

2014-2015

Billerica Public Schools

STUDENT AND PARENT RIGHTS
AND RESPONSIBILITIES
HANDBOOK

SECTION II

Mr. Timothy Piwowar
Superintendent of Schools
365 Boston Road
Billerica, MA 01821

Please call your child's school to have this document translated. Additionally, all documents that are required to be distributed can be found at www.billerica.k12.ma.us and can be translated online into several languages.

Important School Information: Elementary Schools:

Ditson Elementary School	Ms. Eileen Roake	39 Cook Street	978-528-8510
Dutile Elementary School	Ms. Christine Balzotti	10 Biagiotti Way	978-528-8530
Hajjar Elementary School	Mrs. Elizabeth Devine	59 Rogers Street	978-528-8550
Kennedy Elementary School	Mr. David Marble	20 Kimbrough Road	978-528-8570
Parker Elementary School	Mr. Russell Marino	52 River Street	978-528-8610
Vining Elementary School	Ms. Victoria Hatem	121 Lexington Road	978-528-8630

Middle and High Schools:

Locke Middle School	Mr. Tony Garas	110 Allen Road	978-528-8650
Marshall Middle School	Mr. Michael Rossi	15 Floyd Street	978-528-8670
Billerica Memorial High School	Mr. Thomas Murphy	35 River Street	978-528-8710

Central Administration

Superintendent of Schools:	Mr. Timothy Piwowar	978-528-7908
Assistant Superintendent:	Ms. Dede Galdston	978-528-7920
Director of Finance and Operations:	Ms. Robin Hulsoor	978-528-7910
Director of Special Education:	Ms. Judith Norton	978-528-8591
Director of Guidance:	Mr. Steven Bottari	978-528-8760
Transportation Services:	Mr. James O'Donnell	978-528-7910
Director of Technology:	Mr. Mark Bishop	978-528-7945
Director of Nurses:	Ms. Carole Butze	978-528-7907
ELL Coordinator:	Ms. Anne Blake	978-528-8557
Director of Food Services:	Ms. April Laskey	978-528-8782

Dismissal times:

School:	Start:	Dismissal:	Early Release:	Half-day Dismissal
Ditson Elementary School	8:35	2:45	12:45	11:40
Dutile Elementary School	7:55	2:05	12:05	10:55
Hajjar Elementary School	8:35	2:45	12:45	11:40
Kennedy Elementary School	8:35	2:45	12:45	11:40
Parker Elementary School	8:35	2:45	12:45	11:40
Vining Elementary School	7:55	2:05	12:05	10:55
Locke Middle School	7:30	1:40	11:40	10:40
Marshall Middle School	7:30	1:40	11:40	10:40

Billerica Public Schools

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Items available on the Billerica Public Schools Website under the “Parent/Student” tab:

- AHERA Asbestos Notification
- Community Building Use
- Billerica Public Schools Health Curriculum Outline, K-12
- Memorandum of Understanding Between the Billerica Public Schools and the Billerica Police Department
- Wellness Policy
- Concussion Policy

Billerica Public Schools

2014-2015

MISSION STATEMENT

To become the destination for education in the Merrimack Valley.

VISION STATEMENT

All students will learn when they have high quality teachers, supportive environments, and rigorous and relevant curriculum, within a culture of trust.

THEORY OF ACTION:

If we commit and have the courage to **CARE**:

COMMUNITY – fostering collaboration and partnerships

ATMOSPHERE – welcoming, safe, and respectful for all

RIGOR AND **R**ELEVANCE – preparing our students for college and career in the ever-changing global society

EXCELLENCE AND **E**QUITY – promoting and celebrating the inherent dignity of all

....then we will create a culture in which each member of the community becomes empowered to reach his or her maximum intellectual, social, and emotional potential.

The Theory of Action is a plan to accomplish the mission and reach the vision of the Billerica Public Schools.

INTRODUCTION TO THE STUDENT RIGHTS AND RESPONSIBILITIES HANDBOOK

The purpose of this handbook is to provide students and parents with information about policies and procedures that affect all students in the Billerica Public Schools. The Handbook-Part II accompanies the school-specific handbooks which outline the expectations and procedures specific to a building. The policies contained in this book are derived from both federal and state laws and regulations or the Billerica School Committee policies and procedures. It is important that both students and parents thoroughly read and review the information contained in this handbook as well as the school-specific handbook, as they both define the rights that students have and responsibilities that they are held accountable for. Essential to each student's lifetime development is acquiring and developing perception, reason, choice, and evaluation. To learn and exercise such skills it is necessary that students understand their rights and responsibilities so that they may make informed decisions throughout their school career.

NON-DISCRIMINATION

State law provides the following:

"Every person shall have a right to attend the public schools of the town where he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation."

The Billerica Public Schools is committed to maintaining a work and educational environment free from all forms of discriminatory conduct. Discrimination based on race, religion, national origin, gender, sexual orientation or disability will not be tolerated in the Billerica Public Schools (Title IX).

The Billerica Public School District does not discriminate on the basis of disability with regards to admission, access to services, treatment, or employment in its programs or activities (Sect. 504).

Every child shall have a right to attend the public schools of the town where he/she actually resides. No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin or sexual orientation (M.G.L. ch. 76, section 5).

The Billerica Public Schools will take action to investigate all complaints and may discipline or take other appropriate action against any member of the school community who is found to have violated this policy. Any student or staff member who feels he or she had been a victim of discrimination because of race, religion, national origin, disability, gender identity, sexual orientation or gender bias, should file a report with the Harassment Complaint Officer- Mr. Steven Bottari, Director of Guidance.

ENTRANCE AGE/MANDATORY ADMISSIONS REQUIREMENTS

Effective September 1990 for the 1990-91 school year, and thereafter, a child must be five years old on or before **August 31**, in order to enter kindergarten and six years of age on or before September 1st to enter first grade.

A birth certificate and health records must be provided by parents registering their child for kindergarten/first grade unless the parents were residents in Billerica at the time of the child's birth. Proof of residency is required.

During the school year any family/child moving into Billerica from another city, town, or state who has already been

enrolled in school, would be registered into the same grade from which the child transferred. If the family/child moves or transfers into Billerica over the summer months, the child would be registered into whatever grade is recommended by the transferring school.

For transferring into high school, the student will be registered into the grade level in accordance with the number of credits earned toward graduation:

Class of 2015

Grade 9: (Not applicable)
Grade 10: up to 45
Grade 11: up to 75
Grade 12: up to 100

Class of 2016 and beyond

up to 25
up to 55
up to 85
up to 115

SCHOOL/CLASS PLACEMENT, INCLUDING STUDENTS WHO TRANSFER INTO THE DISTRICT

The placement of students is the responsibility of the Billerica Public Schools and the school principal.

Social development, scholastic achievement, learning styles, emotional needs and class size are concerns taken into account when placing children with their respective teachers. It is the goal of administrators and teachers that children are placed in a well-balanced classroom to promote the best possible social and intellectual development of all students. Since the placement of students is the responsibility of the Billerica Public Schools and the school principal, personal requests for preferred teacher assignments may not be honored. The Billerica Public Schools reserves the right to change student class placement.

The school district will enroll and place students who transfer into the district based upon, but not limited to, an examination of the course of study and level of academic attainment of the student when determining the student's appropriate grade placement or eligibility for high school graduation.

ADMISSION OF INTRADISTRICT TRANSFER STUDENTS

ELEMENTARY/MIDDLE SCHOOL TRANSFER FOR DAY CARE PURPOSES

Parents should make every effort to obtain day care or babysitting within their neighborhood elementary/middle school attendance area.

In the event of the need for a transfer of elementary/middle schools due to day care or babysitting, parents should make a formal request on the form provided to their elementary school principal. Requests are to be received by June 1st, prior to the next school year. Elementary/middle principals will forward requests to the Director of Finance and Operations..

Effects upon school enrollment and transportation will be the criteria upon which requests will be considered. Transfers must be for a complete school year. The Assistant Superintendent is responsible for reviewing transfer requests.

Transportation will not be provided from day care/babysitter in one elementary/middle attendance area to an elementary/middle school in a different attendance area. Transportation will be provided from day care/babysitter to the elementary/middle school in the same elementary attendance area. For example, if the day care/babysitter is located in the Parker School area, transportation will be provided to Parker School and not to other elementary/middle schools.

The pick-up and drop-off locations will be the same for **EVERY** day at an approved bus stop. Pupils will not be dropped off or picked up at different bus stops on different days.

ATTENDANCE POLICY

According to Chapter 76, Section 1, of Massachusetts General Law, students are expected to attend class every day that school is in session. Billerica Public Schools believes that regular and punctual school attendance provides an essential foundation for educational progress and assists students in developing habits necessary for success in college and career. Students who are absent miss critical classroom instruction, opportunities for social interaction with teachers and peers, and clarification of assignments. Extended absences impair academic progress and undermine student grades. The goal of the Attendance Policy is to ensure that each student keeps his/her absences to a minimum so that he/she can take full advantage of the educational program and actively participate in the school community.

ABSENCES

An excused absence/tardy includes:

- Documented illness or injury signed by a medical professional on letterhead
- Bereavement/family funeral
- Major religious observances
- Extraordinary family circumstances (excused at the discretion of the principal)
- Documented court proceedings
- At the high school level up to three days for college visits

An unexcused absence/tardy is not covered by the aforementioned definition. Examples of an unexcused absence may include, but may not be limited to:

- Repetitive or chronic absence or tardiness due to illness or injury not documented by a doctor or other medical professional
- Family vacations
- Non-emergency family situations

When a child is absent, the parent or guardian must call or email the school within 30 minutes of the beginning of the school day to notify the school of the child's absence and the reason for the absence. If a call or email is not received, the school will call the parent or guardian informing them of their child's absence.

- After a student is absent three (3) consecutive days, the school nurse will also call home.
- When a student accrues 5 unexcused absences, a letter will be sent home, describing an action plan for addressing the students' attendance.
- After 10 unexcused absences, per MGL 76 Section 1, a referral will be made to the Supervisor of Attendance.

While attendance at school is important, a child with a fever or contagious disease should not be in school.

Parents may request work for students who are absent by calling the school office. Class work may be picked up at the end of the day or sent home with a sibling.

STUDENT DISMISSAL PRECAUTIONS

Each school shall set up procedures to validate requests for early dismissal to assure that children are released only for proper reasons and into proper hands, which means that only a staff member or a parent or guardian may accompany a child off school property without parental permission.

No student may be released on the basis of an unvalidated telephone call.

Children will not be dismissed to another adult, including a non-custodial parent, without the written permission of the custodial parent or guardian. Court documents such as restraining orders and custody agreements must also be on file in the school office. If there is concern that a non-custodial parent may attempt to dismiss a child without approval of the custodial parent, a confidential code word should be provided to the principal and used only in instances of dismissal to someone other than the custodial parent or guardian.

Custodial Parents and Legal Guardians are encouraged to alert the building administrators to any issues of which the school should be aware concerning custody matters.

HOMEBOUND INSTRUCTION

In accordance with 603 CMR 28.03(3) (c), the Billerica Public Schools provides an instructional program for any student who, in the judgment of the student's physician, will have to remain at home or in a hospital for a period of not less than fourteen days. As soon as it is known that the student will be absent from school, the Home or Hospital Instruction program may be authorized.

A Home or Hospital Program is an extension of the school program in which the student is enrolled. The curriculum content of the program is equivalent to that of the class that the student is enrolled in. The instructor coordinates the program with the teacher of the program that the child would be attending. The instructor assists the student in maintaining effective progress in school subjects, and the classroom teacher assigns the actual grades.

Procedures for initiating homebound instruction:

- Principal will inform parents that the form for Home and Hospital Services (Physician's Statement for Temporary Home or Hospital Education) is available on the web or through the school office.
- The Parent/Guardian will submit form to child's Physician.
- The Parent/Guardian will return the completed form to the School Principal who will forward a copy to the Director of Special Education for approval.
- Principal or Designee will ensure services are delivered in accordance with policy and monitor until student is able to return to school.

CHILD ABUSE/NEGLECT: CHAPTER 119, SECTION 51A

REQUIREMENT TO FILE REPORTS ON INJURED CHILDREN

a) A mandated reporter who, in his professional capacity, has reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; or (iii) physical dependence upon an addictive drug at birth, shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect.

If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section.

A mandated reporter may, in addition to filing a report under this section, contact local law enforcement authorities or the child advocate about the suspected abuse or neglect.

(b) For the purpose of reporting under this section, hospital personnel may have photographs taken of the areas of trauma visible on the child without the consent of the child's parents or guardians. These photographs or copies thereof shall be sent to the department with the report.

If hospital personnel collect physical evidence of abuse or neglect of the child, the local district attorney, local law enforcement authorities, and the department shall be immediately notified. The physical evidence shall be processed

immediately so that the department may make an informed determination within the time limits in [section 51B](#). If there is a delay in processing, the department shall seek a waiver under [subsection \(d\) of section 51B](#).

(c) Notwithstanding subsection (g), whoever violates this section shall be punished by a fine of not more than \$1,000. Whoever knowingly and willfully files a frivolous report of child abuse or neglect under this section shall be punished by: (i) a fine of not more than \$2,000 for the first offense; (ii) imprisonment in a house of correction for not more than 6 months and a fine of not more than \$2,000 for the second offense; and (iii) imprisonment in a house of correction for not more than 2 1/2 years and a fine of not more than \$2,000 for the third and subsequent offenses.

Any mandated reporter who has knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child and willfully fails to report such abuse or neglect shall be punished by a fine of up to \$5,000 or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment; and, upon a guilty finding or a continuance without a finding, the court shall notify any appropriate professional licensing authority of the mandated reporter's violation of this paragraph.

(d) A report filed under this section shall contain: (i) the names and addresses of the child and the child's parents or other person responsible for the child's care, if known; (ii) the child's age; (iii) the child's sex; (iv) the nature and extent of the child's injuries, abuse, maltreatment or neglect, including any evidence of prior injuries, abuse, maltreatment or neglect; (v) the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; (vi) whatever action, if any, was taken to treat, shelter or otherwise assist the child; (vii) the name of the person or persons making the report; (viii) any other information that the person reporting believes might be helpful in establishing the cause of the injuries; (ix) the identity of the person or persons responsible for the neglect or injuries; and (x) other information required by the department.

(e) A mandated reporter who has reasonable cause to believe that a child has died as a result of any of the conditions listed in subsection (a) shall report the death to the district attorney for the county in which the death occurred and the office of the chief medical examiner as required by clause (16) of [section 3 of chapter 38](#). Any person who fails to file a report under this subsection shall be punished by a fine of not more than \$1,000.

(f) Any person may file a report under this section if that person has reasonable cause to believe that a child is suffering from or has died as a result of abuse or neglect.

(g) No mandated reporter shall be liable in any civil or criminal action for filing a report under this section or for contacting local law enforcement authorities or the child advocate, if the report or contact was made in good faith, was not frivolous, and the reporter did not cause the abuse or neglect. No other person filing a report under this section shall be liable in any civil or criminal action by reason of the report if it was made in good faith and if that person did not perpetrate or inflict the reported abuse or cause the reported neglect. Any person filing a report under this section may be liable in a civil or criminal action if the department or a district attorney determines that the person filing the report may have perpetrated or inflicted the abuse or caused the neglect.

(h) No employer shall discharge, discriminate or retaliate against a mandated reporter who, in good faith, files a report under this section, testifies or is about to testify in any proceeding involving child abuse or neglect. Any employer who discharges, discriminates or retaliates against that mandated reporter shall be liable to the mandated reporter for treble damages, costs and attorney's fees.

(i) Within 30 days of receiving a report from a mandated reporter, the department shall notify the mandated reporter, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child and the services that the department intends to provide to the child or the child's family.

(j) Any privilege relating to confidential communications, established by [sections 135 to 135B, inclusive, of chapter 112](#) or by [sections 20A](#) and [20B of chapter 233](#), shall not prohibit the filing of a report under this section or a care and protection petition under [section 24](#), except that a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner need not report information solely gained in a confession or

similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner to report suspected child abuse or neglect under this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him a mandated reporter.

(k) A mandated reporter who is professionally licensed by the commonwealth shall complete training to recognize and report suspected child abuse or neglect. M.G.L. c. 119, § 21 defines a mandated reporter as follows: Mandated reporter”, a person who is: (i) a physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, allied mental health and human services professional licensed under [section 165 of chapter 112](#), drug and alcoholism counselor, psychiatrist or clinical social worker; (ii) a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed under chapter 15D that provides child care or residential services to children or that provides the services of child care resource and referral agencies, voucher management agencies or family child care systems or child care food programs, licenser of the department of early education and care or school attendance officer; (iii) a probation officer, clerk-magistrate of a district court, parole officer, social worker, foster parent, firefighter, police officer; (iv) a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis; (v) in charge of a medical or other public or private institution, school or facility or that person's designated agent; or (vi) the child advocate.

Legal References: M.G.L., Chapter 434, Legislative Acts of 1980
M.G.L., Chapter 119, Section 51A
M.G.L., Chapter 119, Section 21
M.G.L., Chapter 176, Legislative Acts of 2008

HARASSMENT POLICY

The Billerica Public Schools is committed to maintaining a work and educational environment free from all forms of harassing conduct. Harassment based on race, religion, national origin, gender, gender identity, sexual orientation or disability will not be tolerated in the Billerica Public Schools. We expect all employees, students, contracted vendors, and other members of the school community to conduct themselves in an appropriate manner with respect, dignity, courtesy and fair treatment for all individuals. Persons who engage in harassment will be subject to discipline including, but not limited to, reprimand, detention, suspension, termination/expulsion or other sanctions as determined by the school administration. Each member of the school community has a responsibility to ensure that harassment does not occur.

- I. (A) HARASSMENT DEFINITION: Harassment includes such things as unsolicited remarks, gestures or physical contact, or the display or circulation of written materials or pictures derogatory to either gender, or derogatory to racial, ethnic, religions, sexual orientation or disability groups.

Gender Harassment (Sexual Harassment) includes unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct of a sexual nature when:

Submission is made either explicitly or implicitly a term or condition of a student's participation in school programs or activities;

Submission to, or rejection of, such conduct by an individual is used as the basis for educational decisions affecting such individual;

Such conduct has the purpose or effect of unreasonable interfering with an individual's work or educational performance or creating an intimidating, hostile or offensive

working/educational environment.

II. POLICY:

- A. It is the policy of the Billerica Schools to maintain a learning and working environment that is free from harassment of any kind.
- B. It shall be a violation of this policy for any member of the Billerica School Community, whether student or staff, to harass any other member of the school community through conduct or communication of a harassing nature as defined in Section I.
- C. Each administrator shall be responsible within his or her school or office, for promoting an understanding of and assuring compliance with state and federal laws and school committee policy and procedures governing harassment and bullying.
- D. Violations of this policy will be cause for disciplinary action up to and including termination or expulsion

III. COMPLAINT PROCEDURES:

Anyone who has been harassed as defined above may report it to any staff member. The staff member will report the complaint to any member of administration. Then either the staff member or someone from guidance or an administrator acting as Complaint Investigator will investigate the claims of harassment. Every effort will be made to insure confidentiality in any investigation. Where appropriate, efforts will also be made to resolve the issue informally by mutual agreement before invoking the more formal procedures as set forth below. Any student involved in the process, whether as Complainant or the person charged (hereafter called "Respondent"), may be accompanied by an advisor throughout the process.

Complaints or retaliation may be made anonymously however no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

Complaints Made by Students Involving Harassment or Bullying by a Student

Upon receiving a complaint, the Complaint Investigator will confer with the Complainant to gain an understanding and statement of the alleged facts. If the Complaint Investigator determines that such facts, if true, would constitute harassment, as defined above, the Complaint Investigator will take appropriate steps to fully investigate and/or resolve the complaint. Such steps may include, but are not limited to, the following;

1. Meet with the Respondent to obtain a response to the complaint.
2. Request Complainant to write a letter to Respondent summarizing the nature of the behavior and requesting that it stop.
3. Request respondent to write a letter to complainant
4. Conduct a meeting with Complainant, Respondents, and other appropriate educational personnel.
5. Conduct interviews of possible witnesses to the alleged events
6. If necessary, report the matter to the local police or DSS if criminal activity or child abuse are involved.
7. Subject to the requirements of due process, take disciplinary action against Respondent, including without limitation, a letter of reprimand, a warning, suspension, or expulsion.
8. Refer Respondent to the principal or superintendent for disciplinary action.

Complaints Made by Students Involving Harassment by a Staff Member

Upon receiving a complaint, the Complaint Investigator will confer with the complainant to gain an understanding and a statement of alleged facts. As appropriate, the Complaint Investigator may take steps 1-6 above. The Complaint Investigator will be a person who is not in the same bargaining unit as the staff member. Any such investigation will be conducted in a manner consistent with the staff member’s rights under the law and any applicable collective bargaining agreement. If it is determined that a staff member has engaged in harassment, the matter will be referred to the appropriate level of administration for consideration of discipline up to and including dismissal as consistent with the law and any applicable collective bargaining agreement.

- IV. RETALIATION: Retaliation in any form against any person who has filed a complaint relating to harassment will not be tolerated. No individual will be subject to any form of coercion, intimidation, retaliation, or discrimination for filing a report of harassment. The consequences for retaliation will be the same as for harassment. On the other hand, false accusations made in bad faith will not be tolerated.

- V. NOTIFICATION: Notice of this policy will be circulated to all schools and departments of the Billerica Public Schools and included in student handbooks.

Inquiries regarding compliance with Title 9, Chapter 622 may be directed to:

Ditson Elementary School	Ms. Eileen Roake	39 Cook Street	978-528-8510
Dutile Elementary School	Ms. Christine Balzotti	10 Biagiotti Way	978-528-8530
Hajjar Elementary School	Ms. Elizabeth Devine	59 Rogers Street	978-528-8550
Kennedy Elementary School	Mr. David Marble	20 Kimbrough Road	978-528-8570
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Billerica Memorial High School	Mr. Thomas Murphy	35 River Street	978-528-8712
District-Wide Assistant Superintendent	Mrs. Deanne Galdston	365 Boston Road	978-528-7920
District-Wide Coordinator	Mr. Steven Bottari	35 River Street	978-528-8760
Massachusetts Department of Education	75 Pleasant Street Malden, MA 02148		781-338-3300
Director of the Office of Civil Rights Region I – U.S. Department of Education	33 Arch Street Ninth Floor Boston, MA 02110		617-289-0111

BILLERICA PUBLIC SCHOOLS BULLYING PREVENTION AND INTERVENTION PLAN

A safe learning environment is one in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process. The Billerica School Committee and all of the Billerica Public Schools shall not tolerate bullying.

We understand that members of certain student groups, such as students with disabilities, students with a different sexual orientation, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing. The

school district will address the important task of creating a safe, supportive environment for vulnerable populations in the school community, and address the provision to all students of the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

The Billerica Public Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action with a purpose to ending such behavior and restoring the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The *Billerica Public Schools Bullying Prevention and Intervention Plan* is a comprehensive approach to addressing bullying and cyberbullying. The school district is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established the plan aimed at preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principal is responsible for the implementation and oversight of the plan and may assign certain tasks in the implementation and oversight of such tasks as necessary and reasonable.

The intervention plan contains the required elements for bullying prevention and intervention as described in M.G.L. Ch. 71, Section 370, which include the following:

- Definitions of bullying, cyberbullying, and retaliation;
- Clear procedures for students, staff, parents, guardians, and others to report bullying or retaliation;
- A provision for the anonymous reporting of bullying;
- Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- The definition of a range of disciplinary actions that may be taken against an aggressor found to be in violation of the bullying policy (these disciplinary actions are intended to balance the need for accountability with the need to teach appropriate behavior);
- Procedures for restoring a sense of safety for a target;
- Strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about an act of bullying;
- Procedures consistent with state and federal law for promptly notifying the parents or guardians of a target and an aggressor, including action to prevent further acts of bullying or retaliation;
- Procedures for immediate notification by the principal to local law enforcement when criminal charges may be pursued against an aggressor;
- A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- A strategy for providing counseling or referral to appropriate services for perpetrators and targets and for appropriate family members of said students;
- A statement indicating that the plan will afford all students the same protection regardless of their status under the law.

A safe learning environment is one in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. The Billerica Public Schools endeavors to maintain a learning and working environment free of bullying and/or cyberbullying. The Billerica School Committee and all of the Billerica Public Schools shall not tolerate bullying and/or cyberbullying.

BULLYING DEFINED

Bullying - Massachusetts General Law, Ch. 71 Section 370 defines bullying as, the repeated use by one or more students of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable

fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyberbullying.

Cyberbullying under the same law is defined as, “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. Cyberbullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.”

Hostile Environment is defined as a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile or offensive working/educational environment.

Aggressor is a student who engages in bullying, cyberbullying, or retaliation.

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

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

Target is a student against whom bullying, cyberbullying, or retaliation has been perpetrated. In accordance with Massachusetts General Law, Ch. 71 Section 37O “Bullying shall be prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs. Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying shall be prohibited.”

- A. It is the policy of the Billerica Schools to maintain a learning and working environment that is free from bullying of any kind.
- B. It shall be a violation of this policy for any student in the Billerica Public Schools to bully any other student through conduct or communication of a bullying nature.
- C. Each administrator shall be responsible within his or her school or office for promoting an understanding of and assuring compliance with state and federal laws, and school committee policy and procedures governing bullying.
- D. Students who engage in bullying will be subject to a range of actions. Students may be recommended for remedial actions including but not limited to training, education, or counseling. Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, expulsion or other sanctions as determined by the school administration.
- E. Retaliation in any form against any student who has filed a complaint relating to bullying will not be tolerated. No student will be subject to any form of coercion, intimidation, retaliation, or discrimination for filing a report of

bullying. The consequences for retaliation will be the same as for bullying. On the other hand, false accusations made in bad faith will not be tolerated.

COMPLAINT PROCEDURES: Anyone who has been bullied, as defined above, may bring their complaint to the attention of any school employee. Any student, or other person, who believes that the bullying of a student has occurred may inform any school employee. Complaints may be made orally or in writing, including notification that is web-based or text-based. If a staff member or volunteer is informed, she/he is required to report the complaint to the principal or her/his designee. Then, either a principal or her/his designee will investigate the claims of bullying or cyberbullying. Every effort will be made to insure confidentiality in any investigation. Where appropriate, efforts will also be made to resolve the issue informally by mutual agreement before invoking the more formal procedures as set forth below. Any student involved in the process, whether as complainant or as the person charged (i.e., the alleged aggressor) may be accompanied by an advisor throughout the process. Complaints of bullying or retaliation may be made anonymously; however no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

FALSE ACCUSATIONS: Any student who knowingly makes a false accusation of bullying or retaliation will be subject to disciplinary action. Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, or other sanctions as determined by the school administration. An educational component will be part of the actions taken.

RESPONSE/INVESTIGATION OF REPORTS OF BULLYING

Complaints Made by Students Involving Harassment or Bullying by a Student or Group of Students

Upon receiving a complaint, the principal or her/his designee (complaint investigator) will confer with the complainant to gain an understanding and statement of the alleged facts. If the complaint investigator determines that such facts, if true, would constitute bullying, as defined above, the complaint investigator will take appropriate steps to fully investigate and/or resolve the complaint. If it is felt that no bullying has occurred, documentation to that effect will be written on the Bullying Incident Reporting Form as no further action needed or unfounded.

Informal Procedure

Following an initial investigation, it may be possible to resolve a complaint through a voluntary conversation between a complaining party and the alleged aggressor which would be facilitated by the complaint official. If both the complaining party and the alleged aggressor feel that a resolution has been achieved, then the conversation may remain confidential and no further action need be taken. The results of an informal investigation shall be reported to the principal. Consistent with state and federal law (FERPA), parents or guardians of the students involved will be notified of the incident and whether or not a resolution had been reached. If the complaining party, the alleged aggressor or the complaint official chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, she/he may proceed to the formal procedure. The formal procedure is available for all complaints.

Formal Procedure

Step 1

The complaint official shall fill out a Bullying Incident Complaint Form based on the written or verbal allegations of the complaining party. This Bullying Incident Complaint Form shall be kept in a centralized and secure location. The complaint form shall detail the facts and circumstances of the incident or pattern of behavior.

Parent Notification: If the school principal or designee determines that bullying or retaliation has occurred, the school principal or designee shall notify the parents or guardians of a perpetrator and notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of action taken to prevent any further act of bullying or retaliation. All specific disciplinary actions will remain confidential in accordance with the law.

Step 2

The investigation may consist of personal interviews with the complaining party, the alleged aggressor and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether alleged conduct constitutes a violation of this policy, the complaint official should consider the surrounding

circumstances, any relevant documents or electronic communications, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, school officials may take immediate steps, at their discretion, to protect the complaining party, alleged aggressor, and/or witnesses pending completion of an investigation of alleged bullying and may make any suitable referrals for assistance to appropriate persons or agencies.

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

The principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

The investigation will be completed within fifteen (15) school days, whenever practicable, from the complaint or report. The principal shall complete a report, or the complaint official shall make a written report to the school principal upon completion of the investigation. The report shall include a determination as to whether the allegations have been substantiated as factual and whether or not they appear to be violations of the Billerica Public Schools’ policy.

Summary of Action Steps:

- The report/complaint is received by the principal or a complaint official;
- A determination of jurisdiction is made (on campus, off campus, off campus but with an impact or a potential impact on campus);
- The reporter of the alleged bullying is interviewed by the principal or complaint official;
- If the reporter is someone other than the alleged victim, the alleged victim is interviewed;
- A determination is made regarding witnesses; those persons believed to be witnesses are interviewed;
- A determination is made regarding the information about the complaint which leads to the interview of the alleged aggressor;
- The plausibility and merit of the entire complaint is taken into consideration;
- Specific elements of the situation are determined; these elements may initiate disciplinary actions along with an educational component.

Step 3

In the case of a complaint official, he or she shall report to the school principal or designee the findings of the investigation. Following the investigation, the principal shall take what action if any, is required. As soon as practicable, but no later than 5 school days from receiving the complaint official's findings, the school shall take appropriate action in all cases where the complaint official concludes that this policy has been violated. As stated earlier, students who engage in bullying will be subject to a range of action. Students and/or appropriate family members of the involved students may be recommended for counseling or referral to appropriate services including guidance, academic intervention and protection to students, both targets and perpetrators affected by bullying, as necessary.

Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, expulsion or other sanctions as determined by the school administration. Action taken for violation of this policy shall be consistent with the requirements of state and federal law, including but not limited to the due process protections for students with disabilities.

Step 4

The principal or designee shall maintain the written report of the investigation and results in his/her office. The complaining party and the alleged aggressor shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken within 5 school days following the completion of the investigation.

Appeals

If either the complaining party or the individual against whom the complaint was made is dissatisfied with the outcome of the investigation, that person may request, in writing, a reopening of the investigation. The written request shall state the reasons for requesting a reopening and shall be delivered to the superintendent, Mr. Timothy Piwowar, Billerica Public Schools, 365 Boston Rd. Billerica, MA 01821 (978) 528-7908 within seven school days of receiving the results of the investigation. The superintendent shall decide whether or not to reopen the investigation and, within ten school days of receiving the request to reopen the investigation, shall provide written notification of the determination to reopen or not to reopen to the complaining party, and to the individual against whom the complaint was made. If the investigation is reopened, the superintendent shall require the repetition, as appropriate, of steps 2, 3, and 4 of the formal procedure. The timeline prescribed by step 3 will apply to any reopening under the appeal process.

Confidentiality

The Billerica Pubic School District recognizes that both the complaining party and the alleged aggressor have strong interests in maintaining the confidentiality of the allegation and related information. The privacy of the complaining party, the individual(s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

Notification of Local Law Enforcement

The Billerica Public Schools is committed to maintaining an educational environment free from all forms of bullying conduct. The Billerica Public Schools shall afford all students the same protection regardless of their status under the law. Referral to the Billerica Police Department may be made, where appropriate, when the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

The principal, shall consistent with school policy and procedure, consult with the school resource officer, if any, and such other individuals the principal deems appropriate in such determination 603 CMR 49.06(1)(a). The principal shall notify law enforcement if bullying or retaliation (as provided in the bullying prevention and intervention plan) occurs on school grounds and involves a former student under the age of 21.

HAZING

The School Committee forbids hazing in any form. Should an alleged instance of hazing occur, the provisions of M.G.L. Chapter 269, Sections 17, 18 and 19 shall be adhered to. In addition the Superintendent of Schools and the School Committee chairperson shall immediately be notified of the circumstances of the complaint and the actions taken.

Any student found guilty of a charge of hazing shall be subject to the following disciplinary actions:

- 1st Offense: Suspension not to exceed five (5) school days. Such suspension may be in-house at the discretion of the principal.
- 2nd Offense: Suspension not to exceed ten (10) school days.
- 3rd Offense: Suspension for an indeterminate period necessary for exclusion.

Any employee found guilty of a charge of hazing shall be subject to the following disciplinary actions:

- 1st Offense: Suspension without pay not to exceed five (5) school days.
- 2nd Offense: Suspension for a thirty (30) school-day period and recommendation to the School Committee relative to dismissal.

Any organization found guilty of a charge of hazing shall lose the privilege of using school facilities for a period of time as determined by the Superintendent.

CH. 269, S. 17. CRIME OF HAZING; DEFINITION; PENALTY

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

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

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

CH. 269, S. 18. DUTY TO REPORT HAZING

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

HEALTH SERVICES

MEDICATION POLICY

The Billerica Public Schools recognize that parents/guardians have the primary responsibility for the health of their children. Although the Department strongly recommends that medication be given in the home, it realizes that the health of some children requires that they receive medication while in school. Only a **licensed prescriber** (physician, nurse practitioner, and physician assistant) is legally authorized to prescribe medication. Parents should confer with the child’s physician to arrange medication time intervals to avoid school hours whenever possible. When medication absolutely must be given during school hours, the following criteria must be met. **All requests are to be referred to the school nurse.**

Parents must provide all of the following:

A. Prescription Medication

1. Written directive from the prescriber, including diagnosis, medication, dosage, side effects, frequency of administration
2. Parental signature authorizing the nurse to administer the medication.
3. Medication in a container with the prescription labeled by the pharmacist with the student’s name, date, medication, dosage and physician’s name. (Pharmacists will provide additional containers for school use.)
4. Medication should be delivered to the school by a parent or responsible adult
5. Notification of changes or discontinuation
6. Students carrying their own inhalers, their own enzyme supplements, their own glucose monitoring systems and/or insulin delivery systems and/or Epi-pens will demonstrate to the nurse the ability to self administer and

sign a self administration form along with the parent and the nurse. An extra inhaler, supply of enzyme supplements, supply of insulin or Epi-pen should be kept in the nurses' office.

B. Over the Counter Medication in School

1. May be administered in school only if medication is provided in an original package labeled with the child's name and dosage required via physician order and written parental consent. This will be under the school nurses' review.
2. Tylenol (acetaminophen) (in elementary school this is only for a temperature over 100o for one dose only), antibiotic ointment, antiseptic rinse, oral pain reliever, lip ointment, caladryl, first aid spray/ointment, petroleum jelly, and contact lens cleaner may be given in the preschool and elementary setting with parental permission. In addition to these, the middle schools may give an antacid with parental permission. Additionally, at the high school ibuprofen may be given with parental permission. ***Over the counter medication will be given per standing orders of the school physician and will be under the school nurses' review.***

C. Field Trip Medication

1. For overnight field trips only – Acetaminophen may be self administered per the school physician's standing order with parental permission.
2. All other medication for overnight trips will need a doctor's order and parental permission. Medication will be held by the teacher or chaperone. If the medication is on file at the nurse' office that will suffice.
3. Day field trips – prescriptive medications that are given in the nurses offices can be delegated if no assessment is needed, otherwise, nursing services are required if parents or a chaperone designated by a parent is unable to attend. If a student is able to self administer a medication and the signed document is in the possession of the school nurse, the student may self administer their medication on the field trip.

C. Long-term medication must be renewed (as above) at the beginning of each school year.

FIELD TRIP MEDICAL PROCEDURES

BillERICA Public Schools has been registered with the Massachusetts Department of Public Health for the limited purpose of permitting the delegation of prescription medication to unlicensed school personnel on **Field trips and short term special school events.**

ALL schools will be under the same parameters.

1. Every effort will be made to have the parent of a student requiring medication to attend the field trip.
2. If possible, scheduled medications would not be given at home in the morning. The medication normally given to the student in the morning would be given by the nurse prior to embarkation of field trip.
3. Students requiring scheduled medication on field trips would need an extra prescription bottle with the medication to be dispensed. (The state is working on a plan to allow envelopes to be used but at the present time, prescriptive bottles should be used.) These are provided free of charge from the pharmacy. The nurse would put the medication in a bottle and give it to the trained unlicensed staff member responsible for the medication.
4. Unlicensed staff members are not permitted to assess a student. PRN medications must be self-administered by the student. **Inhalers** fall into this category. The parent and physician need to sign a permission slip stating that the student will self-administer the medication. The medication will be carried by the staff member.
5. Epi-Pen administration is not categorized as delegation. It is a special registration to allow unlicensed staff to administer epinephrine in a life-threatening emergency. Unlicensed staff will be trained in administration practices.
6. Staff administering medication will be trained by the school nurse.
7. Field trip forms will be submitted by principals to the Director of Nurses three weeks before a field trip in order to provide adequate coverage for students with medical needs¹.

¹ This includes school-to-school field trips within the district.

MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH IMMUNIZATION PROGRAM

Minimum Immunization Requirements for School Entry in 2013 - 2014 School Year*
Billerica Public Schools

	Child Care/ Preschool	Kindergarten	Grades 1-6	Grades 7-12
Hepatitis B	3 doses	3 doses	3 doses	3 doses
DtaP/DTP/ DT/Td	≥4 doses DTaP/DTP	5 doses DtaP/DTP	≥4 doses DtaP/DTP or ≥ 3 doses Td	4 doses DtaP/DTP or ≥ 3 doses Td; plus 1 Tdap (booster) see phase in schedule)
Polio	≥ 3 doses	4 doses	≥3 doses	≥ 3 doses
Hib	3 or 4 doses	NA	NA	NA
MMR	1 dose	2 doses	2 doses MMR Grades 1-2 & Grades 3-6 otherwise 2 doses of measles, 1 mumps, 1 rubella	MMR 2 doses Grades 7-9 other wise 2 doses measles, 1 mumps, 1 rubella
Varicella	1 dose	2 doses	2 doses Grades 1-2 and Grades 3-6 Otherwise 1 dose	Grades 7-9 – 2 doses Grades 10 -12 – 1 dose

Phase in Schedule

	2013	2014	2015	2015	2017
2 MMR And 2 Varicella	K-2 and 7-9	K-3 and 7-10	K-4 and 7-11	K-5 and 7-112	K-12
Tdap	Grades K-2 Grades 7-9	Grades k-3 Grades 7-10	Grades K-4 Grades 7-11	Grades K-5 Grades 7-12	Grades K-12

Children must present evidence of having been previously screened for Lead Poisoning as a condition of entry into Pre-School and Kindergarten

THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH
Isolation and Quarantine Requirements

The Commonwealth of Massachusetts Department of Public Health mandate that any student or staff member, who is not appropriately immunized or is without laboratory evidence of immunity or a reliable history of chickenpox be excluded from school from the 10th through the 21st days after their last exposure.\

INTERROGATIONS AND STUDENT LOCKER/DESK SEARCHES

In order to maintain a safe environment in its schools, Billerica Public Schools reserves the right to search all school property including, but not limited to lockers assigned to students, for contraband or controlled substances in accordance with state and federal laws. Searches of school property, including lockers, may be conducted on a periodic basis and may

include the use of trained K-9 units whose specific mission is drug detection. The police department designee and the appropriate building administrator and Superintendent of Schools will coordinate these searches in an effort to minimize disruption and maximize the security of the search. Students and their personal belongings may be searched by school officials if there are reasonable grounds to believe the student is in possession of contraband or illegal substances. Searches of students and their personal effects, such as coat and pockets, purses, knapsacks, and/or other bags, will be reasonable at their inception and in their scope. Students who drive automobiles to school and park on school property are advised that by accepting the use of school drives and parking lots, they consent to a search of the vehicle consistent with state and federal laws.

LOST OR DAMAGED BOOKS

You are expected to replace any text or library book your child loses or damages. Please reinforce at home the proper care of books.

PARENT/TEACHER COMMUNICATIONS

1. Elementary and middle school report cards are sent home three (3) times a year and two (2) times per year for kindergarten. High school report cards are sent home four (4) times a year. Progress reports may be sent home between these marking periods to alert you to a problem area.
2. If you would like to talk to a teacher at any time during the year, write a note, email, or call the school ahead of time in order to request a conference; an appointment will then be scheduled for you.
3. Parent/teacher conferences will be regularly scheduled for each school year.
4. We need your help and cooperation in order to provide quality, uninterrupted teaching time for all students. It is also necessary that we insure the safety of all present in the building during the school day. Please read the following guidelines:
 - a. Sign-in at the office before going anywhere in the building. Under NO circumstances are you to go anywhere without a pass or badge to identify you to all students and staff that you are an approved visitor.
 - b. You should not expect to see a teacher without a scheduled appointment. If you arrive without an appointment, the classroom teacher will be contacted to determine if it is convenient for the teacher to see you, or if another time needs to be scheduled. Please do NOT approach staff in the school yard, hallways, etc. expecting to have a discussion. Should you approach a teacher, they are instructed to refer you to the office to have you follow the above directions.
 - c. Leave items or messages for students in the office. The student will be called down to pick them up.
 - d. It is expected that all meetings and written communications be polite and respectful. If a conversation/meeting deteriorates and becomes loud, abusive or profane, the staff has been instructed to end the conversation or meeting, and to accompany or refer the person to the office. The office may, also, be called by a staff member if help is needed. An appointment for a later date with a third party present will be made if the matter that caused the disagreement is not resolved.
 - e. Subsequent meeting(s) will end and police may be called if the conversation becomes loud, abusive or profane.
 1. A letter of warning will be sent to the offending person.
 2. A complaint may be filed with the police if the incident is repeated.
 3. The police may be called in the event of any physical aggression or threats, verbal or written.

4. A stay away order or no trespass order may be requested.

We are confident that we can count on all who visit our school to cooperate and make sure that we maintain a safe and respectful environment for everyone.

PROBLEM-SOLVING STRATEGY

In the event that there are problems concerning a student's education, the following procedural steps should be taken:

1. Contact the teacher
2. Contact the Principal and/or Supervisor
3. Contact the Superintendent of Schools
4. Contact the School Committee

PROMOTION AND RETENTION OF STUDENTS

The administration and teaching staff shall strive to create plans of instruction and instructional organization to provide maximum opportunity for each student to progress through school according to his/her own needs and abilities without the stigma of failure or retention.

In general, students shall be promoted annually. However, exceptions to this general policy may be made when it becomes evident that a student should proceed more slowly.

Retention shall not be used until all other possibilities have been exhausted, including extra help, remedial work, and summer school opportunity.

The promotional standard in the middle school allows only one non-passing final grade in the major subjects of Math, Science, English and Social Studies in grades six and seven. However, a second failing grade in the same failed subject as grade six would cause retention in grade seven. In order to be promoted from eighth grade, students must pass all four major subjects (effective 2001-02 school year). The number of passing grades in all other subjects necessary for promotion is left to the Principal's discretion. The Principal retains the final discretionary power to promote or retain any student when extenuation circumstances prevail.

In all cases of retention, parents must be informed of such possibility well in advance (usually by the third reporting period) and a conference with them sought. In all instances, the advice and help of the guidance and other special school personnel shall be utilized by teachers.

Although teachers may recommend retention, all retentions (as well as promotions) shall be assigned by the school principals. Teachers in recommending retentions, and Principals in assigning them, shall give the reasons why they feel the student should repeat the academic year.

The Principal shall take particular care in assigning more than one retention during a child's elementary school life, and may, when found desirable, provide for promotion on the basis of social and personal needs, rather than academic achievement. The Superintendent must approve a second retention assigned any student.

PUBLICITY

Students from time to time may participate in school activities which are covered by the news media including newspapers, TV, cable TV, and Web sites. If a student's parent/guardian does not wish to have such information released to the news media, used on the district website or printed in school programs, he/she must inform the Principal in writing (please see **Receipt Page** at the beginning of this **Handbook**). This is in compliance with the student's record release regulations and the Family Educational Rights and Privacy Act of 1974.

SCHOOL VISITS

Parents and other school visitors must report to the Principal's Office. No one is permitted beyond the Principal's Office without permission.

As a safety precaution for all schools, visitors are to:

1. Sign-in at the Principal's Office
2. Receive an ID badge
3. Sign-out and return badge

STAYING AFTER SCHOOL

If a student plans to stay after school for additional instruction with a teacher, intramurals, or special programs, he/she will be expected to report immediately after school. Students should be certain to tell their parents that they will be arriving home later than usual. Parents are responsible for arrangements of transportation to and from extracurricular activities.

SECTION 504/ADA NOTICE

The Billerica Public School District does not discriminate on the basis of disability with regards to admission, access to services, treatment, or employment in its programs or activities.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities in any program receiving federal financial assistance. The Americans with Disabilities Act (ADA) applies to employers who have over 14 employees regardless of federal financial assistance. Under both Acts, the definition of an "individual with a disability" is a person who:

1. has a mental or physical impairment
2. which substantially limits
3. one or more major life activity

The District will evaluate, identify, and provide free appropriate education to all students who are individuals with disabilities under Section 504 or the ADA. Parents of these students are entitled to procedural safeguards, including individual notice and an impartial hearing.

The District will provide reasonable accommodation to each employee and qualified employment applicant covered by Section 504 or the ADA unless it would impose an undue hardship on the operation of the program. Each of the programs of the District will be readily accessible to individuals with disabilities when viewed in its entirety.

The District will furnish auxiliary aids and services to students, employees, parents, and members of the public who have disabilities to the extent necessary for communications with other persons, unless it will result in an undue burden on the District, or a fundamental alteration in the program.

For further information concerning disability procedures or discrimination complaints please contact the Section 504/ADA Coordinators as follows:

Ditson Elementary School

Mrs. Eileen Roake

39 Cook Street

978-528-8510

Dutile Elementary School	Ms. Christine Balzotti	10 Biagiotti Way	978-528-8530
Hajjar Elementary School	Ms. Elizabeth Devine	59 Rogers Street	978-528-8550
Kennedy Elementary School	Mr. David Marble	20 Kimbrough Road	978-528-8570
Parker Elementary School	Mr. Russell Marino	52 River Street	978-528-8610
Vining Elementary School	Ms. Victoria Hatem	121 Lexington Road	978-528-8630
Locke Middle School	Mr. Anthony Garas	110 Allen Road	978-528-8650
Marshall Middle School	Mr. Michael Rossi	15 Floyd Street	978-528-8670
Billerica Memorial High School	Mr. Thomas Murphy	35 River Street	978-528-8712
District-Wide Coordinator	Mr. Steven Bottari	35 River Street	978-528-8760

PROCEDURAL SAFEGUARDS UNDER SECTION 504 AND THE ADA

In accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the Billerica Public School District provides you, as the parent or guardian, with the following procedural safeguards in relation to your child:

1. You have a right to receive a copy of this notice when the district takes any action regarding the identification, evaluation, and placement of a student pursuant to Section 504.
2. To examine all relevant records relating to decisions regarding your child’s identification, evaluation, and educational placement;
3. To request an impartial due process hearing related to decisions or actions regarding your child’s identification, evaluation, or educational placement with participation by you and representation by counsel (at private expense). In order to request an impartial hearing, please contact the district’s Section 504 Coordinator listed below; and
4. To appeal the decision of the impartial hearing officer to a court of competent jurisdiction.

SPECIAL EDUCATION PROGRAMS

The Billerica Public School provides services to students with disabilities who are eligible for special education and/or related services. Students receiving special education and/or related services must go through a Team evaluation process and must have an individualized education program (IEP). A student can be referred for a special education evaluation by a member of the school staff, a parent, or the student him/herself.

The procedures for recognizing, referring, and programming special needs cases are developed by the Billerica Special Education Department under the supervision of the Superintendent and in cooperation with other administrators and teachers. State (Chapter 71B of 603 CMR 28.00) and Federal (Individual with Disabilities Education Act, or “IDEA”) regulations will provide the basis of these procedures. In all cases, parents of students with special needs will be included in the educational planning for their child and will be partners in the programming process.

ACCESS TO SPECIAL EDUCATION

The major purpose of special education is to ensure access and meaningful progress in the least restrictive environment (LRE). This means that the Billerica Public Schools has a responsibility to ensure that every effort is made to provide special education services within the general education environment. Special education through Billerica Public Schools offers a continuum of services and programs for eligible students in order to provide access to an education within the least restrictive environment. For most students, the services will be provided within the general education setting, while others

may receive a combination of services in and outside of the general education classroom. There are some students that may require more intensive services and need special education services outside of the general education classroom.

At any time, parents and/or any person in a care giving capacity in relation to the student may make a referral for a special education evaluation. Referrals for a special education evaluation should be sent to the Team Chairperson assigned to the school. The list of Team Chairperson school assignments and contact information can be found on the Billerica Special Education website. In order to determine eligibility for special education the following steps are mandated:

- Written consent from parent/guardian using the state mandated form
- A comprehensive evaluation focused on the areas of suspected disability
- A determination of an educational disability
- Lack of effective progress
- The lack of progress needs to be a result of the disability
- The need for specialized instruction and or related services
- An accepted Individualized Education Program (IEP) from the parent/guardian

All decisions for eligibility and special education programming are made through the team process.

Behavioral Expectations – Special Education

All students are expected to meet the requirements for behavior as prescribed in this handbook. State and Federal Laws require additional provisions be made for students who have been found eligible through a special education evaluation for special education services and programming and whose program is described in an Individual Education Program (IEP). State and Federal special education laws prescribe additional requirements regarding the discipline of a student with special needs.

- When it is known that a student with special needs is likely to be excluded from his/her program for more than 10 cumulative days (or less than 10 if there is a pattern), in a school year, the Team must convene to determine whether the student's misconduct that leads to the change in placement is a manifestation of the student's disability.
 1. Of the misconduct was a manifestation, the school may conduct or review a functional behavior assessment and implement a behavior intervention plan. If such an assessment was already conducted, the behavior intervention plan will be reviewed and modified as necessary. Additionally, if the behavior was a manifestation, the student will return to the placement from which he/she was removed unless the school and parent agree otherwise or special circumstances exist.
 2. If the behavior was not a manifestation, the school may apply the relevant disciplinary procedures to the extent they would be applied to a student not eligible for special education, except that a student eligible for special education, who is removed from his/her current placement, is entitled to continue receiving educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to make progress toward meeting the goals set out in the student's IEP.
- In special circumstances, the school may remove students to an interim alternative educational setting for manifestation of the student's disability. These special circumstances are:
 1. A student carries or possesses a weapon to or at school, on school premises, or to or at a school function under jurisdiction of a State or local educational agency.
 2. A student knowingly possesses or used illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

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

Additional information concerning special education including the right to receive an evaluation, the procedural protections afforded to parents and students, a more detailed description of the special education rules relating to suspension and expulsion, and access to special education records may be obtained from the Director of Special Education.

SPECIAL EDUCATION PARENT ADVISORY COUNCIL

The Billerica Special Education Parent Advisory Council (PAC) is a district-wide parent advisory council offering membership to all parents of special needs students and other interested parties. The Council's purpose is to work toward the support, respect, understanding and appropriate education for all children in Billerica. The Parent Advisory Council meets monthly during the school year. Please check your school bulletin board and/or the Billerica Parent Advisory Council for Special Education website at www.bpacsp.org for additional information.

STUDENT CONDUCT

Citizenship in a democracy requires respect for the rights of others. The students in the schools of the system shall be expected to conduct themselves in such a way that the rights and privileges of others are not violated. The School Committee requires students to respect constituted authority and to conform to school rules and regulations, and to those provisions of law which apply to the conduct of juveniles or minors.

Teachers and other members of the school staff are to emphasize and set before children high standards of personal courtesy, decency, morality, clean language, honesty, and wholesome relationships with others, along with respect for real and personal property, and pride in one's work and achievement within the limits of an individual ability.

Every student who gives evidence of a sincere desire to remain in school, to be diligent in studies, and to profit by the educational experience provided, will be given every opportunity to do so.

EXPULSION/SUSPENSION

EDUCATION REFORM ACT OF 1993

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

1. 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 94C., including, but not limited to marijuana, cocaine, and heroin may be subject to expulsion from the school or school district by the Principal.
2. Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or a school-sponsored or school-related event, including athletic games, may be subject to expulsion from the school or school district by the Principal.
3. 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.
4. After said hearing, a principal may, in his/her discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

5. Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his 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 service.
6. When a student is expelled under the provisions of this section and applies for admission to another school for acceptance, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the pupil's expulsion.

Massachusetts law provides for a mandatory minimum sentence of two (2) years imprisonment and a fine of not more than \$10,000 for anyone convicted of selling controlled substances within 1000 feet of school property.

In addition, any student who has been involved in the sale, use, distribution of drugs or has committed an assault of any type on another student, staff member or administrator, or has been involved in a weapons violation will be subject to exclusion from participation in school activities or events. The statute does not provide an appeal to the School Committee.

Reference – Chapter 71, Section 37H.

In addition, all high school and middle school student handbooks shall contain the following provisions as well:

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

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

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

Reference – Chapter 71, Section 37H½

PRINCIPAL'S AUTHORITY

Chapter 71, Section 37H and Chapter 71, Section 37H½ give principals authority to expel a student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon or a controlled substance, a student who assaults school personnel on school premises or at school-sponsored or school-related events, including athletic games or who is convicted of a felony. This authority is limited by Federal Special Education Law.

Reference – Chapter 71, 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.

Behavioral Expectations – Special Education

All students are expected to meet the requirements for behavior as prescribed in this handbook. State and Federal Laws require additional provisions be made for students who have been found eligible through a special education evaluation for special education services and programming and whose program is described in an Individual Education Program (IEP). State and Federal special education laws prescribe additional requirements regarding the discipline of a student with special needs.

- When it is known that a student with special needs is likely to be excluded from his/her program for more than 10 cumulative days (or less than 10 if there is a pattern), in a school year, the Team must convene to determine whether the student's misconduct that leads to the change in placement is a manifestation of the student's disability.
 1. Of the misconduct was a manifestation, the school may conduct or review a functional behavior assessment and implement a behavior intervention plan. If such an assessment was already conducted, the behavior intervention plan will be reviewed and modified as necessary. Additionally, if the behavior was a manifestation, the student will return to the placement from which he/she was removed unless the school and parent agree otherwise or special circumstances exist.
 2. If the behavior was not a manifestation, the school may apply the relevant disciplinary procedures to the extent they would be applied to a student not eligible for special education, except that a student eligible for special education, who is removed from his/her current placement, is entitled to continue receiving educational services to enable the student to continue to participate in the general education curriculum, although in another setting, and to make progress toward meeting the goals set out in the student's IEP.
- In special circumstances, the school may remove students to an interim alternative educational setting for manifestation of the student's disability. These special circumstances are:
 1. A student carries or possesses a weapon to or at school, on school premises, or to or at a school function under jurisdiction of a State or local educational agency.
 2. A student knowingly possesses or used illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.
 3. A student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

Additional information concerning special education including the right to receive an evaluation, the procedural protections afforded to parents and students, a more detailed description of the special education rules relating to suspension and

expulsion, and access to special education records may be obtained from the Director of Special Education.

Students on 504 Plans

Section 504 on the Rehabilitation Act of 1973 is a federal statute which prohibits a qualified individual with a disability from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance because of his/her disability. 29 U.S.C. § 794 and its implementing regulations, 34 C.F.R. 104 *et seq.* School personnel may not suspend a student on a 504 plan for more than ten (10) school days without first conducting a manifestation determination.

ALCOHOL USE BY STUDENTS

The use, service, possession, or consumption of any alcoholic beverage at any school function is prohibited, whether the function takes place on or away from school property. Students and/or their guests who violate this policy shall be subject to a penalty of being barred from any future school-sponsored activities, as well as, being excluded from the function in progress. Students and/or their guests who violate this policy shall be subject to penalties spelled out in the student handbook and by State and Federal law.

DRUG ABUSE POLICY

The School Committee does not tolerate use, service, possession, or consumption of any drugs at any school or at any school function whether the function takes place on or away from school property. Students and/or their guests who violate this policy shall be subject to penalties spelled out in the student handbook and by State and Federal law.

NOTE: For pertinent information, refer to the appropriate student handbook, and M.G.L. Chapter 71, Section 37H.

SMOKING/USE OF SMOKELESS TOBACCO PRODUCTS

The Billerica School Committee has created a Smoke Free Environment for all Billerica Schools; therefore, the use of tobacco products, is prohibited at all times by students, staff, and visitors in all school buildings and grounds and at all school-sponsored activities.

M.G.L. Ch.71, Section 2A and Section 37H

UNAUTHORIZED WEAPONS AND OTHER DANGEROUS ITEMS

In addition to the law stated below, students should not bring toy weapons to school premises, or school buses. Toy weapons include items such as: mock guns, knives, water pistols, laser pointers, or any other item suspected to be a threat to the safety and security of others or interfere with the educational environment.

Chapter 269, Section 10

Prohibition against Firearms in Schools

(j) Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of chapter one hundred and forty, carries on his person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of such elementary or secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both.

For the purpose of this paragraph, firearms shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars. *Amended by St.1987, c.150, s.2; St.1989, c.648.*

Students and/or their guests who violate this policy shall be subject to penalties spelled out in the student handbook and by State and Federal law.

NOTE: For pertinent information, refer to the appropriate student handbook, and M.G.L. Chapter 71, Section 37H.

SCHOOL BUS DISCIPLINARY PROCEDURES

The bus driver is responsible, among other activities, for the supervision of pupil bus behavior. The Principal must assure safe, prompt loading, and unloading of buses. In addition, the Principal must promptly and impartially cooperate with bus drivers and other personnel in solving disciplinary problems.

If a **minor** incident occurs on the bus, the driver should first speak to the pupil involved, warning the pupil that a repeated offense would be reported to the Principal, using the bus conduct form.

In most instances, a first minor offense reported by a driver in writing will result in a written notification to the home that the pupil has been warned. Parent/guardian must sign acknowledgment form and return it to the school on the next school day.

A **second minor offense** reported will result in the pupil being placed on behavioral probation, and written notice from the Principal indicating what behavioral modification must be completed by the student. Behavioral modification shall be determined by the Principal. Examples: detention, in-house suspension, report writing, loss of recess, minor cleaning of bus, etc.

A **third minor offense** reported generally will result in a (3) three-day suspension from bus privileges. Thereafter, any single written infraction will result in a (5) five-day loss of bus privileges.

If the **first offense constitutes a major hazard**, no warning need be given, and the Principal may suspend a pupil from the bus up to five days and shall notify the parents, the bus driver, and the Superintendent's office. Any infraction reported thereafter will result in the loss of bus riding privileges.

MINOR OFFENSE = excessive mischief, eating-drinking-littering, being rude-discourteous-annoying, inappropriate language, violating safety procedures, minor bus destruction

MAJOR OFFENSE = fighting, insubordination, use of smokeless tobacco, smoking, use of or selling of alcohol, any action or deed that the authorities shall deem a hazard to students' health or safety.

OFFENSES THAT MAY RESULT IN EXPULSION FROM SCHOOL = possession of a dangerous weapon and a controlled substance (drugs) as defined in M.G.L. Ch. 94C, and assault of a staff member. For pertinent information, refer to M.G.L. Chapter 71, Section 37H.

The above-mentioned disciplinary procedures may be waived or increased as deemed necessary by the Superintendent of Schools acting in the best interest of the Town of Billerica.

STUDENT RECORDS

State law provides that the school must furnish any student or former student with a transcript of his/her record as a student; the original to be furnished without charge and copies furnished at limited charges established by the law.

The Billerica School Committee has established as its policy that no teacher shall release the name, address, grades or other records of any student to any individual other than the student, his/her parents, or his/her guardian. Release of records to authorized institutions, such as colleges, scholarship programs, and districts to which students transfer, shall be through the central office of each school.

Pupil absent, tardy or dismissal records may be shown to outside agencies or agents only after permission has been granted by the Superintendent of Schools or his/her designee.

NON-CUSTODIAL PARENT'S RIGHTS

In August 2006, the Board of Education adopted final technical amendments to the Student Records Regulations to make them consistent with G.L. c. 71, §34H, as most recently amended by Chapter 62 of the Acts of 2006. The state statute and regulations expand the categories of non-custodial parents who are eligible to obtain access to their children's student records and are consistent with the federal Family Educational Rights and Privacy Act. As set forth in the amended regulation, 603 CMR 23.07(5), non-custodial parents are eligible to obtain access to their children's student records unless the school or district has been given documentation that:

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

The law requires that "All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare which are not granted through the award of custody."

PROCEDURE Required by M.G.L. c. 71 § 34H

1. The non-custodial parent must annually submit a written request for educational information to the school principal.
2. Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district and shall immediately notify the custodial parent of the receipt of the request.
3. Notification must be made by certified mail and by first class mail in both the primary language of the custodial parent and in English. The notification shall also inform the custodial parent that information requested under this section shall be provided to the requesting parent after 21 days unless the custodial parent provides to the principal of the school documentation of any court order which prohibits contact with the child, or prohibits the distribution of the information referred to in this section or which is a temporary or permanent order issued to

provide protection to the child in the custodial parent's custody from abuse by the requesting parent unless the protective order or any subsequent order which modifies the protective order, specifically allows access to the information described in this section.

SUBSEQUENT REQUESTS

In each subsequent year, the non-custodial parent shall indicate in the annual written request that he/she continues to be entitled to the unsupervised visitation with the child and is eligible for the receipt of educational information.

Chapter 71, Section 34H

SCHOOL RECORDS

In accordance with General Law 603 CMR 23.00 Student Records, parents or guardians, upon request, may inspect academic, scholastic or any other records concerning their children, regardless of the age. All students who are fourteen years of age or older or upon entering the ninth grade, whichever comes first, may see his/her records. A student eighteen years of age or older is allowed complete access to all of his/her school records and may elect to control access. Access to records requires a two-day notice.

RETENTION OF STUDENT RECORDS

Permanent records (transcripts) are retained for sixty years. Temporary records are retained for a maximum of two (2) years after a student graduates and seven years if a student leaves the school system. Two years after graduation a student's temporary record will be destroyed. Those who do not graduate or leave the school system prior to graduating may request their records seven years after leaving the school system. After seven years these records will be destroyed.

Copies of the State regulations are available in the Billerica Memorial High School Guidance Office and the Main Office of other schools.

DIRECTORY INFORMATION NOTICE

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

The following information regarding students is considered directory information:

(1) name, (2) address, (3) telephone number, (4) date and place of birth, (5) major field of study, (6) participation in officially recognized activities and sports, (7) weight and height of members of athletic teams, (8) dates of attendance, (9) degrees, honors and awards received, (10) post high school plans of the student.

Directory information may be disclosed for any purpose INCLUDING BUT NOT LIMITED TO Homeroom Lists, Class Lists, and Honor Rolls, at the discretion of the school system, without the consent of a parent of a student or an eligible student. Parents of students and eligible students have the right, however, to refuse to permit the designation of any or all of the above information as directory information. In that case, this information will not be disclosed except with the consent of a parent or student, or as otherwise allowed by FERPA and 603 CMR 23.00 et seq. You are hereby notified that pursuant to this notification, the school system will provide requested directory information to military recruiters unless the parent or eligible student specifically directs otherwise, as required by the No Child Left Behind Act.

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

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

release of the directory information designated.

TEACHING ABOUT DRUGS, ALCOHOL, AND TOBACCO

Drug abuse, including the illegal and inappropriate use of alcohol, is a community problem. The Billerica School Committee recognizes its responsibility to educate students in this area and to formulate policies which will assist school administrators and teachers with problems arising from the misuse of drugs.

The School Committee shall approve guidelines for drug education and the handling of drug abuse as recommended by the Superintendent in accordance with the guidelines of the State Department of Education Drug Advisory Committee. It shall be the responsibility of the Superintendent and his/her staff to review these guidelines periodically and to present their recommendations to the committee.

The committee and school department employees shall cooperate with other community agencies concerned with drug abuse.

PARENTAL NOTIFICATION RELATIVE TO SEX EDUCATION

In accordance with General Laws Chapter 71, Section 32A, the Billerica 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 in our schools will be notified in writing of courses and curriculum we offer that primarily involve human sexual education 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 written notice at the time of enrollment. If the planned curriculum changes during the school year, to the extent practicable, the parents/guardians will be notified of this fact in a timely manner for 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:

1. exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, without penalty to the student, by sending a letter to the school principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.
2. inspect and review 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.
3. 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 parents/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 dispute.

WELLNESS POLICY

The School Committee recognizes the relationship between student well-being and student achievement as well as the importance of a comprehensive district wellness program. It is the purpose of the Billerica School District Wellness Policy to promote healthy behaviors and decision-making, and to encourage lifelong patterns of balanced nutrition, exercise, and emotional and physical well-being.]

To support the Billerica Public Schools Wellness Policy, parents are asked to refrain from bringing food into the schools without the expressed permission of the school principal and school nurse. Non-food items are recommended for in-school celebrations, such as student birthdays. Additionally, students should be encouraged to engage in physical activity outside of school for at least 30 minutes per day.

TITLE I NOTIFICATION TO PARENTS REGARDING PROFESSIONAL QUALIFICATIONS OF CLASSROOM TEACHERS

The Federal *No Child Left Behind Act of 2001* requires school districts that receive federal Title I funding to notify parents of their right to know the professional qualifications of the classroom teachers who instruct their child.

As a recipient of these funds, Billerica Public Schools will provide you with this information in a timely manner if you request it. Specifically, you have the right to request the following information about each of your child's classroom teachers:

- Whether the teacher meets the state qualifications and licensing criteria for the grades and subjects he or she teaches.
- Whether the teacher is teaching under emergency or provisional status because of special circumstances.
- The teacher's college major, whether the teacher has any advanced degrees, also the field of discipline of the certification or degree.
- Whether paraprofessionals provide services to your child and, if so, their qualifications.
- NCLB Report Cards are published annually.

Billerica Public Schools is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. If you would like to receive any information listed above for your child's teacher, please contact the Office of the Superintendent of Schools.

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Click on the email link to email a faculty member

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SANDS, NANCY	Project Support	Special Education	nsands@billerica.k12.ma.us
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KELLEY, CHRISTINE	Vining	Elem Teacher	ckelley@billerica.k12.ma.us
KOULOUNGIS, DAPHNE	Vining	Elem Teacher	dkouloungis@billerica.k12.ma.us
LIMOLI, KIMBERLY	Vining	Elem Teacher	klimoli@billerica.k12.ma.us
OUELLETTE, KARA	Vining	Elem Teacher	kouellette@billerica.k12.ma.us
REILLY, SHANNON	Vining	Elem Teacher	sreilly@billerica.k12.ma.us
ROY, JESSICA	Vining	Elem Teacher	jroy@billerica.k12.ma.us
SEWELL, ILONA	Vining	Elem Teacher	isewell@billerica.k12.ma.us
SPEIDEL, JOANN	Vining	Elem Teacher	jspeidel@billerica.k12.ma.us
SULLIVAN, KATHERINE	Vining	Elem Teacher	ksullivan@billerica.k12.ma.us
MCNAMARA, CATHERINE	Vining	Elem Teacher	cmcnamara@billerica.k12.ma.us
JOHNSON, KATHLEEN	Vining	Librarian	kjohnson@billerica.k12.ma.us
WEIDENBURNER, KARI	Vining	PE / Health	kweidenburner@billerica.k12.ma.us
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PHILBROOK, KERRY	Vining	Special Education	kphilbrook@billerica.k12.ma.us
TURSKY, HOLLY	Vining	Special Education	htursky@billerica.k12.ma.us
WALKER, TARA	Vining	Special Education	twalker@billerica.k12.ma.us
LUHRS, ELLEN	District	Music	eluhrs@billerica.k12.ma.us

FORMS

- Student Acceptable Use Policy for Technology
- General Communications Preference Form
- Photo/Video Opt Out Form ***(This Form is to be completed ONLY if you DO NOT wish your child's name or photograph used on the school/district website, released to the media or printed in school programs.)***

BILLERICA SCHOOL DISTRICT INFORMATION TECHNOLOGY RESOURCES

STUDENT ACCEPTABLE USE POLICY

The school's information technology resources, including email and Internet access, are provided for educational purposes. Students are advised that they do not have any protected privacy relative to electronic or computerized communications of any nature if transmitted by or through the school's computer or electronic system. As a result, adherence to the following policy is necessary for continued access to the school's technological resources. Within the school, students are allowed to use only the school's electronic resources, which the school will attempt to protect with a school-installed filter/firewall.

Students must:

1. Respect and protect the privacy of others.

- Use only assigned accounts.
- Not view, use, or copy passwords, data, or networks to which they are not authorized.
- Not distribute private information about others or themselves.

2. Respect and protect the integrity, availability, and security of all electronic resources.

- Observe all network security practices, as posted.
- Report security risks or violations to a teacher and/or information technology department.
- Not destroy or damage data, networks, or other resources that do not belong to them, without expressed permission of the owner.
- Conserve, protect, and share these resources with other students and Internet users.

3. Respect and protect the intellectual property of others.

- Not infringe copyrights (no making illegal copies of music, games, or movies).
- Not plagiarize.

4. Respect and practice the principles of community.

- Communicate only in ways that are kind and respectful.
- Report threatening or discomfoting materials to a teacher.
- Not intentionally access, transmit, copy, or create material that violates the school's code of conduct (such as messages that are pornographic, threatening, rude, discriminatory, or meant to bully, harass or otherwise unreasonably interfere with a student or staff member's right to access the educational program or worksite).
- Not intentionally access, transmit, copy, or create material that is illegal (such as obscenity, stolen materials, or illegal copies of copyrighted works).
- Not use the resources to further other acts that are criminal or violate the school's code of conduct.
- Not send spam, chain letters, or other mass unsolicited mailings.
- Not buy, sell, advertise, or otherwise conduct business, unless approved as a school project.

Students may, if in accord with the policy above

1. Design and post web pages and other material from school resources, within the resources provided by the district.
(Example: Edline installed and provided by our district)
2. Use direct communications only on school provided resources.
3. Use the resources for educational purposes only.

Consequences for Violation: Violations of these rules may result in disciplinary action, including but not limited to the loss of a student's privileges to use the school's information technology resources.

Supervision and Monitoring: School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that uses are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

I ACKNOWLEDGE AND UNDERSTAND MY OBLIGATIONS:

Student

Date

Parent/Guardian

Date

This form must be returned to the Main Office of your child's school by Tuesday, September 15, 2014 in order for your child to use the available technology in his or her school

Parents please discuss these rules with your student to ensure he or she understands them. These Rules also provide a good framework for your student's use of computer at home, at libraries, or anywhere.

For more information, see www.cybercrime.gov.

Adopted: May 10, 2010

GENERAL COMMUNICATIONS PREFERENCE:

(This form should be filled out and returned to your child's school by September 19, 2014)

The Billerica Public Schools communicates with parents in a variety of ways, including email notifications, school and district website announcements, Aspen family portal notifications, phone calls, fliers, and notes sent home with your child(ren).

In an effort to save paper, the Billerica Public Schools will utilize email and website postings, along with Aspen family portal notifications, as the primary methods of communication. For parents, the greatest benefit of electronic communication is the timeliness of receiving notifications and the increased confidence that you will not miss important notices. All report cards and progress reports will be sent out electronically this year through the Aspen Family Portal and therefore parents will receive these important documents as soon as they are released. We encourage you to utilize electronic notifications as your primary form of communication.

Please indicate your communication preferences:

_____ I wish to receive communication and notifications electronically when possible

_____ I do not use or have access to email or the internet—please provide me with paper copies of essential notifications

If your child's school doesn't receive this preference form by September 19, 2014, the district will provide you with electronic notifications when possible.

In May, 2014, the district sent out a letter to all families in Billerica with directions for accessing the Aspen Family Portal. Please utilize the information contained in that letter to set up your account. If you are not sure what your username and temporary password are, you may send an email to portalhelp@billerica.k12.ma.us to obtain the necessary information to set up your account.

PHOTO RELEASE OPT-OUT FORM

(This Form is to be completed ONLY if you DO NOT wish your child's name or photograph released to the media or printed in school programs.)

The Billerica Public School District uses images and sounds of students and staff participating in programs as a way of documenting the enjoyable and educational experiences they have within the Billerica schools. These images are often used on the child's school website, classroom page or the Billerica Public School District website. In addition, there are frequent occasions when students are photographed or videotaped by the news media, or their names may be published for recognition.

If you **do not** wish to have such information released to the news media, printed in school programs, or used on the district's website, please sign below. This is in compliance with the student's record release regulations and the Family Educational Rights and Privacy Act of 1974.

I **DO NOT** wish _____'s, name, photograph, or video image to be:
(child's name)

_____ released to the news media

_____ printed in school programs

_____ used on the school/district website

(check only those that apply)

Signed: _____ (parent or guardian)

Date: _____

If you are choosing to opt out your child from the release of photos or videos, this form must be returned to the main office of your child's school by September 19, 2014.