personnel the option of asking a hearing officer or a court to move children with disabilities to an interim alternative educational setting for up to 45 school days, if they are substantially likely to injure themselves or others in their current placement.
4. When a student with disabilities has been suspended for more than ten (10) consecutive or cumulative days in a school year, such that a substantial change in placement is occurring or will occur, relevant members of the TEAM will meet to conduct a manifestation determination, which seeks to answer the following two questions, after reviewing relevant documents and the misconduct of the student:

Is the misconduct the result of failure to implement the student's IEP? And

Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

5. If the TEAM finds that the misconduct was not a manifestation of the student's disability, then the student may be disciplined according to the discipline policy in this handbook. The student will receive educational services during this period of suspension or exclusion. If the TEAM finds that the misconduct was a manifestation of the student's disability, then the school may still be able to implement an IAES (see ## 2 and 3 above). If the IAES is not possible, then the student will remain in his/her current placement, and the TEAM will arrange for a functional behavioral assessment (if one has not already been conducted on the student) and the development or modification of a behavior intervention plan.
6. The Principal (or designee) will notify the Special Education Office of the suspendable offenses of a special needs student, and a record will be kept of such notices.

Students identified as having a disability and provided with a Section 504 plan

1. Students are expected to meet the expectations for behavior identified in this handbook. A student on a Section 504 plan may be disciplined like any other non-disabled student. However, if the student is going to be suspended for ten (10) or more consecutive days, expelled or suspended for more than fifteen (15) cumulative days (and there is a change in placement as a result), then a manifestation determination review shall be conducted. The student's 504 team shall convene, and answer two questions, after reviewing relevant documents and the misconduct of the student:

Is the misconduct the result of failure to implement the student's 504 plan?

Is the misconduct caused by, or does it have a direct and substantial relationship to the student's disability?

A summary of the manifestation determination review will be written and a copy provided to the Parent(s)/guardian(s) as soon as possible after the review, but no later than five (5) school days after the review.

Controlled substance

The term 'controlled substance' in this sections means a drug or other substance identified under schedules I, II, III, IV, or V in Sec. 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

Illegal drug

The term 'illegal drug' means a controlled substance; but does not include such a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority or Act or under any other provision or Federal law.

Weapon

The term 'weapon' has the meaning given the term 'dangerous weapon' under paragraph (2) of the first subsection (g) of Sec. 930 of title 18, United States Code. Title 18 U.S.C. § 930, paragraph (2) of the first subsection (g) provides: "The term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade less than 2½ inches in length."

Harassment Policy - (Policy ACAC)

Harassment will not be tolerated by the Longmeadow Public Schools. Harassment includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, homelessness, sexual orientation, religion, marital status, genetics, active military or veteran status, limited English proficiency, or disability. Employees or students who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations or up to an expulsion. This policy covers all alleged harassment, except sexual harassment under Title IX, which is covered under a separate policy.

Prohibited behaviors include, but are not limited to, using or displaying slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

The District will promptly and reasonably investigate allegations of harassment through designation of Civil Rights Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. The Superintendent will adopt procedures to investigate and respond to allegations of harassment.

If any of our employees, students, visitors or third parties believes that he or she has been subjected to harassment, the individual has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting The Director of Pupil Services, Central Office of the Schools, 535 Bliss Road, (413) 565-4219. The Director of Pupil Services is also available to discuss any concerns you may have and to provide information to you about our policy on harassment and our complaint process.

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

In addition to the above, if you believe you have been subjected to harassment, you may file a formal complaint with:

- Office for Civil Rights (U.S. Department of Education) (within 180 days)
5 Post Office Square, 8th Floor
Boston, MA 02109.
Phone: 617-289-0111.
- The Mass. Commission Against Discrimination (within 300 days), 1 Ashburton Place, Room 601
Boston, MA 02108.
Phone: 617-994-6000.
- The United States Equal Employment Opportunity Commission (within 300 days),
John F. Kennedy Bldg.
475 Government Center
Boston, MA 02203.
- Problem Resolution Services (within 1 year)
75 Pleasant Street
Malden, MA 02148
781-338-3700

Approved by School Committee: March 9, 2021

Sexual Harassment Policy - (See Policy ACAB)

It is the goal and policy of the Longmeadow Public Schools to promote a workplace and learning environment that is free of sexual harassment. Sexual harassment of present or prospective employees, students, or visitors occurring in the workplace, in school, on school grounds, at school-related activities, or in other settings in which employees or students may find themselves in connection with their employment or education is unlawful and will not be tolerated by the organization. Further, any retaliation against an individual who has complained about sexual

harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated.

Because Longmeadow Public Schools takes allegation of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace and learning environment that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or learning environment conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

Parental Notification Relative to Sex Education

In accordance with General Laws Chapter 71, Section 32A, the Longmeadow School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues. At the beginning of each school year, all parents/guardians of students in our schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual or human sexuality issues. The Superintendent of Schools will determine the administrator(s) responsible for sending the notice(s). Parents/guardians of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If planned curricula change during the school year, to the extent practical, parents/guardians will be notified of this fact in a timely manner before implementation. Each such notice to parents/guardians will include a brief description of the curriculum covered by this policy, and will inform parents/guardians that they may:

- a) Exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexual issues, without penalty to the student, by sending a letter to the school Principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.
- b) Inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the Principal to review the materials at the school and may also review them at other locations that may be determined by the Superintendent of Schools.
- c) A parent/guardian who is dissatisfied with a decision of the Principal concerning notice, access to instructional materials, or exemption for the student under this policy may send a written request to the Superintendent for review of the issue.

The Superintendent or designee will review the issue and give the parent/guardian a timely written decision, preferably within two weeks of the request. A parent/guardian who is dissatisfied with the Superintendent's decision may send a written request to the School Committee for review of the issue. The School Committee will review the issue and give the parent/guardian a timely written decision, preferably within four weeks of the request. A parent/guardian who is still dissatisfied after this process may send a written request to the Commissioner of Education for review of the

issue in the dispute. The Superintendent of Schools will distribute a copy of this policy to each Principal by September 1 of each year.

REF.: Parental Notification Law (General Laws Chapter 71, Section 32A)

Hate Crimes and Bias Incidents

General Statement

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

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

Definitions

A hate crime occurs when a student or group of students is targeted for physical assault, threat of bodily harm, intimidation, verbal abuse, and/or damage to personal property because he or she is a member of a different race, religion, ethnic background, gender, or has a disability or different sexual orientation. Bias incidents are less serious acts that are also motivated by sex, race, color, sexual orientation, gender identity, pregnancy related condition, national origin, religion, or disability.

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

Hate crimes:

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

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

Bias incidents:

- insults, jokes, mimicking, and name-calling based upon a student's race, religion, ethnicity, disability, or sexual orientation
- use of racial, ethnic, religious, sexual, disability-related or anti-gay slurs

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

When a student has been subjected to behaviors such as those described above, and is reasonably fearful for his or her own safety, a hostile environment has been created for that student. It may be created by a series of minor incidents, or by one serious incident. The existence of a hostile environment is a violation of the student's civil rights, as it prohibits him or her from obtaining an education. A hate crime or bias incident will be deemed to have occurred even where the harasser is mistaken about the victim's race, ethnicity, or other targeted characteristics. In addition, A hate crime will be deemed to have occurred when a harasser targets someone for associating with someone protected on the basis of their sex, race, color, sexual orientation, gender identity, pregnancy related condition, national origin, religion, or disability.

Reporting:

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

Director of Pupil Services
535 Bliss Road
Longmeadow, MA 01106
Phone number (413) 565-4200 x4026

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

Investigation:

Upon receiving notice that a hate crime or bias incident is alleged to have taken place, the Building Principal and/or his/her designee will immediately take steps to ensure that the victim or victims are safe and secure, and will notify the Civil Rights Administrator of the allegation. All victims and witnesses will be interviewed as soon as possible following the incident, followed by interviews with any other individuals who may have knowledge pertaining to the incident and the persons involved in it. Physical evidence, if any, will be gathered. The investigator will then make a

determination as to whether a hate crime or bias incident has occurred, taking into consideration the definitions contained above, the surrounding circumstances, the relationships of the parties involved, and the context in which the incident(s) took place. In addition, the investigator will determine whether there are, or have been, any related incidents of harassment, and will evaluate the kinds of damage that may have been caused, both to the victim(s) and to the school environment. The investigator will issue his/her report within five (5) school days, if possible.

Notification to Parents/Legal Guardians:

After investigation, if there are reasonable grounds to believe that a hate crime or bias incident has occurred, the Building Principal and/or his/her designee shall notify a student's parent(s)/legal guardian(s) if the student is a victim of, or is accused of, a hate crime or bias incident. Parent(s)/legal guardian(s) are strongly encouraged to report hate crimes or bias incidents to their child's Building Principal or to the Superintendent of Schools.

Informal Resolution Procedure:

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser which is facilitated by a school employee or by the designated Civil Rights Administrator. Both the complainant and the alleged harasser may be accompanied by a person of their choice for support and guidance. If the complainant and the alleged harasser feel that a resolution has been achieved, the conversation then will remain confidential and no further action will be taken. The results of the informal resolution will be reported, in writing, to the building Principal and the Superintendent of Schools. If either party feels that the informal conversation process is inadequate, or has not been successful, they may proceed to the formal complaint procedure. Either party may also choose to forego the informal process and proceed directly to the formal complaint procedure.

Formal Complaint Procedure:

The designated administrator will fill out a harassment complaint form based on a student's written or oral allegations that an incident or incidents have taken place. The complaint form will be kept in a secure location, and will describe in detail the facts and circumstances of the incident(s). If an involved student is under the age of 18, his or her parents or legal guardian will be notified immediately after consultation with the student, unless such notification is determined not to be in the best interests of the student.

An investigation will begin within five (5) school days of the date of the complaint or report. The investigator may determine that immediate steps need to be taken to protect the complaining student, the alleged harasser, and any potential witnesses, and will notify school administrators of such a determination. The investigation will be completed as soon as possible, and preferably within five (5) school days after the date of the complaint, and a written report made to the building Principal and the Superintendent of Schools. The report will contain a determination as to whether the allegations have been substantiated as factual, and whether they constitute a violation of this policy. The investigator will also recommend to the building Principal and the Superintendent what action, if any, is required. The complainant and the alleged harasser will be informed of the results of the investigation, and whether disciplinary action will be taken.

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

the potential involvement of the police department, the District Attorney's Office, the Office of the Attorney General, and the potential involvement of a civil and/or criminal trial.

Disciplinary Consequences:

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

Search and Seizure - (see Policy JIH)

Students may be issued lockers at the opening of school or thereafter. Students are not permitted to place private locks on their lockers. STUDENTS SHOULD HAVE NO EXPECTATION OF PRIVACY IN THEIR SCHOOL LOCKERS, DESKS, COMPUTERS, VEHICLES, ETC. Lockers, desks, and computers are for the use of students, but remain the property of the Longmeadow Public Schools. Students are advised that their lockers, desks, computers, etc., may be inspected without notice by school administrators to insure cleanliness, safety, and adherence to federal, state, and local laws and regulations.

In addition, the professional staff has the right to search a student's person and/or personal property, including his/her clothing, vehicle, and/or possessions, and shall be reasonable in scope and manner, under all circumstances. The search by a school official is "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or the rules of the school.

Such a search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search, and are not excessively intrusive in light of the age and sex of the student(s) and the nature of the infraction.

Family Reunification

The Longmeadow Fire Department and Longmeadow Police Department are prepared to reunify children with their parents/guardians in a safe and orderly manner in the event that children need to be evacuated from a school on an emergency basis.

Reunification plans would be implemented if a weather event, a power outage, a hazmat situation or a safety crisis forced the emergency closure and evacuation of a school building. Each school principal has developed a detailed reunification plan that establishes a plan to relocate children to an alternative community-based site. Each plan establishes a command and control structure, protocols for communication and transportation, and, most importantly, a controlled, orderly process to reunite children with their parents/guardians at a secondary, community-based relocation site.

In the event that a reunification plan is implemented, parents can expect to be notified by broadcast email or phone with information on the emergency and specific instructions on the family reunification process. For this reason and many others, it is vitally important that your child(ren)'s school have your up-to-date phone or email contact information. Families can also anticipate that school and district websites will be used to provide information relating to the emergency and the reunification process.

It is important to understand that the nature of the emergency event will determine the protocol for the safe, controlled release of children to their parents/guardians. Certain events will require that children be picked up only by a parent/guardian, while other events will permit children to be released to a transportation provider previously authorized by their family and school.

In the event of an evacuation and relocation, children will be released to parents/guardians at the secondary location in a controlled manner. To ensure that the reunification process is safe and orderly parents should:

- Wait to travel to their child's school or the secondary relocation site until instructed to do so by school and/or public safety officials
- Observe traffic and parking restrictions at the secondary location
- Bring personal identification to the secondary location
- Observe the requirement to meet school staff at a "Parent/Guardian Check-In Area"
- Expect that children will be held at the secondary location until a permissible pick up is arranged.
- Expect that counseling and medical assistance will be available, as necessary, at the secondary relocation sites.

Promotion and Retention of Students – (see Policy IKE)

The School Committee is dedicated to the best total and continuous development of each student enrolled. The professional staff is expected to place students at the grade level best suited to them academically, socially, and emotionally.

In evaluating student achievement, each teacher will make use of all available information, including results of teacher-made tests and other measures of skill and content mastery, standardized test results, and teacher observation of student performance. The Principal will direct and aid teachers in their evaluations and review grade assignments in order to ensure uniformity of evaluation standards.

Students will normally progress annually from grade to grade. Exceptions may be made when, in the judgment of the professional staff, such exceptions are in the best educational interest of the students involved. Exceptions will only be made after prior notification and explanation to each student's parents/guardians, but the final decision will rest with the building Principal.

Face Masks – (see policy EBCFA)

The Longmeadow 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. Therefore, in accordance with the requirements of the Longmeadow Board of Health and based on 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.

A CDC-Compliant, 2-ply face mask 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. Masks are not required while outdoors during the school day or at school sponsored outdoor extra-curricular or athletic events. Face masks must comply with school requirements in that they do not disrupt school activities, are not obscene or otherwise inflammatory, and do not endanger the health or safety of themselves or others.

Individuals may temporarily 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.

In addition, the District will consider modifying the mask requirement for anyone who has a documented medical, behavioral or other condition making it unsafe to wear a face mask. A written note from a physician is required for a requested exemption. Final modifications are approved by the building principal in consultation with the school nurse or local Board of Health. Parents or guardians may not excuse their child from the face mask requirement.

Face masks may be temporarily removed when appropriate social distancing can be enforced during designated mask breaks, while eating and drinking, or for students to momentarily readjust their masks as necessary.

Families and staff are responsible for providing face masks, however the district will supply one disposable mask per student per week and at least one disposable mask per day for each staff member. The district will supply a disposable face mask for individuals who arrive at a building, or board school transportation, without one.

School administrators will be authorized to take appropriate corrective and remedial action to enforce this policy as appropriate, including, in the case of students, out-of-school suspension, and in the case of employees, progressive discipline as appropriate. Such corrective and remedial action will be taken in a manner consistent with the Longmeadow Public Schools student and employee discipline policies and procedures, and the particular facts of each case.

Visitors in violation of this policy will be denied entry into or will not be permitted to remain in school/district buildings.

This policy will be revisited as needed.

LEGAL REF.: Commonwealth of Massachusetts, COVID-19 Order No. 31 -
<https://www.mass.gov/doc/may-1-2020-masks-and-face-coverings/download>

REFS.: Center for Disease Control and Prevention – Considerations for Wearing
Masks -
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>
Massachusetts Department of Elementary and Secondary Education –
Reopening Guidelines - <http://www.doe.mass.edu/covid19/>
Commonwealth of Massachusetts – Mask Up MA! –
<https://www.mass.gov/news/mask-up-ma>

SOURCE: MASC – August 2020
Approved by School Committee as amended 9/14/2021

Wellness – (see Policy ADF)

The Longmeadow Public Schools is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Schools contribute to the basic health status of students and staff by facilitating learning through the support and promotion of good nutrition, physical activity, and positive dietary and lifestyle practices. The intent of this policy is to outline the district's ongoing commitment in support of wellness in the areas of nutrition, physical activity, and other school-based activities that promote health and wellness. Using Section 204 of Public Law 108-265 - June 30, 2004: Child Nutrition and WIC Reauthorization Act of 2004, and recommendations by the Massachusetts Department of Education and Public Health, the school district establishes the following policy guidelines:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district wide nutrition and physical activity policies.
- Schools will provide nutrition education to foster lifelong habits of healthy eating and will establish links between health education and school meal programs, and with related community services.
- All students in grades preK-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Schools will provide a comprehensive learning environment for developing and practicing lifelong wellness behaviors.

I. DISTRICT WELLNESS COMMITTEE, MONITORING, AND POLICY REVIEW

- a. District Wellness Committee The school district will create and maintain a District Wellness Committee. This committee will be district-wide and representative of all six schools in the district. The membership of the committee will include staff, students, parents, administrators, food service professionals, health professionals,

members of the public and School Committee representation. The primary purpose of the committee will be to develop, implement, monitor, review, and, as necessary, make recommendations on revisions to the Wellness Policy.

b. Monitoring

The Superintendent or designee will ensure compliance with established district wide nutrition and physical activity wellness policies. In each school, the Principal or designee will ensure compliance with those policies yearly in his/her school. School food service staff, at the school and district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the Superintendent. The Superintendent or designee will develop a summary report every three years on district wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. Included will be any identified barriers to implementation and the requirements for making implementation possible. The summary report will be provided to the School Committee and also distributed to the Wellness Committee, parent/teacher organizations, school principals, and school health and food services personnel in the district.

c. Policy Review

To assist with the initial development of the district's Wellness Policy, the district conducted a baseline assessment of the district's existing nutrition and physical activity environments and policies. The results were compiled by the district Wellness Policy Development Committee to identify and prioritize needs. Needs assessments will be repeated periodically as needed to help review policy compliance, evaluate progress, and determine areas in need of improvement. This district, will, as necessary, revise the Wellness Policy and develop action plans to facilitate its implementation.

II. NUTRITION EDUCATION

- a. The Longmeadow School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that is offered at each grade level as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health. The nutrition education program will include but not be limited to the following themes:

- Knowledge of the current ADF nutritional standard guidelines on portions and servings.
- Healthy heart choices
- Sources & variety of foods
- Dietary Guidelines for Americans
- Diet and disease
- Understanding calories
- Healthy snacks
- Healthy breakfast
- Healthy diet
- Food labels
- Major nutrients
- Multicultural influences
- Serving sizes

- Proper Food Safety/Sanitation
 - Identify and limit foods of low nutrient density
- b. Students will receive consistent nutrition messages from all aspects of the school program.
 - c. The school district will provide opportunities for on-going professional training and development for teachers and other staff who are responsible for teaching nutrition.

III. PHYSICAL ACTIVITY

- a. The Longmeadow School District shall provide physical activity and physical education opportunities, aligned with the Curriculum Frameworks of Massachusetts and MA General Law, which provide students with the knowledge and skills to lead a physically active lifestyle.
- b. Physical education classes and physical activity opportunities will be available for all students, including students with disabilities and those with special health-care needs. Extended consecutive periods (periods of two hours or more) of inactivity during the school day will be discouraged. Mass. General Laws Chapter 71, Section 3 states: "Physical education shall be taught as a required subject in all grades for all students in the public schools for the purpose of promoting the physical well-being of students." The law gives school officials considerable flexibility in designing the physical education program. For example, school officials have the authority to determine the hours of instruction for physical education, as they do for all other subjects of instruction.
- c. Physical education classes shall be sequential, building from year to year, and content will include movement, personal fitness, and personal and social responsibility. Students should be able to demonstrate competency through application of knowledge, skill, and practice.
- d. All elementary school students should have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.
- e. Schools will discourage the withholding of recess as a form of discipline or punishment.
- f. Student involvement in other activities involving physical activity (e.g., interscholastic or intramural sports) will not be substituted for meeting the physical education requirement.
- g. All physical education will be taught by a licensed physical education teacher.
- h. The school district will provide opportunities for on-going professional training and development for staff who are responsible for teaching physical education.

IV. NUTRITION STANDARDS/GUIDELINES AND OTHER SCHOOL-BASED ACTIVITIES TO PROMOTE WELLNESS

- a. The Longmeadow School District strongly encourages the sale or distribution of nutrient dense foods for all school functions and activities. Nutrient dense foods are those foods that provide students with calories rich in the nutrient content needed to be healthy, i.e. WHOLE GRAINS, FRESH FRUITS, VEGETABLES, and low fat DAIRY PRODUCTS. The district will establish guidelines for maximizing

nutritional value by decreasing fat and added sugars and moderating portion size of each individual food or beverage sold within the school environment.

- b. Meals served through the National School Lunch Program will:
 - be appealing and attractive to children,
 - be served in clean and pleasant settings,
 - meet, at a minimum, USDA nutrition requirements and regulations
 - c. The school district sets standards for foods and beverages in a la carte sales in the food service program on school campuses.
 - d. To promote healthy eating, the school district encourages all students to participate in the school meals program and prohibits the sale of competitive food products during school meal times. All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.
 - e. The school district sets guidelines for foods and beverages served or sold on school grounds, including 30 min before-after:
 - those sold in vending machines, snack bars, school stores, and concession stands,
 - refreshments and snacks served in classrooms, at parties, celebrations, and meetings
 - school-sponsored fundraising activities
- The school district makes decisions on these guidelines based on nutrition goals, not on profit making.
- f. Soda, candy, or other foods of minimal nutritional value will not be sold in public vending machines on school grounds. Non-vending sales of these items will be permitted no earlier than one half-hour after the conclusion of the instructional school day.
 - g. Schools will discourage the use of foods or beverages, especially those that do not meet the local nutrition standards for foods and beverages sold individually, as rewards for academic performance or good behavior.
 - h. The school district ensures an adequate time for students to enjoy eating healthy foods in the school setting.

CROSS REFS.: EFC, Free and Reduced-Cost Food Services IGA, Basic Instructional Program IGAE, Health Education

LEGAL REFS.: The Healthy, Hunger Free Act of 2010, Section 204, P.L. 108 -265 The Richard B. Russell National School Lunch Act, 42 U.S.C. §§ 1751 - 1769h The Child Nutrition Act of 1966, 42 U.S.C. §§ 1771 -1789

Substance Use

Alcohol Use by Students/Student Drug Abuse – (see Policy JICH)

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

Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during, attendance at or participation in a school-sponsored activity, will be barred from that activity and may be subject to disciplinary action.

This policy shall be posted on the district’s website and notice shall be provided to all students and parents of this policy in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC March 2016

Adopted by School Committee 10/18/2016

LEGAL REFS.: M.G.L.71:2A; 71:96; [272:40A](#)

CROSS REFS.: IHAMB, Teaching About Alcohol, Tobacco and Drugs
[GBEC](#), Drug Free Workplace Policy

Teaching About Alcohol, Tobacco, and Drugs – (see Policy IHAMB)

In accordance with state and federal law, the District shall provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug prevention education programs in grades K-12.

The alcohol, tobacco, and drug prevention program shall address the legal, social, and health consequences of alcohol, tobacco, and drug use, with emphasis on nonuse by school-age children. The program also shall include information about effective techniques and skill development for delaying and abstaining from using, as well as skills for addressing peer pressure to use alcohol, tobacco, or drugs.

The objectives of this program, as stated below, are rooted in the Committee’s belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of children and youth on healthy decision-making:

- To prevent, delay, and/or reduce alcohol, tobacco, and drug use among children and youth.
- To increase students’ understanding of the legal, social, and health consequences of alcohol, tobacco, and drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, and drug use.

The curriculum, instructional materials, and outcomes used in this program shall be recommended by the Superintendent and approved by the School Committee.

This policy shall be posted on the district’s website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC March 2016

Adopted by School Committee: 10/18/2016

LEGAL REFS.: M.G.L. [71:1](#) ;71:96

CROSS REFS: GBEC, Drug Free Workplace Policy
JICH, Drug and Alcohol Use by Students

Tobacco Free Policy Statement – (see Policy JICG)

Smoking, chewing, or the use of electronic cigarettes, e-cigarettes, personal vaporizers, or electronic nicotine delivery systems, or other use of tobacco products by staff, students, and members of the public shall be banned from all District buildings, school grounds, or school events. All forms of tobacco use shall be prohibited on all District property, including buses. In addition, tobacco use by students is banned at all school-sponsored events, even though this use does not take place on school grounds.

LEGAL REF.: M.G.L. 71:37H

CROSS REF.: ADC, Prohibition of Use of Tobacco Products

Approved 11-9-2015

Dress Code

Stated simply, school dress should be clothing that is comfortable, safe, clean, and respectful. The standards for our dress code are listed below:

1. Sheer or see-through garments may not expose skin. They may only be worn over solid garments that meet the conditions of the dress code.
2. Necklines must be high enough not to show excessive skin.
3. Strapless tops worn alone are prohibited.
4. Pants must be high enough on the hips so as not to expose underwear or skin
5. Attire covering the top of the body must be long enough to cover the navel and midriff.
6. Legs should not be exposed above mid-thigh.
7. Sunglasses may not be worn in school except for medical reasons.
8. Head apparel, such as hats, hoods, and bandanas are prohibited other than for religious or medical purposes, as otherwise required by law, or on prescribed days such as Hat Day and designated holidays.
9. Attire that includes, depicts, or advertises profanity, sex, violence, alcohol, drugs, tobacco/cigarettes, violence, or hate groups, or is discriminatory, harassing or degrading toward any individual or group in which it creates a reasonably foreseeable risk of substantial disruption is prohibited.

LPS makes accommodations to its Dress Code for students with medical needs or disabilities, for religious purposes or as otherwise required by law. To determine eligibility for an accommodation, a student or parent/guardian should contact a school administrator. Any inquiries regarding the dress code should be made to a school administrator.

Head Lice Infestations

PROCEDURES TO FOLLOW IN CASE OF HEAD LICE INFESTATIONS

(FILE: JHCC – R – 1)

Head Lice are not indicative of poor hygiene. Head lice are not influenced by hair length or the frequency of shampooing or brushing. Head lice are not a health hazard because they are not

responsible for the spread of any disease. Transmission occurs by direct contact with the hair of people who have lice and less commonly by contact with personal items such as combs, hairbrushes, and hats. Often, normal activities are disrupted by excessive reaction to these pests. Procedure:

1. You should consult with your family doctor as to the shampoo you should use.
2. If you should find on re-inspection that nits remain in the hair, a mixture of 1 pint of water with 3 tablespoons of vinegar may be prepared. Over a sink, rinse your child's hair with the solution. Wait 5 minutes and reexamine the hair. The solution should dissolve any remaining nits. If some nits remain, repeat the procedure. Once all the nits are dissolved, shampoo your child's hair using a normal non-medicated shampoo.
3. All clothing (hats, jackets, sweaters, shirts, etc.) bedding, and towels used by your child must be washed in hot water and strong detergent and dried in a hot dryer.
4. Any item of clothing or bedding that cannot be washed may be dry cleaned.
5. Stuffed animals and items not washed or dry cleaned can be sealed in a plastic bag for one month.
6. All carpeting, upholstery and mattresses should be thoroughly vacuumed.
7. Combs, brushes, barrettes, etc. should be washed in hot water with medicated shampoo and allowed to soak for ten minutes.
8. Parents should report all cases of infestation to the school nurse so proper follow-up.
 - If one child has a confirmed case of lice, the families of children in the class will be notified.
 - If there are more than two cases in a classroom, the school nurse will screen the class and notify families.
 - After verification of treatment by the school nurse, and the student is not at risk of spreading lice, but may still have nits, he/she will be allowed to return to class.
 - A student who returns to school after a confirmed case of head lice will be rechecked by the school nurse after a 10-day period.
9. All family members should be inspected and treated accordingly.

A flyer regarding head lice is available at the school's health office or you can locate it at <https://www.longmeadow.k12.ma.us/parents>

Acceptable Use Agreement

Introduction

Longmeadow Public Schools recognizes that access to technology in school gives students greater opportunities to learn, engage, communicate, and develop skills that will prepare them for work, life, and citizenship. We are committed to helping students develop 21st-century technology and communication skills.

To that end, we provide access to technologies for student and staff use.

This Acceptable Use Agreement outlines the guidelines and behaviors that users are expected to follow when using school technologies or when using personally owned devices on the school campus.

- The Longmeadow Public Schools network is intended for educational purposes.
- All activity over the network, using district technologies, or using district accounts may be monitored and retained.
- Students should log out of all district-provided accounts when engaging in personal web activity, included when signed into district accounts on personal devices or at home.
- Access to online content via the network may be restricted in accordance with our policies and federal regulations, such as the Children's Internet Protection Act (CIPA).
- Students and staff are expected to follow the same rules for good behavior and respectful conduct online as offline.
- Misuse of school resources can result in disciplinary action.
- Longmeadow Public Schools makes a reasonable effort to ensure the safety and security of staff and students online, but will not be held accountable for any harm or damages that result from use of technology at school.
- Users of the district network or other technologies are expected to alert IT staff immediately of any concerns for safety or security.

Longmeadow Public Schools uses several third party online services, including G Suite for Education. Students and parents/guardians should be aware that the use of those services may involve agreement to policies governing those services as established by the vendor. In the case of G Suite for Education, Google's privacy policies can be found here: <https://edu.google.com/k-12-solutions/privacy-security>

Students should understand that their online activity may be recorded when using accounts provided by Longmeadow Public Schools, including their G Suite for Education account. Students should verify that they are logged out of any school-related accounts before engaging in online activity not related to school that they wish to remain private from the district.

Technologies Covered

Longmeadow Public Schools may provide Internet access, desktop computers, mobile computers or devices, videoconferencing capabilities, online collaboration capabilities, virtual learning environments, email, and more.

As new technologies emerge, Longmeadow Public Schools will attempt to provide access to them. The expectations outlined in this document are intended to cover *all* available technologies, not just those specifically listed.

Usage Expectations

All technologies provided by the district are intended for education purposes. All users are expected to use good judgment and to follow the specifics of this document as well as the spirit of it:

- Be safe, appropriate, careful and kind;

- Don't try to get around technological protection measures;
- Use good common sense;
- Ask if you don't know.

Web Access

Longmeadow Public Schools provides its users with access to the Internet, including web sites, resources, content, and online tools. That access will be restricted in compliance with CIPA regulations and school policies. Web browsing may be monitored and web activity records may be retained indefinitely.

Users are expected to respect that the web filter is a safety precaution, and should not try to circumvent it when browsing the Web. If a site is blocked and a user believes it shouldn't be, the user should follow district protocol by submitting the site to the helpdesk for review.

Web filters are not 100% effective, especially with images and other types of multimedia. Students should be supervised while using technology to access the web and users should notify the helpdesk if inappropriate material is accessed, even if accidentally.

Email

Longmeadow Public Schools may provide users with email accounts for the purpose of school-related communication. Availability and use may be restricted based on school policies.

If users are provided with email accounts, they should be used with care. Users should not send personal information; should not attempt to open files or follow links from unknown or untrusted origin; should use appropriate language; and should only communicate with others as allowed by the district agreement or the teacher.

Users are expected to communicate with the same appropriate, safe, mindful, courteous conduct online as offline. Email usage may be monitored and archived.

Social/Web 2.0/Collaborative Content

Recognizing the benefits collaboration brings to education, Longmeadow Public Schools may provide users with access to web sites or tools that allow communication, collaboration, sharing, and messaging among users.

Users are expected to communicate with the same appropriate, safe, mindful, courteous conduct online as offline. Posts, chats, sharing, and messaging may be monitored. Users should be careful not to share personally identifying information online. Additional information may be found in the district Social Media & Electronic Communication policy.

Mobile Devices

Longmeadow Public Schools may provide users with mobile computers or other devices to promote learning outside of the classroom. Users should abide by the same acceptable use agreement when using school devices off the school network as on the school network.

Users are expected to treat these devices with extreme care and caution; these are expensive devices that the school is entrusting to your care. Users should report any loss, damage, or malfunction to the helpdesk immediately. Users may be financially accountable for any damage resulting from negligence or misuse.

Use of school-issued mobile devices off the school network may be monitored.

Personally Owned Devices

Personally owned devices (including laptops, tablets, smart phones, and cell phones) may be used during school hours as specified by local school policy, in the event of an emergency, or as instructed by a teacher or staff for educational purposes. In some cases, a separate network may be provided for personally owned devices.

Security

Users are expected to take reasonable safeguards against the transmission of security threats over the school network. This includes not opening or distributing infected files or programs and not opening files or programs of unknown or untrusted origin.

If you believe a computer or mobile device you are using might be infected with a virus, please alert the helpdesk immediately. Do not attempt to remove the virus yourself or download any programs to help remove the virus.

Downloads

Users should not download or attempt to download or run programs over the school network or onto school resources without express permission from IT staff.

You may be able to download other file types, such as images or videos. For the security of our network, download such files only from reputable sites, and only for education purposes.

Netiquette

Users should always use the Internet, network resources, and online sites in a courteous and respectful manner.

Users should also recognize that among the valuable content online is unverified, incorrect, or inappropriate content. Users should use trusted sources when conducting research via the Internet. Users should also remember not to post anything online that they wouldn't want administrators, parents, teachers, or future colleges or employers to see. Once something is online, it's out there forever—and can sometimes be shared and spread in ways you never intended.

Plagiarism

Users should not plagiarize (or use as their own, without citing the original creator) content (including words or images) from the Internet. Users should not take credit for things they didn't create themselves, or misrepresent themselves as an author or creator of something found online. Research conducted via the Internet should be appropriately cited, giving credit to the original author.

Personal Safety

Users should never share personal information, including phone number, address, social security number, birthday, or financial information, over the Internet without adult permission. Users should recognize that communicating over the Internet brings anonymity and associated risks, and should carefully safeguard the personal information of themselves and others. Users should never agree to meet someone they meet online in real life without parental permission.

If you see a message, comment, image, or anything else online that makes you concerned for your personal safety, bring it to the attention of an adult (teacher or staff if you're at school; parent if you're using the device at home) immediately.

Cyberbullying

Cyberbullying will not be tolerated. Harassing, dissing, flaming, denigrating, impersonating, outing, tricking, excluding, and cyber stalking are all examples of cyberbullying. Don't be mean. Don't send emails or post comments with the intent of scaring, hurting, or intimidating someone else. Engaging in these behaviors, or any online activities intended to harm (physically or emotionally) another person, will result in severe disciplinary action and loss of privileges. In some cases, cyberbullying can be a crime. Remember that your activities are monitored and retained.

Examples of Acceptable Use

I will:

- ✓ Use technology in school for school-related activities.

- ✓ Follow the same guidelines for respectful, responsible behavior online that I am expected to follow offline.
- ✓ Treat school resources carefully, and alert staff if there is any problem with their operation.
- ✓ Encourage positive, constructive discussion if allowed to use communicative or collaborative technologies.
- ✓ Alert a teacher or other staff member if I see threatening, inappropriate, or harmful content (images, messages, posts) online.
- ✓ Use technology in school at appropriate times, in approved places, for educational pursuits.
- ✓ Cite sources when using online sites and resources for research.
- ✓ Recognize that use of technology in school is a privilege and treat it as such.
- ✓ Be cautious to protect the safety of others and myself.
- ✓ Help to protect the security of school resources.

Examples of Unacceptable Use

I will **not**:

- ✓ Use technology in school in a way that could be personally or physically harmful.
- ✓ Attempt to find inappropriate images or content.
- ✓ Engage in cyberbullying, harassment, or disrespectful conduct toward others.
- ✓ Try to find ways to circumvent the school's safety measures and filtering tools.
- ✓ Use technology in school to send spam or chain mail.
- ✓ Plagiarize content I find online.
- ✓ Post personally identifying information, about others or myself.
- ✓ Agree to meet someone I meet online in real life without parental permission.
- ✓ Use language online that would be unacceptable in the classroom.
- ✓ Engage in activities that would distract, interfere or limit the educational value of an activity using technology.
- ✓ Use technology in school for illegal activities or to pursue information on such activities.
- ✓ Attempt to hack or access sites, servers, or content that isn't intended for my use.

This is not intended to be an exhaustive list. Users should use their own good judgment when using technology at school.

Limitation of Liability

Longmeadow Public Schools will not be responsible for damage or harm to persons, files, data, or hardware.

While Longmeadow Public Schools employs filtering and other safety and security mechanisms, and attempts to ensure their proper function, it makes no guarantees as to their effectiveness.

Longmeadow Public Schools will not be responsible, financially or otherwise, for unauthorized transactions conducted over the school network.

Violations of this Acceptable Use Agreement

Violations of this agreement may have disciplinary repercussions, including:

- Suspension of network, technology, or computer privileges
- Notification to parents
- Detention or suspension from school and school-related activities

- Legal action and/or prosecution

Removed from Policy Manual 12/13/2017

Amended: June 25, 2018

Please reference policies IJND - Access to Digital Resources, IJNDB Empowered Digital Use, and IJNDD Social Media

Policy on Gifts to Staff

Excerpt from – Conflict of Interest Law for Municipal Employees –

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

The Ethics Commission created an exemption to permit class gifts to teachers. A teacher may accept a gift, or several gifts during the school year, from public school students and/or their parents and guardians, with an aggregated value of up to \$150, if the gift is identified only as being from the class, and the identity of the givers and the individual amounts given are not identified to the recipient. Gifts received pursuant to this exemption are not required to be disclosed. The donor is unknown, so a reasonable person would not conclude that the gift would influence the teacher's conduct with regard to any individual or would cause the teacher to favor any individual.

Inclement Weather

It is our practice and policy to adjust school schedules if inclement weather makes the commute for staff and/or students unsafe. Many factors determine if it is safe to open on a regular schedule, open following a delay or cancel school completely. These factors include, but are not limited to, reports from the DPW and Public Safety officials, bus company officials, the readiness of our campus driveways, parking lots and sidewalks, the condition of town streets and walkways and the condition of driveways at the homeowner level.

Parents are encouraged to have transportation and child-care contingency plans in place for the following possible adjustments to school schedules:

- A one-hour delayed opening to allow for snow removal during relatively light storms.
- A two-hour delayed opening to allow for snow removal and traffic clearance during more severe storms. Please stay tuned for school messages following a delayed opening announcement in case worsening conditions warrant school closing.
- School closing due to storms severe enough that safe paths to school cannot generally be maintained.
- Early Dismissal is done rarely and only in the event of an unanticipated emergency. On the rare occasion when an emergency dismissal is necessary, announcements will be made on television and made using the SchoolMessenger email and telephone service. Utmost caution will be exercised by school staff in the event of an early dismissal. Please know that

in these instances school staff will remain at school until safe travel is provided for all students.

If the schedule is to be altered, LPS will attempt to make announcements on local television stations, the Longmeadow Public Schools website and via the SchoolMessenger email and telephone service as early as possible but no earlier than 5:00 a.m. on days of questionable weather. The Administration's judgment in those circumstances will be based on the best information available at that time about road conditions throughout the area. Should parents believe that conditions in their neighborhood require that their child remain out of school for a longer period of time, they may make that decision for their own family. There will be no penalty if parents' keep their child out of school for reasonable reasons of safety.

Longmeadow Public Safety officials remind us that 911 service should not be used to check on school closures.

Middle School DROP/ADD

Students will be allowed a 6 week timeframe (up until midterm of Trimester 1) to either drop/add chosen electives (orchestra, band, $\frac{7}{8}$ grade chorus) and/or to waive in or out of a math level, and to change the foreign language originally chosen. After this time period, students will not be able to drop/add or move a level in math. That said, administration reserves the right throughout the year to make recommendations for students to be removed from one of these courses due to individual student needs.

Request for School Visitation – (see Policy KI)

The School Committee encourages parents and guests to visit classrooms to observe and learn about the instructional programs taking place in our schools. Such visits can prove most beneficial in the promotion of greater school-home cooperation and community understanding of how we carry out the school system's mission and goals.

The following guidelines to classroom and school visits should be followed:

1. Parental requests for classroom visitations will be welcomed as long as the educational process will not be disrupted and the safety/privacy of students will not be compromised. To this end we request that such requests be made at least 48 hours in advance to allow for proper arrangements to be made.
2. The building Principal has the authority to determine the number, times, and dates of observations by visitors. This will be done in consultation with staff members so as to give adequate notice to the staff members of the impending visits.
3. For security purposes it is required that all visitors report to the Principal's office upon entering and leaving the building and sign a guest log showing arrival and departure times and observe school and district visitor protocols. Teachers are encouraged to ask visitors if they have registered in the Principal's office.
4. Under ordinary circumstances classroom observations will be strongly discouraged during the first three weeks of school in September and during the month of June.
5. The administration of LPS reserves the right to designate a person to be present during the class or classes which are being visited

A parent or guardian request will not be fulfilled if made for either of these purposes:

- Evaluating or comparing staff

- Observing children not in the custodial care of the requesting parent or guardian

Guests of Students: Any student who wishes to have a guest in school must ask permission of one of the administrative staff 48 hours in advance of the proposed visit. If permission is granted, the guest is expected to follow the standards of behavior expected of all students. Upon arrival the guest must register in the office. Any guest who fails to comply with student regulations will be asked to leave the school building and grounds.

CROSS REF: IHBA, Observations of Special Education Programs

Approved 10/10/2019

Enrichment Program

All rules contained in this K-8 Student Handbook are in effect during summer sessions of the Longmeadow Public Schools.

Appendix A

K-8 Disciplinary Consequences

The charts below provide the general structure by level of disciplinary infractions and their associated consequence. The charts are intended merely as a guideline, and do not cover every possible infraction, and do not preclude the administration from responding to conduct that is deemed inappropriate for the school setting in a manner other than as set forth below. Longmeadow reserves the right to suspend, expel, or otherwise remove a student from the school setting; consistent with state and federal law and to consider the severity of each incident, whether the student was involved in prior disciplinary incidents and other relevant factors.

ELEMENTARY SCHOOL	Detention	Internal Suspension	Out of School Suspension	Expulsion
Security of the Facility and/or Equipment				
Destroying or defacing school or personal property (Vandalism)	X	X	X	
Causing a false fire alarm		X	X	
Tampering with fire extinguisher	X	X	X	
Stealing (Theft)	X	X	X	
Breaches of Security		X	X	
Safety of Individuals				
Starting a Fire (Arson)		X	X	X
Running, pushing, shoving	X			
Kicking or throwing snow or ice	X			
Harassing/bullying other student: targeting another student(s) over time	X	X	X	
Physical Assault (on student or staff), Fighting	X	X	X	X
Possessing an object that a reasonable person would construe as posing a danger to another (e.g. knives, matches)	X	X	X	X
Possession of firearm(s)				X
Violating another's Civil Rights: discrimination based on race, sex, ethnic or religious background, physical or mental ability (see Federal Laws)	X	X	X	
Intimidating or making threats to others	X	X	X	
Use of skateboards, scooters or rollerblades in a school building	x	x		
Use of hoverboards in school or on school grounds	X	X		
Profanity/Vulgarity				
Using or writing profanities or obscenities	X	X	X	
Exposing oneself in an indecent manner	X	X	X	
Dishonesty				
Cheating and plagiarism	X	X		
Forging another's signature	X	X		
Lying	X	X		
Disruption of the Education Process				
Disobeying school or classroom rules	X	X		

Disturbing a class by outburst(s) of noise or other action(s) that results in a loss of teaching time	X	X		
Miscellaneous				
Violating the Acceptable Use Agreement	X	X	X	

The charts below provide the general structure by level of disciplinary infractions and their associated consequence. The charts are intended merely as a guideline, and do not cover every possible infraction, and do not preclude the administration from responding to conduct that is deemed inappropriate for the school setting in a manner other than as set forth below. Longmeadow reserves the right to suspend, expel, or otherwise remove a student from the school setting; consistent with state and federal law and to consider the severity of each incident, whether the student was involved in prior disciplinary incidents and other relevant factors.

MIDDLE SCHOOL	Detention	Internal Suspension	Out of School Suspension	Expulsion
Security of the Facility and/or Equipment				
Destroying or defacing school or personal property (Vandalism)	X	X	X	
Causing a false fire alarm			X	
Tampering with fire extinguisher	X	X	X	
Theft – include restitution	X	X	X	
Breaches of Security		X	X	
Safety of Individuals				
Arson			X	X
Physical Assault (on student or staff), Fighting			X	X
Bomb Threat – making or causing a false bomb threat			X	
Civil Rights violation – discrimination based on race, sex, ethnic or religious background, physical or mental disability (See Federal Law)	X	X	X	
Dangerous object - Possessing or use of an object that a reasonable person would construe as posing a danger to individuals	X	X	X	X
Possession of firearm(s)				X
Fighting or student assault			X	
Harassing/bullying fellow student(s): persistent unwanted joking, teasing, unwanted comments i.e. sexual, racial, ethnic, physical or mental disability, inappropriate looks and gestures, i.e. laughing, yelling, swearing, at someone and name calling.	X	X	X	
Hazing – participation on organizing a hazing activity (see Federal and State Laws)			X	
Running, pushing shoving	X			

Snow – kicking or throwing snow, ice or other object	X	X	X	
Extortion (Use of force or threat to use force or intimidation to obtain possession of money or other objects belonging to another.)			X	X
Sale, use or detonation of an explosive or incendiary device	X	X	X	X
Making threats to others including retaliation	X	X	X	
Out of school building	X	X		
Use of skateboards, scooters or rollerblades in a school building	x	x		
Use of hoverboards in school or on school grounds	X	X		
Profanity/Vulgarity				
Using or writing profanities or obscenities	X	X	X	
Indecent exposure	X	X	X	
Possession of pornographic or excessively violent material	X	X		
Academic Dishonesty				
Cheating – academic dishonesty including plagiarism, use of signals, “crib notes”, prior knowledge of observation of contents of a test or other forms of cheating	X	X		
Forgery	X	X	X	
Dishonesty	X	X	X	
Disruption of the Education Process				
Disobeying school or classroom rules	X	X		
Disturbing a class by outburst(s) of noise or other action(s) that results in a loss of teaching time	X	X		
Substance Regulations				
Drugs or Alcohol – use, possession, sale, or distribution of drugs or alcohol			X	X
Use, possession, sale or distribution of tobacco			X	
Truancy				
Absence without parental permission	X	X		
Failure to report to an assigned class or study	X	X		
Tardies	X			
Disruption of the Education Process				
Disobedience	X	X	X	
Disrespectful or discourteous behavior – Examples are back-talk, use of obscenities (by sign or speech), vulgarity, profanity, lying or failure to move when directed to do so by staff member or substitute.	X	X	X	

Disturbing a class by an outburst of noise or other action that results in a loss of teaching time	X			
Miscellaneous				
Bus Regulations – violations (See expected Bus Behavior)	X			
Cafeteria Rules violation (See Expected Cafeteria Behavior)	X			
Card Playing (unless directed by the Teacher)	X			
Failure to report to teacher detention	X			
Unauthorized selling of food or goods	X			
Prior knowledge of/or accessory to violations of any of the above offenses	X	X	X	
Repeat Offenders – loss of privileges include recess, library, field trips, lunch room, and extracurricular activities.	X	X	X	

Appendix B

Additional References

Longmeadow School Committee Policies

- Attendance – Policy JED
- Entrance Age – Policy JEB
- School Admissions – Policy JF
- Attendance Areas
 - JC – Attendance Areas
 - JC-E – Attendance Area School Zoning Map
 - JC-R – Attendance Area Regulation
- Non Discrimination Policies
 - AC - Nondiscrimination
 - ACA - Nondiscrimination on the Basis of Sex
 - ACE – Nondiscrimination on the Basis of Handicap
- Transportation Policies
 - EEAA Walkers and Riders
 - EEAE – School Bus Safety Program
 - EEAEC – Student Conduct on the Buses
 - EEAEC-R – Student Conduct on the Buses Regulation
- Food Services
 - EFC – Free and Reduced Price for Food Services
 - EFDA – Meal Charging Policy
- Flyer Distribution
 - KHA – Public Solicitations in the Schools
 - KHB – Advertising in the Schools
- Gifts to the Schools – Policy KCD
- Social Media and Electronic Communication Policy – Policy IJNDD

Other References

- [Memorandum of Understanding](#) between Longmeadow Public Schools and Longmeadow Police Department.

Appendix C

Parent's Notice of Procedural Safeguards

Dear Parents:

You are receiving this Notice of Procedural Safeguards (Notice) because your son or daughter (student) has been referred for an evaluation or is currently receiving special education services. If your student is eligible for special education, the school district must provide a free appropriate public education commonly referred to by the acronym FAPE. In order to provide a FAPE the school district must work in partnership with you. You will be a member of the IEP team that will consider your student's unique needs and develop an individualized education program or [IEP](#), for your student.¹ The IEP must provide instruction that is tailored to your student's unique needs and includes sufficient support services to enable your student to make meaningful educational progress and to assist your student in acquisition of knowledge and skills, including those necessary for social and emotional development according to appropriate chronological and developmental expectations. Any special education services identified for your student must be provided at public expense with no cost to you. All students in the Commonwealth's public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for its resident students with disabilities who attend private schools at private expense, and who seek public special education services.

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

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

¹ See the IEP Process Guide for information on how a student's IEP is developed and implemented.
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We hope this Notice will be of assistance to you as you take an active role in your student’s educational experience.

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

What is “prior written notice” and when do you receive it?	Page 2
What is “parental consent” and when must the school district ask for your consent?	Page 3
Is the school district required to evaluate upon request by a parent?	Page 5
What is an “independent educational evaluation”?	Page 5
When can you see your student's student records?	Page 6
How can parents and schools resolve disputes?	Page 7
What are your responsibilities if you place your student in a private school?	Page 11
What must be done to plan for your student’s transition from school?	Page 12
How may a school discipline a student with a disability?	Page 12
Where can the laws and regulations and other useful information be found?	Page 14

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

1. What is Prior Written Notice and when do you receive it? 34 CFR §300.503

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

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

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

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

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

The school district will also give you written notice and request your consent – or written permission – before the school district asks to use public health insurance (MassHealth or Medicaid), to pay for a student's special education services for the first time. .

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

2. What is parental consent?

34 CFR §300.9 and 603 CMR 28.07 (1)

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

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

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

2.1 When will a school district ask for your consent?

34 CFR §§ 300.300, 300.154 and 603 CMR 28.07(1)

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

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

To approve initial services

If, after the initial evaluation has been completed, the Individualized Education Program (IEP) Team has decided that your student is eligible for special education, the IEP Team will propose

special education and related services and a placement for your student. You are a member of the IEP Team and must give your consent before your school district can provide special education and related services to your student for the first time. If you do not consent, the school district cannot provide special education and related services to your student. You can accept or reject the whole proposal or part of it. The IEP or any part that you accept must begin as soon as you accept it.

To make a change in services, placement or reevaluation

Once you have agreed to an IEP for your student, the school district must obtain your consent before the school district may change the services or the placement of your student, or conduct a reevaluation.² If you refuse to give your consent, you have an obligation to engage with the district in active discussion to resolve your disagreement. If you have given consent to services in the past and now want to revoke consent and withdraw your student from services, you must do so in writing. The school district may not request a hearing at the Bureau of Special Education Appeals (BSEA) to obtain authority to provide educational services or to reevaluate your student without your consent.

To access public health insurance (MassHealth or Medicaid) benefits for the first time

The school district is allowed to use public health insurance (MassHealth or Medicaid) to pay for some special education services included in a student's IEP for students covered by public health insurance. Before the school district accesses MassHealth for the first time, the school district must give you written notice that it is going to seek this reimbursement, and get your voluntary consent in writing for it. The notice will tell you that special education services are always provided at no cost to you or your family; will make clear that your consent will not lead to any changes in your child's MassHealth benefits or eligibility; will describe what information about your student will be shared in order to access MassHealth; remind you that your consent can be withdrawn at any time; and make clear that there will be no changes to your student's special education services or program if you withdraw or do not provide consent. If you move or your student becomes enrolled in another district, then the new school district will ask you to provide consent again.

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

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

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

34 CFR §300.520

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

² You also have the right to observe your student in his or her current program and observe a proposed program prior to your student's placement. For further information see the ESE document "**Observation of Education Programs by Parents**".

inspect your student's educational records, even if your student makes his or her own educational decisions.

2.3 When will a special education surrogate parent give consent? 34 CFR §300.519 (g) and 603 CMR 28.07 (7)

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

2.4 How do i withdraw consent? 34 CFR §300.300(b)(4) and 300.9

If you have given consent to special education and related services and now wish to revoke your consent, you must do so in writing. You may withdraw your consent to all special education and related services, to a specific service or to placement or to the district's use of MassHealth or Medicaid benefits for your student. Once the school district receives your letter, the district will send you a notice stating the change, if any, in educational placement and services that result from your revocation of consent. Once you withdraw your consent to all special education and related services, the school district is no longer required to make FAPE available or to have an IEP meeting or develop an IEP for your student. School districts are not required to amend your student's record to remove references to special education services as a result of your revocation of consent.

3. Is the School District Required to Evaluate a Student Upon Request By a Parent?
34 CFR §300.301 and
603 CMR 28.04

A student must receive a complete and comprehensive evaluation to determine if the student has a disability and is eligible for special education and, if eligible, to assist in determining appropriate special education and related services that may be necessary. Parents who have a concern about their child's development or have a suspicion about a possible disability may refer their child for an initial evaluation. Special words need not be used in making a referral for an initial evaluation. Upon receipt of such a request for an initial evaluation, the school district must send notice to the parent and must seek the parent's consent to conduct an evaluation. (A school district will rarely have occasion to refuse to conduct an initial evaluation and may do so only if the parent or other individual making the referral has no suspicion of disability or is not concerned about the student's development).

Where appropriate, the school district may also provide the parent with information concerning other supportive services that may better suit a particular student's needs. However, a school district may not refuse to evaluate a student who has been referred for an evaluation as described above, on the basis of a pre-referral program or in order to try other instructional support activities or for any other reason. Additionally, the law provides for periodic reevaluations to ensure that the student is benefiting from and continues to require special education. The parent's consent will always be required prior to these reevaluations.

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

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

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

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

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

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

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

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

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

The student record consists of your student's transcript and temporary school record and includes health records, tests, evaluations, discipline records and other records pertaining to your student's special education eligibility or program.³ Personally identifiable information about your student is

³ If a student's parents revoke their consent for special education services after such services have been initially provided, school districts are not required to amend the student's records to remove references to special education services.

confidential and may not be disclosed to anyone other than teachers and educational officials without your consent.

You and your student (if your student is 14 or older) have a right to look at any and all of the student's records within 10 days of your request and before any IEP meeting or due process hearing.⁴ You may also have copies of the information upon request for a reasonable charge limited to the cost of reproduction. You may not be charged for costs associated with the search for and retrieval of your student's records.

In addition, you can meet with professionally qualified school personnel to have the records explained. You may also have your representative (advocate, consultant, or attorney) inspect, review, and interpret your student's record if you give your specific, written informed consent. All of the rights associated with the student record are contained in the Massachusetts Student Record Regulations 603 CMR 23.00. Those regulations can be found at <http://www.doe.mass.edu/lawsregs/603cmr23.html> or by requesting a copy of the regulations from the school district or ESE.

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

6. How can parents and schools resolve disputes?

34 CFR 300.151, 300.506 – 300.518 and 603 CMR 28.08

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

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

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

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

6.2 Use the ESE Problem Resolution System

If you feel that you need help from outside of your school district, you may contact the ESE, Office of Program Quality Assurance Services (PQA) at 781-338-3700 to use the state "Problem Resolution System" described at <http://www.doe.mass.edu/pqa/prs/>. You can file a complaint with

⁴ The school district can only limit access to the student record if it has received a legal document such as a restraining order or a divorce or custody decree that restricts access to information about the student's.

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

Filing a formal complaint with PQA will not prevent you from using other methods, such as conversations with your local school district, mediation, or a [due process hearing](#) at the Bureau of Special Education Appeals (discussed below) to resolve your complaint.⁵ If you request a due process hearing, however, a complaint that you file through the problem resolution system will be set aside until the due process hearing is completed.

6.3 Ask for a neutral mediator to be appointed.

[Mediation](#)⁶ is a service provided by a neutral individual who is trained in special education law and in methods of negotiation. Mediation can be scheduled whenever the parents and schools have a disagreement about special education matters, even if a complaint was made through the PQA Problem Resolution System. The mediator helps the parent and school district talk about their disagreement and reach a settlement that both sides can accept. Discussions during mediations are confidential and nothing that is said by either party can be used later if the dispute becomes the subject of a formal hearing or court proceeding. Once an agreement is reached, it will be put in writing, both sides will sign it, and it may be enforced by a court.

Mediation can be set up by contacting the BSEA at 617-626-7291. The mediator will schedule a meeting with you and the school district within 30 days of the request for mediation. Meetings will be held at a convenient time and place. Participation is voluntary, therefore both the school district and the parents must agree to participate in mediation. There is no fee for the service.

Additional information about how mediation works is available from the BSEA 617-626-7250 and can be found in their publications ["Frequently Asked Questions about Mediation"](#)⁷ and the ["Explanation of Mediation"](#).⁸

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

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

⁵ For a comparison of how the problem resolution system resolves a complaint with how a complaint is resolved through a due process hearing see: <http://www.doe.mass.edu/sped/docs.html>.

⁶ A description of the mediation process can be found on the ESE Web site at <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/>.

⁷ <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/mediation-faqs.html>.

⁸ <http://www.mass.gov/anf/docs/dala/bsea/mediation-brochure-2012.doc>

The due process hearing will consider disputes about eligibility; evaluation; IEPs; educational placement decisions, including those resulting from discipline; FAPE; provision of special education; or procedural protections of state and federal law for students with disabilities. You must file for a hearing within two years of when you knew, or should have known⁹ about the events that form the basis for your complaint. This time period can be extended if you can show that you were prevented from filing for a hearing because the school district misrepresented that it had resolved the issue in your complaint or if the district withheld certain required information from you.

Either you or your school district can file a written [due process hearing request](#)¹⁰ with the other party and send a copy to the BSEA to obtain a due process hearing. The BSEA has developed a [hearing request form](#)¹¹ that you may use, or you can write your own letter instead of using the form, but you must be sure to include your student's name and residential address (or contact information if the student is homeless); the name of your student's school; a description of the problem you are concerned about, including specific facts relating to the problem; and a proposed solution to the problem. Note that the hearing will be limited to the issues that are identified in the complaint.

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

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

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

After you file a due process hearing request, the school district has 30 days to work with you to resolve the disagreement before the due process hearing may occur.¹²

The school district is required to set up a resolution meeting within 15 calendar days of receiving your due process complaint.¹³ The school district will determine with you which members of the IEP Team must attend the meeting. Someone from the school district who can make decisions about your student's program must attend the meeting. The school district's lawyer may not attend unless you have a lawyer who is attending the meeting.

⁹ The phrase "or should have known" reminds you that you have a responsibility to be aware of your student's program.

¹⁰ Information on the due process hearing request can be found at: <http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/due-process-hearings/>.

¹¹ <http://www.mass.gov/anf/docs/dala/bsea/hearing.doc>

¹² If you and the school district agree to mediation, you may agree to continue the mediation after the 30 day period.

¹³ No resolution session is required if the school district has requested the due process hearing.

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

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

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

When you and the school district agree, in writing, to end the resolution period;

At the end of the 30 day resolution period;

At the end of mediation; or

When you and an official of the school district sign a document that spells out your agreement that resolves your dispute. This is a “settlement agreement” and can be enforced by a state or federal court. Note that if you and the school district enter into an agreement as a result of a resolution meeting, either you or the school district may void the agreement within 3 business days of the time that both you and the school district signed the agreement.

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

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

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

be accompanied, advised and represented by a lawyer and/or advocate;

have your student present at the hearing;

have the hearing open to the public;

present evidence such as documents and reports;

request, or require through subpoena, witnesses to come to the hearing and answer questions;

see any evidence that is to be used at the hearing at least five business days ahead of time and ask the hearing officer to keep out any evidence that you have not seen; and

obtain a written or, at your option, electronic, word-for-word record of the hearing findings of fact and decision at no cost to you. To obtain a written record of the hearing, you must make your request in writing.

Additional information about due process hearings can be obtained from the BSEA at 617-626-7250 and from the BSEA Web site: <http://www.mass.gov/dala/bsea>.

Hearings are conducted according to the Massachusetts Administrative Procedure Act¹⁴ and the BSEA [Hearing Rules](#).¹⁵ The hearing officer must issue a final decision within 45 days of the end of the resolution period described above unless the hearing officer has granted extensions of time at the request of either party. The hearing officer will send a copy of the decision to you and to the

¹⁴ M.G.L. c.30A

¹⁵ <http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc>.

school district. Both the parents and the school district must abide by the decision of the hearing officer.

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

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

The decision of the hearing officer is a final agency decision and cannot be reconsidered by the BSEA or changed by the ESE. Hearing decisions are public¹⁶ and are available on the BSEA Web site at <http://www.doe.mass.edu/bsea/decisions.html>.

6.6 Appeal a hearing decision to a state or federal court

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

6.7 Attorneys' fees CFR §300.517

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Each party is responsible for paying its own attorney's fees unless the court decides otherwise. If you obtain a favorable result in a written hearing decision or court proceeding, the court ¹⁷ may decide that the school district should pay your reasonable attorneys' fees. Note, however, that you will not be able to obtain these fees for the time spent litigating your case after the district made a settlement offer if

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

If the school district obtains a favorable decision, a court could order your attorney to pay the school district's legal expenses if the court finds that your attorney filed a complaint or continued to litigate after learning that the complaint had no basis in fact, was unreasonable, was frivolous, or was pursued for an improper purpose. A court may also order you or your attorney to pay legal expenses if your request for a due process hearing or subsequent cause of action was presented for an improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

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

¹⁶ Hearing decisions are published after redacting information that would allow the student to be readily identified.

¹⁷ A BSEA Hearing Officer may not award attorney's fees.

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

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

8. What must be done to plan for your student's transition from high school? 34 CFR §300.43

Planning for your student's transition from school to postschool opportunities will facilitate your student's ability to successfully participate in activities such as post-secondary education, work, and community and adult life. Planning for transition must be based on your student's strengths, preferences, interests, and needs, must begin when your student is 14, and must be discussed each year at a Team meeting. The school district must discuss your student's transition needs with you and your student¹⁸ and must consider the goals for your student after he or she completes school by graduating with a regular high school diploma or reaching the age of 22. School districts must use the [Transition Planning Form](#)¹⁹ to record the results of this annual discussion. The student's IEP must include measurable post-secondary transition goals, objectives and services based upon an appropriate assessment of his or her disability and transition needs.

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

9. How may a school discipline a student with a disability? 34 CFR §300.530

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

¹⁸ The student should be invited to attend the Team meeting to discuss postsecondary goals and transition.

¹⁹ <http://www.doe.mass.edu/sped/28MR/28m9.doc>

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

Schools must follow special disciplinary rules for students with disabilities who have been found eligible for special education.²⁰ A chart depicting the operation of these disciplinary rules can be found on the ESE Web site.²¹ These special disciplinary rules apply as soon as a student is removed from his or her current education placement²² for more than 10 days in a row, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year and there is a pattern of removal for comparable behaviors. The school must notify you as soon as the decision is made to remove your student from his or her education placement for more than 10 days and provide you with a copy of this Notice.

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

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

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

²⁰ The special education disciplinary rules also apply to some students who have not yet been found eligible for special education. If, prior to the conduct in question, the parent has put his or her concern that the student's has a possible disability in writing to supervisory or administrative personnel or the student's teacher; if the teacher or other staff has expressed concerns about the student's pattern of behavior directly to the director of special education or other supervisory personnel, or if the student has been referred for an evaluation that has not yet been completed these special rules apply. The special education disciplinary rules *do not* apply if the parent has refused to consent to the evaluation, if the student has previously been found to be not eligible for special education, or if the parent has revoked consent to special education and related services.

²¹ http://www.doe.mass.edu/sped/IDEA2004/spr_meetings/disc_chart.doc

²² Placement is determined by the IEP Team and is the location where IEP services are provided.

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

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

9.1 Appeal of a disciplinary decision

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

The BSEA will convene a hearing on a disciplinary placement or manifestation determination on an expedited schedule.²³ During the appeal of a disciplinary placement or manifestation determination, the student must remain in the IAES until the hearing officer makes a decision or the disciplinary period is completed, unless the parent and the school district agree to a different placement.

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

10.1 laws and regulations

You can find the full text of the state Special Education law in Massachusetts General Law Chapter 71B. The state law is popularly known as "Chapter 766." The state special education regulations are found in the Code of Massachusetts Regulations (CMR) at 603 CMR 28.00. The law and the regulations and other helpful resources are on the ESE Web site.²⁴

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

10.2 Individualized Education Program process guide and forms

²³ See BSEA Hearing Rule II.C. Expedited Hearing. <http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc> p.6.

²⁴ <http://www.doe.mass.edu/sped/laws.html>

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

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

10.3 Table of abbreviations

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

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

10.4 Table of Web sites

The ESE publishes extensive information for parents and school districts on its internet Websites. These Websites include pertinent laws, agency policies and useful documents that explain the special education process.

Autism Spectrum Disorder:

http://www.doe.mass.edu/sped/advisories/07_1ta.html

Bureau of Special Education Appeals

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

<http://www.mass.gov/anf/docs/dala/bsea/hearing-rules.doc>

<http://www.mass.gov/anf/docs/dala/bsea/hearing.doc>

<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/>

<http://www.mass.gov/anf/docs/dala/bsea/mediation-brochure-2012.doc>

<http://www.mass.gov/anf/hearings-and-appeals/bureau-of-special-education-appeals-bsea/mediation/mediation-faqs.html>

<http://www.mass.gov/anf/docs/dala/bsea/>

Consent to Access MassHealth (Medicaid):

http://www.doe.mass.edu/sped/advisories/13_1.html

<http://www.doe.mass.edu/sped/28mr/28m13.pdf> (Mandated Form 28M/13)

Discipline:

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

Individuals with Disabilities Education Act:

<http://idea.ed.gov/>

The Basic Special Education Process under IDEA:

<http://www.doe.mass.edu/sped/iep/process.doc>

Individualized Education Program:

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

Individual Education Program Process Guide:

<http://www.doe.mass.edu/sped/iep/proguide.pdf>

Independent Educational Evaluation:

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

Observation of Education Programs by Parents and Their Designees for Evaluation Purposes:

http://www.doe.mass.edu/sped/advisories/09_2.html

Parent's Notice of Procedural Safeguards:

<http://www.doe.mass.edu/sped/prb>.

PQA Problem Resolutions System compared to BSEA Due Process Complaint:

<http://www.doe.mass.edu/sped/complaintchart.doc>

Program Quality Assurance Services Problem Resolution System:

<http://www.doe.mass.edu/pqa/prs>

Special Education Laws and Regulations:

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

Special Education Surrogate Parent:

<http://www.doe.mass.edu/sped/2002/news/1104memo.html>

Special Education Transition Planning Form:

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

Student Records Regulations:

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

Student Records Questions and Answers

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

Transition Planning:

<http://www.doe.mass.edu/sped/cspd/mod4.html#>