

# **New Bedford Public Schools**

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## **DISTRICT ELEMENTARY**

### **Student & Family Handbook 2020/2021**

## **CENTRAL OFFICE ADMINISTRATION**

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Ms. Karen Treadup, Deputy Superintendent  
Mr. Andrew B. O'Leary, Assistant Superintendent of Finance & Operations  
Ms. Heather Emsley, Executive Director of Human Capital Services  
Ms. Jennifer Ferland, Executive Director of Strategic Initiatives & Partnerships  
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Special Education & Student Services  
Ms. Sonia Walmsley, Executive Director of Educational Access & Pathways

Central Office located at  
**455 County Street**  
**New Bedford, MA 02740**

## **SCHOOL COMMITTEE**

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Mr. Bruce J. Oliveira, Vice-Chairperson  
Mr. Joshua Amaral  
Mr. Christopher A. Cotter  
Mrs. Colleen Dawicki  
Mr. Joaquim "Jack" B. Livramento, Jr.  
Mr. John Oliveira

# **STUDENT HANDBOOK SECTIONS**

## **Introduction**

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# **INTRODUCTION**

## **SCHOOL SUCCESS**

When school staff, families, and community members work together to create a system of supports for children, the result is better educational and developmental outcomes for children. “Family and Community Engagement is a shared responsibility of families, schools, and communities for student learning and achievement; it is continuous from birth to young adulthood; and it occurs across multiple settings where children learn. The six fundamentals of effective Family, School and Community Partnerships are: Welcoming all stakeholders, communicating effectively, supporting the success of children and youth, advocating for each child and youth, sharing power and responsibility, and partnering with the community (Massachusetts Family, School, and Community Partnership Fundamentals, June 2011).”

New Bedford Elementary Schools are working to strengthen relationships with families and the community toward a shared goal of student academic success. As a part of this effort, the school district has established a multilingual *Family Welcome Center* in the Paul Rodrigues Administration Building, 455 County Street, room 105 (508-997-4511 x3424).

### **What Families Can Do to Help Children Succeed in School**

1. Make certain all of your family’s contact information is correct and up-to-date. When an emergency happens, it is important that the school be able to contact you immediately, and, if you are not available, another responsible adult in your child’s life.
2. Remind your child of the importance of regular attendance and always being on time. Ask your child:
  - a. Have you been in school every day?
  - b. Have you been on time every day?
  - c. Have you turned in all your homework? Was it complete and on time?
3. Communicate with your child’s school/teachers
4. Visit your child’s school often. Schools have many scheduled events including:
  - a. Student performances
  - b. Sporting events
  - c. Family-teacher conferences
  - d. Other scheduled meetings
5. Read to and with your child, every day, in the language you know best. Families should read to their children, every evening before bed, until the children ask to read to themselves. Even then, adults can continue to read aloud to children, taking turns and allowing the child/children to read some parts aloud. If for any reason you are unable to read to your child, contact your public library for information about books on tape and other programs on computers (available at the library) that you can share with your child.
6. Talk to your child, every day, in the language you speak best.

Provide quiet time in a space with good lighting for your child to do homework and to read. Watch the clock or set the kitchen timer (see time and activity suggestions below). If your child finishes early, have **her/him read a book—keep one handy. If she/he needs more time, allow this. Generally, though,**

**telling your child that there is no TV, radio, telephone or computer time until the timer goes off is a good way to help your child be responsible for her/his learning.**

- a. If your child is in kindergarten or younger, sit with her/him and read and write together.**
- b. If your child is in 1st—3rd grade, set the timer for about a half hour for your child to do homework, read and write every day. Sit with your child and ask questions about what she/he is doing or reading, but make certain your child does the work—she or he needs to learn some independence.**
- c. If your child is in 4th—5th grade, set the timer for about 45 minutes.**

## **Questions for Families to Ask Children**

*Ask two of the following questions (choose different ones each day) of your child, after every school day (afternoons) and before every school day (mornings). If your child is unable to answer a question fully, (for example, if your child says “we are not reading anything in school”), then tell your child you are concerned and will need to talk with teachers. Often, children will then respond with an answer. If they persist in saying they are not reading (or doing math, or science, etc.) and they respond they are not learning these subjects over a period of time (at least a week), then it is time to call the school and ask to meet with your child’s teacher/teachers. Depending on the situation and your child’s age, you may wish to ask the teachers to meet together with your child. Consider posting the questions on your refrigerator door.*

- 1. What did you learn in school today? What do you think you will learn in school tomorrow?
- 2. What homework do you have?
- 3. What is something you enjoyed in school? What is something that was difficult for you to do in school today?
- 4. What did you read in school today?
- 5. What are you learning about in math? What are you learning about in science?
- 6. What are you learning about in history?
- 7. Did you ask any questions in school today? What questions did you ask? (If your child says she/he did not ask a question, help your child practice a question to ask the next school day. You might want to work with your child to choose a teacher or principal to ask their question.)
- 8. How do you think you are doing in school?
  - a. Have you talked to your teachers?
  - b. Have you asked for extra help (after-school, tutoring, other)?

## **What Can Parents Do?**

1. Let your child know how important you believe education is!
2. Make sure your child is at school on time!
3. Expect your child to graduate!
4. Help your child to set short-term and long-term goals and determine where they are headed in life.
5. Get connected with your children's school and talk with their teachers and counselors.

## **Homework Policy**

The responsibility of the school district to educate the student is carried out by the teachers through effective classroom instruction and the careful delegation of independent study. It is important for the student to be taught the concepts related to the content area and how to study in school before he/she is given assignments to complete at home. There is, therefore, a progressive increase in the amount of homework expected of students from the elementary grades through high school.

Purposeful homework benefits students. Homework should be an extension of the class lesson, be clearly understood by students, be well planned and meaningful.

Homework can be evaluated in multiple ways through review, classroom or small group discussion, and/or direct assessment. Completion of homework will count towards students' cumulative grade for the content area.

The immediate purpose of a specific homework assignment may be to:

1. Strengthen basic skills
2. Extend classroom learning
3. Stimulate and further interests
4. Reinforce independent study skills
5. Develop initiative, responsibility, self-direction and reflection
6. Stimulate use of leisure time that increases understanding and love of learning
7. Acquaint parents with the content and concepts studied in school

Homework assignments shall be planned in accordance with the following principles:

1. If homework is to have value, its purpose and relation to what has been learned in the classroom must be clearly understood by the student.
2. Students should understand not only what to do, but also how to do it.
3. Homework should grow from classroom discussions, problems, projects, and concerns.

4. The student's age, need for play time, and out-of-school responsibilities must be considered when deciding upon length of any assignment. The student must bear responsibility for managing his/her time in a way that homework can be completed and submitted on time.
5. Assignments should make use of a variety of skills and prior knowledge.
6. Every homework assignment must be properly corrected and/or evaluated in keeping with the purpose of the assignment. To the extent possible, such corrections/evaluations shall be shared with the students involved in a timely fashion.
7. When a student's grade or learning expectation are being adversely affected by poor homework performance or non-completion of assignments, the teacher shall communicate orally, or in writing, in a timely fashion with parents/guardians concerning the problem.
8. All homework assigned will be reflected in the child's cumulative grade or learning expectation at the end of the term.

The School Committee encourages the administration to assist teachers in planning homework assignments in keeping with the above guidelines. Additionally:

1. The Committee expects that Principals (or Directors/Instructional Supervisors where appropriate) will monitor the implementation of this homework policy through various approaches such as review of lesson plans, observation of classes, conferences with teachers, examination of student papers and/or other related activities.  
department. All such departmental policies must keep with this School Committee homework policy.
3. The Committee expects parents to provide a suitable place for students to do their homework and to monitor their children by questioning them upon the completion of their assignments.

Average Time:

- K (45 minutes)
- 1-3 (150 minutes)
- 4-5 (175 minutes)
- 6-8 (300 minutes)
- 9-12 (600 minutes)

Adopted: 8/10/09

# SECTION 1: ATTENDANCE

## Every Day Counts

### Tips for Families

- ☑ Get your child to school **every day, on time**, with completed homework
- ☑ **Unexcused absences**, including bad weather or car trouble, will count as absences on your child's record
- ☑ Extended vacations, long weekends and frequent appointments during school will cause your child to **fall behind** in school
- ☑ Being in school every day **raises your child's chances** to do better in class, on tests, and receive better grades
- ☑ Follow the school guidelines for **reporting Excused absences** right away
- ☑ Allow your child to stay home **ONLY** when he/she has a contagious illness or is too sick to attend school
- ☑ Help with homework, or **talk to your child about his/her school work** or class experience every day
- ☑ Help your child stay healthy—**exercising, eating a balanced diet, and getting plenty of sleep** to be mentally and physically ready for school
- ☑ Communicate regularly with your child's school

## New Bedford Public Schools' Attendance Philosophy & Policy

Learning and achievement are the highest priorities in the New Bedford Public Schools. Attendance is a major factor that influences student learning. Students cannot learn if they are absent. Regular school attendance can be achieved through a partnership between students, parents and the school.

Student attendance is the number one factor affecting the overall achievement of students. Teaching students the discipline that they need in order to survive in the 21st century work place is one of our main jobs, and we must help students understand the consequences of poor attendance throughout their educational career. In fact, good attendance is the number one issue that employers identify as making a good employee.

This attendance policy is designed to foster a culture of learning at New Bedford Public Schools. This policy:

- \* Establishes firm expectations that on-time school and class attendance are important in sustaining the learning environment and in meeting individual learning needs.
- \* Provides significant flexibility and opportunities to accommodate legitimate absence or lateness with a minimum of administrative procedure.
- \* Assures timely flow of information from parents to school, and from school to parents about attendance at school and in class so that both can work to improve a situation before a student's education suffers.
- \* Clearly defines the responsibilities of students, educators, and parents regarding absences, tardiness and dismissals.
- \* Employs a tiered model of supportive interventions which focus on the needs of the "whole child", a productive partnership between home and school, and the utilization of juvenile court as a last resort effort to ensure students and parents adhere to state attendance law



# Massachusetts General Laws Related to Attendance

Chapter 76 Section 1 of the Massachusetts General Laws (MGL) states that children between the ages of six and sixteen must attend school. Students as well as parents/guardians can be charged with a CRA-Child Requiring Assistance petition if a student has seven or more unexcused absences in a six month (or semester) period.

School Administrators will, as required by M.G.L., notify parents/guardians of any student sixteen or older who has been absent for ten (10) consecutive days, of their right to a meeting with the Housemaster before the student can be considered to have permanently left the school. The parent/guardian will be notified in writing in

English or in the language in which the parent/guardian has informed the district they would prefer to receive information. The parent/guardian and the student may meet with the administrator within ten (10) days of the date of the notice,

unless the parent/guardian request an extension, but not more than fourteen (14) days additional time. The purpose of the meeting will be to discuss the reasons for the student leaving school and alternate education or other placements. While the Administrator will inform the student and parent/guardian that enrollment is voluntary after the student turns sixteen (16), the Administrator will also inform them of the student's right to return to school.

**Chapter 119 Section 21** of the Massachusetts General Laws (MGL) provides for the "Protection and Care of

Children, and Proceedings Against Them." The section defines CRA-Child Requiring Assistance as:

- \* a child below the age of seventeen who persistently runs away from the home of his parents or legal guardian, or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or guardian's inability to adequately care for and protect said child, **or a child between the ages of six and sixteen who persistently and willfully fails to attend school** or repeatedly violates the lawful and reasonable regulations of his school.

**\* These sections are subject to amendments following the adoption of newly revised Massachusetts General Laws related to Dropouts and CRA - Child Requiring Assistance.**

## The Role of the Attendance Officer

According to MGL Chapter 76 Section 1, "the school committee of each town shall provide for and enforce the school attendance of all children actually residing therein in accordance herewith."

The New Bedford Public Schools employs Attendance Officers at the elementary, middle and high school levels. Staff have the responsibility to monitor and investigate school-wide attendance trends as well as individual student attendance. Attendance officers frequently communicate with parents/guardians through written notification, phone calls, and home visits. They also work closely with teachers and administration to develop plans and intervene if a student develops a pattern of chronic attendance. Following supports and interventions provided by the New Bedford Public Schools, if a student continues to fail to attend school regularly or a parent/guardian fails to send their child to school, it is the Attendance Officer's responsibility to protect the rights of the child and file a CRA-Child Requiring Assistance complaint with the juvenile court system. If at any time an Attendance Officer (mandated reporter) believes a child to be in danger they must file a 51A complaint with the Department of Children and Family Services (DCFS).

# New Bedford Public School's Attendance Goals

To raise the average daily attendance rate for all students 10% in the next three years.

## Definition

**EXCUSED ABSENCE:** While the school recognizes "legitimate" reasons for an interruption in a student's education, the casual "day off" will not be recognized as an excused absence. The following list of circumstances, all of which require official written verification or documentation, would constitute an excusable absence/tardy:

- ☐ Medical appointments/illness verified in writing by a professional health care provider or the school nurse
- ☐ Death of a family member
- ☐ Observance of a major religious holiday
- ☐ School related absence (i.e., dismissals for field trips, suspensions, ASA, sports events, etc.)
- ☐ Legal obligations
- ☐ Verified post high school visitation
- ☐ Absence approved by the Principal

If a student is absent for one of the above reasons, he/she will provide their homeroom teacher with the appropriate documentation.

\* Students are responsible for make-up work associated with ALL excused absences.

**UNEXCUSED ABSENCE:** When in school, students are expected to attend all classes unless excused by an administrator or the nurse.

If a student is in school, fails to attend a class, and does not have such an excuse, the absence from class is unexcused. If a student arrives to class beyond the halfway point without a valid excuse and corresponding pass, the tardy will be considered an unexcused absence for that class.

If a parent fails to provide written documentation indicating a valid reason for an absence, the school will classify the absence as unexcused (please refer to the list of excusable absences above).

**TARDINESS:** If a student is not present in his/her classroom/homeroom at the bell, the student will be marked tardy; a student attending less than half a school day is considered absent. A written excuse (as described earlier) is required.

***Please Note: Being tardy to school or class may result in the assignment of appropriate disciplinary actions by the principal, which may include, parental contact, Detentions, In-School Suspension, and Saturday Alternative to Suspension days. Failure to comply may result in further disciplinary actions.***

**DISMISSAL:** A student wishing to be dismissed during a session must present a signed note from the parent or guardian to the Principal. It must include the student's full name, reason, date and time for dismissal, and a telephone number where the Principal can reach the parent or guardian for verification and approval.

**SUSPENSION:** Students who are absent due to out-of-school suspension will be marked absent and will be expected to make up missed assignments, homework and tests.

**TRUANCY:** Truancy is defined as being absent from school without the permission of a parent or guardian. Any student who is found to be truant may be required to return to school accompanied by a parent or guardian. Please Note: A parent's note cannot excuse truancy if the absence does not meet the criteria of an excused absence.

**CHRONIC ABSENCE:** Missing 10% (18 days) or more of a school year. Research has found that missing that much school is associated with declining academic performance, starting as early as kindergarten. Monitored regularly, this 10 percent measure can be used early in the academic year to identify students or schools before poor attendance adversely affects academic performance.

## **Documentation Requirements**

Written documentation is required from a parent or guardian for any and all absences, tardiness and dismissals in Grades K-8.

The note must list the date(s) of absence(s); the student's full name and it must clearly state the reason for the absence. Recommended documentation includes, but is not limited to:

- Doctors' or Dentists' notes
- Court/legal documentation for the legal obligation of the student (not family and friends)
- College or verified post high school visit documentation, etc.
- The student will submit the documentation indicating the reasons for his/her absence to the homeroom teacher. All notes will be verified and kept on file.
- The document must include the date absent, the reason for the absence, a working phone number where a parent or guardian can be reached and the parent or guardian's signature.
- A copy of an obituary or verification of religious affiliation may be requested by the Housemaster or Attendance Officer.
- Should a school official become aware that written documentation for any absence(s) has been fabricated, the absence(s) will not qualify as "approved" and will not be allowable for the Buy Back option.

***Please Note: The New Bedford Public Schools' district policy does not recognize family vacations as an excused absence.***

***Attendance incentives and interventions for improvement of attendance may vary at each school. Please contact your building principal for more information regarding School Attendance Improvement practices.***

## **SECTION 2: Responsible Student Behavior and Expectations**

## **STUDENTS' RIGHTS AND DUE PROCESS**

Students are entitled to due process and fair treatment by all employees of the New Bedford Public Schools. Students are given the opportunity to appeal actions that adversely affect them and to explain their positions. Appeals relating to matters concerning co-curricular or athletic activities should first be brought to the appropriate administrator of the program. Appeals relating to classroom standards or requirements should first be brought to the appropriate academic director.

### **DISCIPLINARY DUE PROCESS**

1. **EMERGENCY SUSPENSION:** A student may be given an emergency suspension by the Principal if the Principal has reasonable cause to believe that:

- a. The physical safety of the student or of others is substantially endangered and will continue to be endangered; or
- b. The student is causing and will continue to cause substantial interference with classroom instruction or disruption to the school setting.

2. **SHORT TERM DISCIPLINARY SANCTIONS:**

Except where an Emergency Suspension is warranted, a student and the student's parent(s)/guardian(s) will be given oral and written notice of the offense with which he/she is charged and provided a disciplinary hearing prior to the imposition of any disciplinary sanction that might result in the student's suspension from school for ten (10) days or less. At said hearing, the student and the student's parent(s)/guardian(s) will be provided a written account of the charge and will be afforded an opportunity to provide additional information to inform the determination. In the event that the Principal, or Assistant Principal determines that the student will be suspended from school, the student and the student's parent(s)/guardian(s) will be provided a copy of the outcome in writing. If the parent(s)/guardian(s) were not present at the meeting, the student's parent(s)/guardian(s) will be notified by telephone at the number they provided the school of the outcome.

3. **LONG TERM DISCIPLINARY SANCTIONS:** Prior to the imposition of any disciplinary sanction that might result in a student's suspension for more than ten (10) consecutive school days or expulsion, the student and the student's parent(s)/guardian(s) will be given notice of a hearing at which they may be represented by an attorney at their expense and may examine and present witnesses and documentary evidence. Following this hearing, the Principal will issue a written decision. The student and the student's parent(s)/guardian(s) will have the right to appeal any decision imposing a long-term exclusion from school. The student and the student's parent(s)/guardian(s) shall have five (5) days from the effective date of the exclusion to file a written appeal with the Superintendent of Schools.

For exclusions imposed pursuant to M.G.L. c. 71 §37H, M.G.L. c. 71 §37H½ see pages D6 and D7 of this Handbook.

## **STUDENT DISCIPLINE**

Discipline is the dual responsibility of the home and school.

The Massachusetts General Laws require the School Committee to adopt written policies, rules and regulations not inconsistent with law, which may relate to study, discipline, conduct, safety and welfare of all students, or any classification thereof, enrolled in the public schools system.

The implementation of the general rules of conduct is the responsibility of the principal and the certified staff of the building. In order to do this, the staff in each school in the School District shall develop specific rules, not inconsistent with the law or in conflict with School District policies by being more specific as they relate to specific schools.

The purpose of disciplinary action is to restore acceptable behavior. When disciplinary action is necessary, it shall be administered with fairness and equity while taking into account the individual circumstances in each incident of student misconduct.

Students violating any of the guidelines on student conduct and control will be subject to disciplinary action.

The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these guidelines.

Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

In order to maintain equity in disciplinary actions district-wide, all school administrators will be guided by district guidelines for the discipline of both elementary and secondary students in defining acts of student misconduct and in providing student consequences for defined student behaviors. It is expected that disciplinary actions be progressive in nature, and that out-of-school suspension be used as the sanction of last resort.

If a situation should arise in which there are no applicable written guidelines, the staff member shall be expected to exercise reasonable and professional judgment.

LEGAL REFS.: M.G.L. Chapter 71, S. 37H and 37L; M.G.L. Chapter 76, S. 16 and 17;  
Chapter 380 of the Acts of 1993 and Chapter 766 Regulations, S. 338.0  
also Mass. Dept. of Education, Advisory Opinion on Student Discipline, January 27, 1994.

## **STUDENT SEARCHES**

A student's person, personal possessions, and student locker may be searched whenever school administrators have reasonable suspicion that the student is in possession of illegal, prohibited, or contraband items/materials. Any and all illegal, prohibited, or contraband materials discovered as a result of such a search will be confiscated. Students found in possession of such items or materials will be subject to discipline and/or criminal prosecution.

## **GANG ACTIVITY**

In order to help ensure safe and violence free schools, gangs and gang activities are prohibited at all NBPS

Elementary Schools according to the following:

A. Definition: For purposes of policy, a "gang" is any group of three or more individuals who displays or communicates membership in that group and whose purpose or activities include the commission of illegal



acts or the violation of the disciplinary rules of each NBPS Elementary, Middle and High School. School sponsored clubs, groups, organizations, and/or athletic teams shall not be considered “gangs” for purposes of this policy.

B. Prohibitions: In any area under the control of the school district, or at any activity supervised by school personnel employed by the district, no student shall:

1. Wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other item that evidences or reflects membership in, or affiliation with, any gang.
  2. Engage in any act, either verbal or nonverbal, including gestures or handshakes and demonstrations of membership in or affiliation with any gang.
  3. Engage in any act that furthers the interests of any gang or gang activity, including, but not limited to:
    - a. Soliciting membership in, or affiliation with, any gang.
    - b. Soliciting any person to pay for “protection” or threatening any person, explicitly or implicitly, with any other illegal or prohibited act.
    - c. Painting, writing, tattooing, or otherwise inscribing gang-related graffiti, messages, symbols, or signs (or graffiti, messages, symbols or signs that are not gang-related, but that a reasonable person would believe to be gang-related due to similarity in shape, size, color, or form), on school property or personal property.
    - d. Engaging in violence, extortion, or any other illegal act or violation of school policy.
    - e. Soliciting any person to engage in physical violence against any other person.
- C. Violations: Students who violate this policy shall be subject to an out of school suspension and/or expulsion, in addition to applicable criminal and civil penalties.

## **MASSACHUSETTS GENERAL LAWS c. 269: AN ACT PROHIBITING THE PRACTICE OF HAZING**

Section 17. Whoever is a principle organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than one thousand dollars or by imprisonment in a house of correction for not more than one hundred days, or by both such fine and imprisonment.

The term “Hazing” as used in this section and in section eighteen, 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.

Section 18. 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 five hundred dollars.

## **HAZING**

The practice of “Hazing” in the New Bedford Public Schools shall be outlawed.

A. Any organization guilty of said practice shall be disbanded for the remainder of the school year and for the following school year.

B. Whoever knows that another person is the victim of hazing as defined above and is at the scene of such crime shall, to the extent that such a person can do so without danger or peril to himself or others, report such a crime to an appropriate official as soon as possible. Whoever fails to report such crime to an appropriate official as soon as possible shall be punished by removal from position (advisor) with an official reprimand from the Superintendent of Schools and/or be called before the School Committee (advisor and/or student) for possible dismissal, suspension or expulsion.

## **MASSACHUSETTS GENERAL LAWS M.G.L. c. 71, Sec. 37H**

(a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.

(b) Any student who assaults a principal, assistant principal, teacher, teacher’s aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.

(c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified, as shall her/his parent(s)/ guardian(s), in writing of an opportunity for a hearing; provided, however, that the student and her/his parent(s)/ guardian(s) may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

(d) Any student who has been expelled from a school district pursuant to these provisions, and said student’s parent(s)/ guardian(s), shall have the right to appeal to the Superintendent. The expelled student and her/his parent(s)/guardian(s) shall have ten days from the date of the expulsion in which to notify the Superintendent of her/his appeal. The student and her/his parent(s)/guardian(s) have the right to counsel at a hearing before the Superintendent.

The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) When a student is expelled under the provisions of this section, no school or school district within the Commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the Superintendent of the school district to

which the application is made may request and shall receive from the Superintendent of the school district expelling said student a written statement of the reasons for said expulsion.

## **MASSACHUSETTS GENERAL LAWS M.G.L. c. 71, Sec. 37H½**

(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 the school would have a substantial detrimental effect on the general welfare of the school. The student and his/her parent(s)/guardian(s) shall receive written notification of the charges and the reasons for such suspension prior to the suspension taking effect. The student shall also receive written notification of his/her right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall have the right to appeal the suspension to the superintendent.

The student and/or her/his parent(s)/guardian(s) shall notify the Superintendent in writing of his/her request for an appeal no later than five calendar days following the effective date of suspension. The Superintendent shall hold a hearing with the student and the student's parent(s) or guardian(s) within three calendar days of the student's request for an appeal. At the hearing, the student and her/his parent(s)/guardian(s) 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 alternative 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 students 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 and his/ her parent(s)/ guardian(s) shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student and her/his parent(s)/guardian(s) 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/her 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(s) or guardian(s) within three calendar days of the student's request for an appeal. At the hearing, the student and/or the student's parent(s)/guardian(s) shall have the right to present oral and written testimony on the student's 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 alternative 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.



## **MASSACHUSETTS GENERAL LAWS M.G.L. c. 71, Sec. 37H<sup>3</sup>/<sub>4</sub>**

Section 37H<sup>3</sup>/<sub>4</sub>. (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 37H<sup>1</sup>/<sub>2</sub>.

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

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on

the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

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

## **STUDENT EXPULSION POLICY**

If an expulsion recommendation is deemed necessary from the school, the Principal and the hearing officer will follow the following regulations [JGD/JGE] pertaining to suspensions in establishing and conducting a hearing except:

1. An impartial hearing officer, who may be an employee of the School Committee, but not assigned to the school where the student is enrolled, will be appointed by the superintendent or his designee to conduct a hearing; and
2. All witnesses presenting testimony against the student will appear in person at the hearing. The student, his/her parents or guardian(s), and his/her attorney will be allowed to cross-examine such witnesses; and
3. A tape recording or verbatim transcript of the hearing will be made and a copy will be available to the student on request at no cost.

To impose expulsion, the hearing panel must find:

1. The student violated the student conduct rules at least three (3) times during one school year and that each violation was serious enough, in the absence of other violations, to warrant suspension; or
  2. The continued presence of the student in school would endanger the physical safety of others or cause substantial interference with the right of others to pursue an education.
- No expulsion will exceed the end of the school year during which the acts leading directly to the expulsion occurred.

In any case where the hearing panel imposes expulsion, the student will have the right to request an appeal hearing before the New Bedford School Committee. The appeal hearing will be held within one week of the date such request is made.

New Bedford School Committee, as it conducts the appeal hearing, will specifically determine if there was sufficient evidence to find the alleged violation(s) occurred and if the penalty imposed was appropriate for the violation(s).

## **CHAPTER 272, S.40, DISTURBANCE OF SCHOOL OR PUBLIC MEETING**

Whoever willfully interrupts or disturbs a school or other assembly of people meeting for a lawful purpose shall be punished by imprisonment for not more than one month or by a fine of not more than fifty dollars; provided, however, that whoever, within one year after being twice convicted of a violation of this section, again violates the provisions of this section shall be punished by imprisonment for one month, and the sentence imposing such imprisonment shall not be suspended.

## **PROHIBITION OF TOBACCO USE**

Section 37H of the Education Reform Act of 1993 “prohibits the use of any tobacco products within school buildings, school facilities, on school grounds, or on school buses by any individual, including school personnel.”

The above law went into effect on Friday, June 18, 1993 and therefore, smoking is NOT permitted by anyone in any

School Department building, facility, area, or school grounds.

## **DISCIPLINE AND STUDENTS WITH DISABILITIES**

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

(1) The IEP for every student eligible for special education or related services shall indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified to address the student’s individual needs.

(2) Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/ her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a “change of placement”, building administrators, the parent(s)/guardian(s) and relevant members of the student’s IEP or 504 Team will meet to determine the relationship between the student’s disability and behavior (Manifestation Determination). In most instances, during disciplinary exclusions exceeding ten (10) school days in a single school year, the students receiving services pursuant to an IEP shall have the right to receive services identified as necessary by the Team to provide him/her with a free appropriate public education during the period of exclusion. Under Section 504, students are not entitled to services if the team determines the conduct is not a manifestation of the student’s disability.

(3) If building administrators, the parent(s)/guardian(s) and relevant members of the student’s IEP or 504 Team determine that the student’s conduct was not a manifestation of the student’s disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student’s

IEP or 504 Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or, where appropriate, conduct a functional behavioral assessment.

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

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

## **NEW BEDFORD PUBLIC SCHOOLS STUDENT CONDUCT POLICY**

It is the intention of the School Committee that the public schools of New Bedford help students achieve maximum development of individual knowledge, skills, and competence, and to learn behavior patterns which will enable them to be responsible, contributing members of society.

The committee shall, at various times, approve rules of conduct for students which must clearly state the forms of behavior which shall be unacceptable on school property or at school functions.

It shall be the responsibility of the Superintendent to see that copies of the rules of conduct approved by the Committee are prominently displayed within each school building and that copies are made available, free of charge, to interested residents of the City of New Bedford.

### **CELLULAR PHONES/ ELECTRONIC DEVICES**

New Bedford Public Schools promotes the use of Technology as an effective environment for learning. However, given the degree to which unregulated use of cell phones and other personal electronic devices may interfere with teaching and learning, regulations will apply through June 2015 at which time this policy will be reviewed.

1. Cell phones and personal electronic devices must be turned off and not visible during the school day. Texting is prohibited. Contact with parents and guardians during the school day must take place through the office. Cell phones may be used after the school day ends.
2. Electronic devices necessary for a specific educational purpose and/or individual student need may be used in class with the approval of the supervising teacher/staff member.

Consequences:

FIRST OFFENSE: Students will pick up their phone/device after school

SECOND OFFENSE: Parent/Guardian must pick up the phone/device

THIRD & SUBSEQUENT OFFENSES: Meeting with the Parent/Guardian and student will occur.

It is the expectation of the School Administration that all students will comply with these guidelines. Students not adhering to guidelines of this policy will be subject to consequences outlined in the student handbook.

New Bedford Public Schools is not responsible for lost or stolen electronic devices under any circumstances.

## **INTERNET SAFETY AND TECHNOLOGY ACCEPTABLE USAGE POLICY**

All users of New Bedford Public Schools' technology resources are expected to act in a spirit of mutual respect and cooperation, while following the regulations for their use as described in this policy. Any violation may result in loss of access, as well as other disciplinary or legal action. Users are considered subject to all local, state, and federal laws.

District technology resources are provided to all students and employees to conduct research, enhance productivity, and to communicate with others for professional and educational purposes. Use of these resources is open to those who agree to abide by the terms of this policy and to act in a considerate and responsible manner. Any abuse or violation of the policy may result in a suspension or cancellation of user privileges, as well as other disciplinary or legal action. The appropriate district and/or school administrator will determine the consequences of any inappropriate use as defined by student handbook and/or district disciplinary policies. Usage is a privilege, not a right.

New Bedford Public Schools reserves the right to monitor, under appropriate conditions, all computer usage and electronic information transmitted using its computer/network resources. The purpose of any monitoring would be to protect the integrity of the district's equipment and networked information systems and to ensure compliance with the policies, rules, and regulations governing the use of these resources. Users do not have an expectation of privacy, since email messages are public communication. Monitoring includes access to non-district commercial Web-based email accounts via the equipment and network resources of New Bedford Public Schools.

## **Responsibilities as a User of New Bedford Public School's Technology Resources**

### **Regarding Access:**

1. Students are required to have teacher permission and a curriculum related activity to use any of New Bedford Public School's technology or network resources. Students may use only those resources that they have been specifically allowed to use. Students and employees are to use these resources for purposes that support the educational mission of New Bedford Public Schools.

2. Instructional research and computing, including assigned work, research projects and other subject-related activities have priority over all other activities. Employees are expected to utilize these resources for professional and educational purposes.

3. Computing is accessible to all students and employees in the New Bedford Public Schools. Students are

not permitted to check personal email, however, students may, with direct supervision and permission of a teacher, use personal e-mail to attach a file to send or get an attached file that has been uploaded from home when related to an assignment.

The district expects its employees to utilize district email accounts for all professional communications. If you are provided with any type of school/district account (email, Web, administrative), it is your responsibility to take all necessary precautions to protect access to the account by not sharing your password(s) with others.

As increasingly more data is collected to guide decision-making, employees with access to any confidential information must make every effort to keep this information secure to protect against unauthorized disclosure, use, and dissemination of personal identifiable information, especially regarding minors.

Students in particular need to be reminded about the dangers of giving out any personal information online such as a home address or telephone number for themselves or others, since people can use e-mail, instant messaging, chat rooms, and social networking sites to threaten, harass, or entice children.

### **Regarding Network and Equipment Resources:**

4. Users may not intentionally circumvent network or computer security safeguards.
5. Electronic tampering with technology resources is not permitted. Users may not by any means intentionally attempt to disrupt the district's computer systems, corrupt system performance, or destroy information contained within these systems, including the spreading of computer viruses.
6. Users may not engage in unauthorized duplication, installation, alteration, or destruction of data, programs, or software. Users may not send or disclose data, programs, or software belonging to others. This includes, but is not limited to, any attempt to access files belonging to other users without their permission. Users must respect all copyright laws that protect software owners, artists, and writers. Plagiarism in any form will not be tolerated.
7. Users may not engage in abusive or improper use of technology resources, which includes, but is not limited to, misuse of computer or network access privileges, tampering with equipment and unauthorized removal of equipment components.

### **Regarding Information Resources:**

8. Users are expected to follow generally accepted rules of network etiquette and conduct oneself in a responsible and ethical manner while on-line. Users are not permitted to send, receive, submit, or publish any defamatory, inaccurate, racist, abusive, obscene, profane, sexually harassing, threatening, bullying, offensive, or illegal material within or outside of New Bedford Public Schools using the district's network facilities.
9. Users are not permitted to use New Bedford Public Schools' technology resources for private and/or commercial purposes that include, but are not limited to, buying and selling merchandise, product advertising, political lobbying, political campaigning, gambling, or any profit-making or illegal purposes.



10. Filtering software, as required by the Children's Internet Protection Act (CIPA), is in place to help block or filter Internet, or other forms of electronic communications being received that are obscene, pornographic, harmful to minors, and inappropriate in an educational setting. However, no filtering system is 100% effective at blocking inappropriate material.

Procedures are in place for disabling or modifying our technology protection measures for legitimate educational purposes. It is the responsibility of the Informational Technology Manager, and in some cases, the Director of Instructional Technology and Professional Development, or designated representative to review all requested modifications.

The best way to protect our students is to educate them in developing the 21<sup>st</sup> century skills needed to navigate the Internet safely and responsibly. It is the responsibility of all members of the New Bedford Public Schools' staff to assist in educating, supervising, and monitoring appropriate online behavior in accordance with this policy, CIPA, and the Protecting Children in the 21<sup>st</sup> Century Act, and all other NBPS' policies. Every effort will be made to supervise students and to direct them to suitable informational resources while using the Internet. Still, it is impossible to preview the content of all materials available online, and a user may discover controversial information unintentionally. If any user mistakenly accesses inappropriate material, it is their responsibility to report this to a teacher or administrator immediately.

### **Limitation of Liability**

Users assume all risk and New Bedford Public Schools makes no guarantee that the functions or the services provided by or through the district's network information systems will be error-free or without defect. The district specifically denies any responsibility for any damage you may suffer, including, but not limited to, loss of data, interruptions of service, or exposure to inappropriate material or people. The district is not responsible for the accuracy or quality of the information obtained through or stored on its system. The district will not be held responsible for financial or legal obligations arising from the authorized or unauthorized use of its network information systems.

### **Penalties for Inappropriate Use**

The appropriate district and/or school administrators will determine the consequences of any inappropriate use by a student or employee. All users will be afforded due process. Disciplinary actions will be appropriate to meet specific concerns related to the violation, and when applicable, refer to student handbook and/or district disciplinary policies. Any abuse or violation of this policy will result in a range of disciplinary actions that might include suspension or cancellation of user privileges, as well as other disciplinary or legal action. All users are considered subject to all local, state, and federal laws.

Adopted: 6/30/97

Amended: 6/25/07

Amended: 7/09/07

Amended: 11/14/11

## **Additional Technology Usage Guidelines**

New Bedford Public Schools takes student safety very seriously. In a digital world, account password security is critical to protect against unauthorized disclosure, use, and dissemination of personal identifiable information, especially regarding minors.

Students in particular need to be reminded about the dangers of giving out any personal information online such as a home address or telephone number for themselves or others, since people can use e-mail, instant messaging, chat rooms, and social networking sites to threaten, harass, or entice children.

The Children's Internet Protection Act (CIPA) requires filtering software to be in place to help block or filter inappropriate Internet content, or other forms of electronic communications. However, on occasion valid educational sites become inaccessible to educators and their students. In those instances, procedures are in place for disabling or modifying our technology protection measures for legitimate educational purposes. It is the responsibility of the Informational Technology Manager, and in some cases, the Director of Instructional Technology and Professional Development, or designated representative to review all requested modifications.

The best way to protect our students is to educate them in developing the 21st century skills needed to navigate the Internet safely and responsibly. It is the responsibility of all members of the New Bedford Public Schools' staff to assist in educating, supervising, and monitoring appropriate online behavior in accordance with this policy, CIPA, and the Protecting Children in the 21st Century Act, and all other NBPS' policies.

## **BULLYING PREVENTION AND INTERVENTION**

On May 3, 2010 Governor Patrick signed an Act Relative to Bullying in Schools (M.G.L. c. 71, § 370). This law prohibits bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to address bullying incidents.

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying, harassment or retaliation involving a student to report it to the principal or designee. Reports may be made anonymously, and an investigation will ensue, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor.



The entire Bullying Prevention and Intervention Plan can be found on the District's website at <http://www.newbedfordschools.org/cms/one.aspx?portalId=67022&pageId=161950>

**The following definitions are directly from M.G.L. c. 71, §370.**

Aggressor is a student or member of the school staff who engages in bullying, cyberbullying, or retaliation towards a student.

Bullying, as defined in M.G.L. c. 71, § 370, is the repeated use by one or more students or a member of a school staff of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

Cyberbullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 370 for the legal definition of cyberbullying.

Harassment includes, but is not limited to, conduct when related to a person's sex (gender), race, color, national origin, religion, age, handicap and/or disability and sexual orientation and when such conduct is unwelcome by the recipient. In order to give rise to a complaint, harassment must be sufficiently severe, persistent, or pervasive that it adversely affects a student's education by creating an intimidating, hostile or humiliating environment. For a one-time incident to rise to the level of harassment, it must be severe. See FPS Policy 5147 for more information.

Hot Spot is any location in or around school grounds that tends to be a common area where bullying/harassment will commonly occur.

Hostile environment, as defined in M.G.L. c. 71, § 370, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

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

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, harassment, or retaliation has been perpetrated.

## STUDENT-TO-STUDENT HARASSMENT

Harassment of students by other students will not be tolerated in the New Bedford Public Schools. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of New Bedford Public Schools, on school buses, or attending or engaging in school activities.

Harassment prohibited by New Bedford Public Schools includes, but is not limited to, harassment on the basis of race, sex, creed, gender identity, gender expression, English proficiency, ancestry, homelessness, religion, color, national origin, sexual orientation, marital status, or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.

Harassment means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

- ☐ Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs, or activities;
- ☐ Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;
- ☐ Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

Harassment as described above may include, but is not limited to:

- ☐ Verbal, physical or written (including texting, blogging, or other technological methods) harassment or abuse;
- ☐ Repeated remarks of a demeaning nature;
- ☐ Implied or explicit threats concerning one's grades, achievements, or other school matter.
- ☐ Demeaning jokes, stories, or activities directed at the student.

New Bedford Public Schools will promptly and reasonably investigate allegations of harassment. The Principal of each building will be responsible for handling all complaints by students alleging harassment.

Retaliation against a student, because a student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to disciplinary action up to and including suspension and expulsion.

The Superintendent will develop administrative guidelines and procedures for the implementation of this

policy. SOURCE: MASC

LEGAL REF.: M.G.L. 151B:3A

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

BESE regulation 603 CMR 26.00

REFS.: *"Words that Hurt,"* American School Board Journal, September 1999 National Education Policy Network, NSA

## **USE OF VIDEO RECORDING FOR SCHOOL DISCIPLINARY PURPOSES**

New Bedford Public Schools uses video-taping/recording to monitor those entering the building, the exterior of some buildings, to monitor classrooms and hallways in secondary schools, and to monitor behavior on some buses.

## **CARE OF PERSONAL PROPERTY**

Each student is responsible for her/his personal property. Large sums of money, expensive jewelry, and electronic devices should be left at home.

If it is necessary for a student to bring a large sum of money or valuable item to school, it is strongly advised that the student take it to the Main Office for safe keeping during the school day.

All students are advised to check their valuables with their Physical Education teachers for safe keeping during their gym classes. New Bedford Elementary Schools are not responsible for lost or stolen items.

## **CARE OF SCHOOL PROPERTY**

School property is each student's property. Students should treat such property with the same consideration they would have for their own property.

Students should take pride in keeping the corridors and campus clean and throw waste materials into the containers provided for this purpose.

Students should not mark desks, lockers, etc. Such equipment is expensive and subject to hard wear through normal daily use. Since the school operates on a limited budget, students can help keep costs down for themselves, their families, and taxpayers.

## **DRESS CODE**

Students are expected to be neat and clean and wear clothing that are not distracting to the student and staff population. The following are some items that cannot be worn:

- Shirts that contain vulgar language or depictions
- Special care should be given to the types of shoes worn. Clogs, sandals, flip-flops and platform footwear can be a safety issue.
- Hats, bandanas, or any other garment defined as head cover
- Large chains, nose rings, or any ornamentation that can cause injury
- Fake nails
- Attire that exposes flesh inappropriately (cleavage, midriff, chest, thighs, etc.), such as muscle shirts, belly shirts, short-shorts, tube top

## **Section 3: Transportation, Arrival and Dismissal**

### **Universal School Bus & Van Safety Policy**

*In order to promote proper conduct and safety, students should adhere to the following:*

1. Remain seated until the bus comes to a stop. When approaching your stop, do not attempt to walk down the aisle while the bus is still moving. If the bus stops quickly, an injury may occur.
2. When exiting the bus, walk, do not run.
3. Once on the street, walk; do not run, especially in adverse weather conditions.
4. If crossing the street, be sure to look both ways. Cross in front of the extended safety arm while the bus lights are still flashing.
5. Remain seated at all times. Do not climb on the seats or change seats. Do not throw items out of the windows on the bus.
6. Listen to the bus driver and be a good passenger. Refrain from using insulting or profane language. No fighting on the bus. Be respectful of each other.
7. If you have an issue with someone on the bus, report it to the driver and to the teacher or principal when you get to school.

## **STUDENT CONDUCT ON SCHOOL BUS**

Buses are provided for those students whose health or the distance of their homes from school make this service essential. All students who ride the school buses shall be informed of and expected to comply with the following rules of behavior:

1. Students are to wait for the bus on the sidewalk until the bus comes to a complete stop.
2. Students are to board and leave the bus in a single file.
3. Students are to remain seated until they reach their destinations.
4. Students are not to put any part of their bodies out of bus windows.
5. Students are not to eat on buses. No food is to be carried on buses from the school lunch program.
6. Bus windows will be opened by the driver or his/her aide.
7. No objects are to be thrown on or off buses or extended out of them.
8. Students are not to damage buses in any way.
9. Smoking is not permitted on buses at any time.
10. Students are expected to observe the rules of courteous, considerate behavior on buses at all times.
11. Students must have written parental permission to leave the buses other than at their homes or school stops.
12. Fighting, vulgarity, loud noises and other aggressive behavior is not permitted on buses.
13. Students who refuse to obey promptly the directions of the driver or aide or refuse to obey regulations may forfeit their privilege of riding on buses for a specified period of time.

## **DISCIPLINARY ACTION FOR VIOLATION OF SCHOOL CONDUCT ON A SCHOOL BUS**

The offenses listed above are subject to a minimum penalty of a verbal reprimand to a maximum penalty of an out of school suspension and/or forfeiture of their privilege of riding on buses for a specified period of time based upon both the evidence presented and the severity of the offenses.

## **Section 4: Student Life, Health/Safety, and Accommodations**

### **STATEMENT OF NON-DISCRIMINATION AND POLICY PROHIBITING DISCRIMINATION**

The New Bedford Public School District does not discriminate against students, parents, employees or the general public on the basis of race, gender identity, ethnicity, English Language Proficiency (students), gender expression, ancestry, military status, genetics, homelessness, color, sex, religion, age, national origin, sexual orientation or disability, in the operation of the educational programs, activities, or employment practices in its programs and activities.

The New Bedford Public Schools complies with all applicable state and federal laws and regulations, including but not limited to, Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and Massachusetts General Laws, c.151B, c.151C, c.76, §5, and c.71B.

In addition, the New Bedford Public Schools is committed to maintaining a school environment free of harassment and has non-tolerance for harassment based on race, color, national origin, sex, age, religion, sexual orientation, ancestry, gender identity, gender expression, genetics, ethnicity, English Language Proficiency, military status, disability or homelessness. Harassment by administrators, certified and support personnel, students, vendors and other individuals at school or at school-sponsored events are unlawful and strictly prohibited. The New Bedford Public School System requires all employees and students to conduct themselves in an appropriate manner with respect to their fellow employees, students and all members of the school community.

### **New Bedford Public Schools Discrimination and Harassment Procedures**

This procedure has been adopted by the New Bedford Public Schools to provide a method of prompt and equitable resolution of student and employee complaints of discrimination and harassment.

#### **Definitions**

For the purposes of this procedure:

A. A "Complaint" is defined as an allegation that a student or employee has been discriminated against or harassed on the basis of race, color, ancestry, gender identity, gender expression, genetics, ethnicity, homelessness, military status, national origin, age, sex, sexual orientation, disability, or religion.

B. "Discrimination or harassment" means discrimination or harassment on

the basis of race, age, color, ancestry, ethnicity, gender identity, gender expression, homelessness, military status, national origin, genetics, ethnicity, sex, sexual orientation, disability or religion.

C. "Designee" refers to the school principal or other staff member assigned to investigate the complaint.

#### **How to make a complaint**

A. Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the school principal. If the school principal receives the report, he or she will investigate the complaint thoroughly. Students or employees who are unsure whether discrimination or harassment has occurred are encouraged to discuss the situation with their school counselor or building principal.

Civil Rights Coordinators for Students Race, Color, National Origin, Religion, Ancestry, Ethnicity, Gender

Identity, Gender Expression, Homelessness, Disability, Genetics, Gender, Sexual Orientation and Age

And the Section 504 Coordinator for Employees: Equity, Diversity and Recruitment Specialist

455 County Street

New Bedford, MA 02740 (508) 997-4511 x3332

Disability Section 504 Coordinator for Students:

Executive Director of Special Education and Student Services

455 County Street

New Bedford, MA 02740 (508) 997-4511 x3419

Civil Rights Coordinator for Employment Activities

For issues of alleged discrimination regarding employment activities, including but not limited to allegations regarding race, religion, color, gender identity, gender expression, military status, genetics, sexual orientation, age, national origin, ancestry, ethnicity, Section 504 (disability) and Title IX (gender), please contact:

Human Capital Services

455 County Street

New Bedford, MA 02740 (508) 997-4511 x3264

B. School staff is expected to report possible incidents of discrimination or harassment of students and fellow employees. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students or employees which have allegedly occurred on school grounds, at school related events, or actions which occurred outside of school but possibly create a hostile environment for a student or employee while he/she is at school.

C. Students and employees will not be retaliated against for making a Complaint. Any retaliation by students or school staff will result in disciplinary measures, up to and including expulsion or dismissal.

D. Students and employees are encouraged to utilize the district's Complaint Procedure. However, students and employees are hereby notified that they also have the right to report complaints to:

The United States Department of Education

Office for Civil Rights

5 Post Office Square, 8th Floor

Boston, Massachusetts 02110-1491

Telephone: (617) 289-0111

Fax: 617-289-0150

TDD: 877-521-2172 or

Program Quality Assurance Services

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, MA 02148-4906

Telephone: 781-338-3700



## Complaint Handling and Investigation

A. The school principal shall promptly inform the appropriate Civil Rights Coordinator and the person(s) who is the subject of the Complaint, that a Complaint has been received.

B. The Principal or designee may pursue an informal resolution of the Complaint with the agreement of the parties involved. Informal resolution is optimal, but the Complainant may elect to proceed according to the formal resolution procedure at any time prior to the completion of the informal resolution.

C. The Complaint will be investigated by the appropriate Civil Rights Coordinator, the school principal or other individual designated by the Principal. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Superintendent should be submitted to the School Committee Chair, who will consult with legal counsel concerning handling the investigation of the Complaint.

1. The Complainant shall have the opportunity to present witnesses and other relevant evidence to the investigator.

2. The person who is the subject of the Complaint will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.

3. The privacy rights of all parties to the Complaint shall be maintained in accordance with applicable state and federal laws.

4. The investigator will keep a written record of the investigation process.

5. The investigator may take interim remedial measures to reduce the risk of further discrimination or harassment while the investigation is pending.

6. The investigation shall be completed within twenty-one (21) calendar days of the date of the receipt of the Complaint.

7. The Principal or designee may extend the investigation period beyond twenty-one (21) calendar days because of extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If the Principal or designee extends the investigation, he or she will notify the Complainant of the extension.

8. If a complaint or report of discrimination or harassment is received after June 1 of a given school year, the Principal or designee will attempt to complete the investigation by the end of the school year. In the event that investigation extends beyond the last day of school, the district will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the Principal or designee extends the investigation, he or she will notify the Complainant of the extension and make reasonable efforts to interview the witnesses during the summer vacation period.

9. Nothing in this procedure will preclude the Principal or designee, in his or her discretion, from

completing the investigation sooner than the twenty-one (21) calendar days described above.

D. If the investigator determines that discrimination or harassment has NOT occurred, he/she shall, within fourteen (14) calendar days of the completion of the investigation, notify the Complainant and the subject of the Complaint of the outcome of the investigation in writing.

E. If the investigator determines that discrimination or harassment has occurred, he/she shall take steps to eliminate the discriminatory or harassing environment, including but not limited to:

1. Determining what disciplinary action should be taken against the person(s) who engaged in discrimination or harassment, if any;

2. Determine what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment, and to correct its discriminatory effects if appropriate; and

3. Inform the Complainant and the person(s) who was the subject of the Complaint of the results of the investigation (in accordance with applicable state and federal privacy laws) within fourteen (14) calendar days of the completion of the investigation.

F. If the Complainant or the student's parent(s)/legal guardian(s) are dissatisfied with the results of the investigation, an appeal may be made to the Deputy Superintendent within fourteen (14) calendar days after receiving notice of the outcome of the investigation. In the appeal, the appellant should identify any specific alleged factual or legal errors and explain why the errors should result in a different conclusion. The Deputy Superintendent shall review the investigative report and may conduct further investigation if deemed appropriate. The Deputy Superintendent's decision shall be final, subject to further appeal to the Superintendent.

If the employee or the student's parent(s) or legal guardian(s) are dissatisfied with the decision of the Deputy Superintendent an appeal may be submitted within seven (7) calendar days after receiving notice of the Deputy Superintendent's decision. The Superintendent will consider the appeal. The Superintendent's decision shall be final.

## **NON DISCRIMINATION ON THE BASIS OF SEX**

The New Bedford School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that New Bedford Public Schools does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational and extra-curricular opportunities, but also to employees with regard to employment opportunities.

The New Bedford School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The New Bedford School Committee has designated Human Capital Services to act as the New Bedford Public School's Title IX compliance officer. All students and employees can meet with or contact the Title IX compliance officer.

Human Capital Services  
455 County Street, Room 120  
New Bedford, MA 02740

## **SEXUAL HARASSMENT POLICY AND PROCEDURES**

### **I. POLICY**

The New Bedford Public Schools depends upon a work environment of tolerance and respect for the achievement of its goals. The New Bedford Public School Department is committed to providing a working environment that is free of all forms of abuse or harassment. The New Bedford Public School Department recognizes the right of all employees to be treated with respect and dignity.

Sexual harassment is a form of behavior which adversely affects the employment relationship. It is prohibited by state and federal law. The New Bedford School Department also condemns and prohibits sexual harassment by any employee.

Sexual harassment does not refer to purely voluntary social activities. It refers to behavior which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale and/or interferes with the ability of the employee to work effectively. Sexual harassment includes unwelcome actions such as:

- sex-oriented verbal abuse;
- sexual remarks or jokes;
- physical contact including patting, pinching or repeated brushing against another's body;
- demands or requests for sexual favors accompanied by implied or overt promises of preferential treatment or threats concerning an individual's status as an employee;
- assaults or molestations; and
- posting or distributing sexually orientated pictures or other materials via any media.

It is, therefore, against the policies of the New Bedford School Department for any employee of the New

Bedford School Department, male or female, to harass another employee sexually, that is, by making unwelcome sexual advances, requests for sexual favors, or other uninvited verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either implicitly or explicitly a term or condition of an employee's employment;
2. submission to, or rejection of, such conduct by an individual is made the basis for employment decision affecting the employee;
3. such conduct has the purpose or effect of interfering with an individual's work performance;
4. retaliation is threatened or undertaken against an individual who complains that such conduct is interfering with his or her work performance; or
5. a hostile or intimidating work environment is created for the employee.

### **II. VIOLATION OF POLICY**

Any employee violating this policy will be subject to appropriate discipline, including possible discharge by

the  
New Bedford School Department.

### III: PROCEDURES FOR COMPLAINTS

The New Bedford School Department has designated Sexual Harassment Grievance Officers. The Sexual Harassment Grievance Officers are in the office of Human Capital Services (997-4511, ext.3264).

If any employee believes he or she has been subject to sexual harassment, the employee should initiate a complaint by contacting one of the Sexual Harassment Grievance Officers as soon as possible. The employee should file the complaint promptly following any incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Sexual Harassment Grievance Officers to reconstruct what occurred. The employee will be requested to write out his or her complaint to document the charge.

Employees will not have to go through the regular chain of reporting procedures when reporting sexual harassment. If the employee is uncomfortable contacting one of the Sexual Harassment Grievance Officers because he or she believes that Sexual Harassment Grievance Officer may not receive the complaint impartially, the employee may contact the other Sexual Harassment Officer.

Upon receiving the complaint, the Sexual Harassment Grievance Officer will promptly have a confidential preliminary investigation made into the matter. If after the completion of this preliminary investigation it is determined that there is reasonable cause for finding a violation of this policy, the Sexual Harassment Grievance Officer will notify the complainant and the charged employee of the finding orally. The charged employee will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case. This process will be confidential to the extent consistent with an effective investigation.

After the response of the charged employee has been made, and any further investigation which may be warranted has been carried out, the Superintendent of Schools or his/her designee will make a final decision. If the Superintendent of Schools or his/her designee finds that the allegations in the complaint have been established by the investigation, the Superintendent of Schools or his/her designee will initiate discipline of the charged employee. Discipline will be appropriate to the offense and employees involved, and may include discharge.

The complainant will be notified of the disposition on the investigation.

### IV: STATE AND FEDERAL REMEDIES

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies.

1. United States Equal Employment  
(EEOC)

Boston, MA 02114

2. The Massachusetts Commission Opportunity Commission  
Against Discrimination (MCAD) One Congress St, 10<sup>th</sup> fl  
Boston office:  
One Ashburn Place, Room 601 (617) 565-3200

Adopted: 2/27/95

Amended: 5/19/97

Amended: 6/19/00

Amended: 3/8/04

Amended: 8/21/06

## **SERVICES AND ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES**

Some students with disabilities require specialized instruction and/or supportive services to help them make effective progress in school. These services can include, but are not limited to, speech therapy, physical therapy, occupational therapy, specialized instruction, or placement in a special classroom. Parents/Guardians or teachers may refer students they are concerned about to the Pupil Services Office. Within five (5) school days of such a referral, a consent form authorizing an evaluation of the student will be forwarded to the parent(s)/ guardian(s). Upon receipt of the parent(s)/guardian(s)' consent, an evaluation will be conducted and a TEAM meeting will be held to determine if the student is eligible for special education services. If the student is found eligible for special education services, the Team will develop an Individualized Education Program (IEP) identifying the necessary services.

In some cases, the evaluation Team determines that a student with a disability may require only individual accommodations as opposed to specialized instruction and/or related services. Such students are then referred for an evaluation of their eligibility for an individual accommodation plan in accordance with Section 504 of the Rehabilitation Act.

For more information regarding the services available to students with disabilities please contact the school guidance counselor, Principal, or the New Bedford Public Schools' Executive Director of Special Education and Student Services.

## **PARENT/GUARDIAN NOTIFICATION POLICY HUMAN SEXUALITY EDUCATION**

### **POLICY STATEMENT:**

It is the policy of the New Bedford Public Schools that the implementation and/or maintenance of curricula which primarily involve human sexuality education or human sexuality issues will ensure parent(s)/guardian(s) notification. Parent(s)/Guardian(s) will be afforded the flexibility to exempt their children from any portion of said curricula through written notification to the school principal. No child so exempted will be penalized by reason of such exemption.

To the extent practicable, program instruction materials for said curricula will be made reasonably accessible to parents, guardians, educators, school administrators and others for inspection and review.

### **PROCEDURES:**

1. The School Committee approved curricula will cover a full range of topics. Teachers will present curricula to students from grades PreK-12 that may cover human sexuality education or human sexuality issues.
2. The Scope and Sequence of these curricula for each school year will be made available to parents, guardians, educators and school administrators. We encourage students to discuss the topics presented in class with a caring adult in their family.

3. The curricula will be made available for inspection and review by appointment in the Department Chairperson's Office. Appointments may be made by contacting the Department Chairperson during regular school hours.

4. Parents/Guardians are encouraged to inspect and review the curricula and speak to the Department Chairperson before exercising their right to exempt their children from any portion of the curriculum that primarily involves human sexuality education or human sexuality issues through written notification to the school principal. No child so exempted will be penalized by reason of such exemption.

Adopted: 7/14/97

## **Protocols between New Bedford Public Schools (NBPS) And Department of Children and Families (DCF), New Bedford Area Office**

These protocols are intended to provide guidance to school department personnel, and DCF personnel regarding our shared commitment to insuring children in foster care have the same educational successes as the general population. The protocols are driven by the New Bedford Public Schools' three year strategic plan and several of the Department of Child and Families core values of child-driven and community-based child welfare practice.

Lead Administrators from NBPS and DCF are committed to these protocols and will meet regularly to review progress.

### Initial Contact

1. When a child is placed in foster care the DCF Social Worker will notify the Principal, School Adjustment Counselor (SAC) or Guidance Counselor of the school the child attends.

2. When a child is placed in foster care and needs to change schools DCF Social Worker will request that the school records are forwarded to the new school.

3. DCF Social Worker will insure that when a child is registering in a new school that the Principal/designated staff receives a copy of court mittimus (proof of custody) and all records if available. If records are not available at the time of enrollment;

a. The student will be enrolled regardless of lack of records per McKinney Vento;

b. DCF will also request that records held by the transferring school (i.e. birth record, transfer card, academic records, IEP, discipline records etc.) be forwarded to the receiving school as soon as possible.

4. DCF Social Worker and Principal or designated School Staff will coordinate a meeting to include the Foster Parent within 5 days to review the student's needs and challenges for educational success.

5. School Personnel should contact DCF Social Worker with any concerns regarding the child's foster placement. If they are not able to reach the Social Worker a Supervisor, Area Program Manager or Area Director can be contacted.



### Ongoing Communication

1. As part of the joint effort of the NBPS and DCF to enhance the well being of students in foster care, DCF and School Personnel should contact each other regarding any major changes in the student's life that might impact on education such as change in placements, case closing, disciplinary issues etc.
2. NBPS and DCF are in agreement that all students requiring Special Education Services should be maintained in the least restrictive setting based on their educational needs and that DCF will participate in the IEP process.
3. Designees of the NBPS Special Education Department and DCF will maintain monthly ongoing communication regarding shared students.

### Data Collection

1. NBPS and DCF are committed to gathering clear and accurate data concerning academic achievement of students in foster care to insure planning for academic success.
2. DCF will insure that educational data is regularly loaded into the electronic system (Family Net) in a manner that will allow DESE interface to track educational outcomes.
3. NBPS and DCF will each designate lead data collection staff to devise and integrate a district wide tracking system for students in foster care. This system will allow tracking from entry to discharge as well as monitor educational outcomes for this group of students.

## **NURSES' OFFICE**

Elementary School Nurses are registered nurses that are licensed by the Department of Education and are valued members of the educational team. They offer unique opportunities for students to learn healthy behaviors and receive easily accessible health services within a school setting. They are specially trained in health promotion and assessment, respond skillfully to the ever-changing health care needs of today's students, and are knowledgeable in the most appropriate treatment and referral procedures.

All new students entering a New Bedford Elementary School must see a school nurse for an evaluation of their health and immunization status. This evaluation is generally completed at the Family Welcome Center for entering elementary students.

Students who are injured or become ill during school hours must consult with the nurse on duty. A student who is feeling ill should report to the nurse's office with the consent of the classroom teacher. Excluding emergencies, no student is allowed to visit the nurse's office without a pass from a teacher.

Dismissals for illnesses may only be issued by a school nurse. A telephone call to the parents or guardians will be made when dismissals are necessary. On returning to school from a dismissal for illness or injury, students must report first to the Nurses' Office before returning to class. The nurse will supply the student with a return slip to class.

Please keep your child home from school if he/she has had a fever within the past 24 hours, if your child is vomiting, or has diarrhea, or has a contagious illness such as strep throat, flu or chicken pox.

Any student that has a change in health status (surgery, crutches, wheel chair ...) must first report to the nurse's office. Exclusion notes for gym are to be brought to the Nurses' Office so that accommodations can be made.

In case of an accident, no matter how minor, the student should report that accident to the teacher immediately and then report to the nurse's office. In the case of severe accidents or acute illness, emergency care will be given and the parent(s)/guardian(s) will be notified.

## **Medication Policy**

State regulations governing the administration of prescription medication in school ensure the health and safety of children needing medication during the school day. These regulations require that the following forms be on file in your child's health record before any medication (including over the counter medication) be given in school. These forms can be obtained by your child's health care provider or school nurse.

**1. Signed medication order.** A written medication order form must be completed by your child's licensed physician, nurse practitioner, dentist, etc. and returned to the school nurse. Medication orders must be renewed when there is a change and at the beginning of each academic year.

**2. Parental Consent.** Assigned consent by the parent or legal guardian to give the medication.

Medications must be delivered to the school nurse in a pharmacy or manufacturer-labeled container by a parent **or a responsible adult** designated by the parent. No more than a thirty-day supply should be delivered to the school nurse along with a note stating the amount of medication sent in to the school. No **over the counter medication** will be given in school without the required, signed medication forms. Students should not be in possession of any over the counter medications while in school.



## **Required Physical Exams, Screenings, and Immunizations**

All 1st, 4th, 7th, 10th graders and new entries are required to have a health examination on file in the nurse's office. Massachusetts General Law, 105 CMR, Section 200 requires that public schools have on file the report from a physical examination of each child upon entrance or transfer into the school system and every 3 or 4 years thereafter. This examination should be done by your child's primary care provider and a copy provided to the school nurse.

School nurses follow the Massachusetts Department of Public Health's requirement for screening of children for growth, dental, postural, hearing and vision issues. Please notify your child's school nurse if you do not want your child to participate in the screening process.

All students are required to have an immunization record on file in the nurse's office. Immunizations must be up-to-date for each child according to Massachusetts's immunization guidelines. Please be aware that any student who does not fully comply with and produce documentation of state immunization requirements will be excluded from school. As required by law, appropriate authorities will be notified if a student is excluded and remains in non-compliance after the exclusion date.

During the first week of school, you will be given information regarding various insurance plans. If you need assistance obtaining health insurance, please contact the school nurse.

## **ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

All children diagnosed as having AIDS or with clinical evidence of infection with the AIDS associated virus (HIV) and receiving regular medical attention are able to attend school, except when certain conditions are present as specified in the Massachusetts Department of Public Health AIDS School Attendance Policy adopted by the School Committee.

## **MCKINNEY-VENTO HOMELESS EDUCATION ASSISTANCE PROGRAM POLICY**

It is the policy of the New Bedford Public Schools to comply with the advisory criteria of the McKinney-Vento Homeless Education Assistance Act. The New Bedford Public Schools shall ensure that every effort is made to comply with this legislation and to ensure that each homeless child or youth has equal access to the same free, appropriate public education, including a public pre-school education as provided to other children and youths.

### **PROCEDURES**

The New Bedford Public Schools will:

1. The Superintendent shall designate a district administrator to serve as the McKinney-Vento Homeless Education Program Liaison whose role it is to assist homeless students and their families to enroll in school, and to ensure that they receive the educational services for which they are eligible.
2. Immediately enroll McKinney-Vento students in school, even if they do not have the documents usually required for enrollment – such as school records, birth certificate, medical and immunization records, or proof of residency.

within 45 minutes ride for PK - K students and within 60 minutes ride for grades 1 - 12 students. Transportation will be arranged by the transportation office at the request of the parent, area shelters, agencies and other school districts, guardian or unaccompanied youth, to and from the school of origin.

4. Afford homeless pre-schoolers the same opportunity to enroll, attend and succeed in pre-school as non-homeless pre-schoolers, thereby minimizing their educational disruption due to homelessness.

5. Collaborate with the Department of Social Services and other area agencies to identify and service one (1) unaccompanied youth (youth who are homeless and not in the physical custody of a parent/guardian; and not in the custody of a state agency); and two (2) children and youth in state care or custody (foster children) who have been placed out of their homes into temporary, transitional, or emergency living placements and are therefore considered homeless.

6. Adapt the Department of Elementary and Secondary Education's dispute resolution procedures and forms. In the event of a school selection or enrollment dispute, the student shall immediately be enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the district's decision and their appeal rights in writing. The NBPS' Homeless Liaison will carry out dispute resolution as provided by state law.

Adopted: 6/11/07

Amended: 1/12/2015

## **Section 5: School Organization, Procedures and Family Engagement**

### **Equal Educational Opportunities**

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, color, gender identity, gender expression, ancestry, English proficiency, disability, homelessness, religion, national origin, sexual orientation or physical and intellectual differences.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law, which prohibits discrimination in public school admissions and programs. The law reads as follows:

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 course of study of such public school on account of race, color, sex, gender identity, gender expression, religion, national origin, English proficiency, disability, ancestry, homelessness or sexual orientation.

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, access to counseling, extra-curricular and athletic activities. Counseling includes pursuit of programs or study, participation in extra-curricular activities, participation in intramural and interscholastic sports, counseling in the language a student best understands, and pursuit of nontraditional programs for a student's gender.

New Bedford Public Schools will also regularly review the counseling process and counseling materials — including scholarships, prizes and awards sponsored or administered by NBPS—to ensure that counseling and information is free from bias and stereotypes on the basis of race, color, sex, religion, national origin, ancestry, sexual orientation, gender expression, gender identity, disability, and homelessness and that counseling and materials are provided to students in the language they best understand.

All implementing provisions issued by the Board of Elementary and Secondary Education in compliance with this law will be followed.

SOURCE: MASC

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964 as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375

Title IX, Education Amendments of 1972

M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971) BESE regulations 603 CMR 26.00

BESE regulations 603 CMR 28.00

CROSS REF.: AC, Nondiscrimination

## **Translation and Interpretation**

New Bedford Public Schools is committed to providing families the information they require to understand their children's schooling in a language and/or form the family best understands—including in two languages for those families in which one home speaks one language and the other home speaks another language. When requested/required families will receive all general information provided in English in the language they speak best, with an emphasis on those languages most commonly found in New Bedford Public Schools, namely Spanish and Portuguese. For meetings, families will be provided an interpretation, or a separate meeting held solely in a language they understand, for general meetings and information. For specific meetings and specific information, families will be provided said information in their home language and / or an interpreter for any such meetings if necessary. Families will never be asked to sign a document in a language they do not understand. For those families who do not possess literacy skills, information will be communicated orally, in full, prior to their signing any document.

NBPS will make every effort to provide students with counseling and guidance services in the language they best understand, beginning with an emphasis on those languages most spoken in New Bedford Public Schools: Cape Verdean Creole, Portuguese, and Spanish.

In the spirit of providing information to families in a language they can understand, any request from outside agencies to share information with NBPS families will be honored only if said agency provides the information in three languages in equal form: English, Portuguese and Spanish.

Adopted: 9/10/2012

## **Instructional Materials, Textbooks and Programs Selections**

The New Bedford School Committee believes that materials appropriate to the needs of the school program must be available to each student and teacher. These will be furnished by the School Committee subject to budgetary constraints.

The task of selecting instructional materials for programs will be delegated to the professional staff of the New Bedford Public Schools. Because instructional programs and materials are of great importance, only those that meet the following criteria will be approved by the New Bedford School Committee:

1. They must present balanced views of international, national, and local issues and programs of the past, present, and future.
2. They must provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic and ethical values.
3. They must help develop and foster an appreciation of cultural diversity and development in the United States and throughout the world.
4. They must reflect a standard process for their selection which will include, whenever possible, a process inclusive of teacher and community voices reflective of the various protected classes.
5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, color, religion, national origin, sex, ethnicity, gender identity, gender expression, homelessness, ancestry, physical disabilities or sexual preference.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.
7. They must be adaptable or inclusive of the needs of children with disabilities and those working to acquire English proficiency.

Definitions of core instructional materials, textbooks, and programs:

Comprehensive programs and/or textbooks (print or digital versions) for use throughout the district for a specific curriculum area and grade level(s).

Materials used to test and assess student's knowledge and abilities. Materials used for counseling students.

Definition of supplementary materials:

Any instructional materials other than textbooks (print or digital versions) including, but not limited to, books, periodicals, newspapers, pictures, diagrams, maps, charts, slides, filmstrips, films, records, audiotapes, and suitable technological applications which relate directly to the adopted curriculum. Supplementary materials also include any scholarships, awards and/or prizes provided by NBPS. If supplementary materials need to be recommended for district-wide use they will have met the same criteria as listed for core instructional materials, textbooks, and programs.

LEGAL REFS: M.G.L. 71:48; 71:49; 71:50

BESE regulations 603 CMR 26.00

Adopted: 9/10/2012

## **Notification to Parents of Teacher Qualifications**

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, the New Bedford 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, and the field of discipline of the certification or degree.
- Whether paraprofessionals provide services to your child and, if so, their qualifications.

## **FIELD TRIPS POLICY**

The School Committee recognizes the educational value of field trips, tours and excursions, when tied to the curriculum standards and when used to augment learning in the classroom. In order for all students to fully participate in the learning offered by field trip experiences, it is incumbent on each school to devise a means for covering any field trip-related expenses so

that all students are able to attend, regardless of ability to pay.

These activities must be adjunct to an approved program and designed to attain specific program objectives. The School Committee feels that field trips are a privilege and not an entitlement. To the extent that budgetary resources permit, the Committee encourages and sanctions student trips and other out-of district school activities, including participation in community civic projects and international travel which are of value in helping achieve each participating student's educational objectives.

All field trips require both the Principal and the Superintendent's administrative approval. Requests for overnight trips must be approved by the Superintendent or designee, with attention paid to the specific instructional objectives and the overall educational value of the trip. All out of state or extended (overnight) trips and excursions, except those required for student participation in tournament competition or contests, must have advance approval of the School Committee. Fund-raising activities for such trips shall be subject to approval by the Superintendent. All Committee policies and administrative regulations concerning students will be in effect for all approved field trips, excursions and travel experiences.

Adopted: 8/10/09

All chaperones must have a Criminal Offense Record Information C.O.R.I. and Department of Child & Family Services (DCF) check through the New Bedford school system prior to attending any/all field trips.

## **STUDENT RECORD REGULATIONS AND THE FAMILY EDUCATIONAL RIGHTS PRIVACY ACT**

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

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

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

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

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

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

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

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

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

**Transfer of Records:** It is the practice of the New Bedford Public Schools to forward the



student record of any student who transfers to another public school or school district upon request of the receiving school or district.

**Non-Custodial Parents:** Unless there is a court order to the contrary, a non-custodial parent (parent without physical custody of the student) of any public school student has the right, subject to certain procedures, to receive information regarding the student's achievements, involvement, behavior, etc. A noncustodial parent who wishes to have this information shall submit a written request annually to the principal. Upon receipt of such a request, the principal shall send written notification to the custodial parent by certified and first class mail that the records and information will be provided to the non-custodial parent in twenty-one (21) calendar days unless the custodial parent provides documentation of the non-custodial parent's ineligibility to access such information. In all cases where school records are provided to a non-custodial parent, the electronic and postal address and other contact information for the custodial parent shall be removed from the records provided. Any such records provided to the non-custodial parent shall be marked to indicate that they may not be used to enroll the student in another school. Upon receipt of a court order that prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school will notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

### **M.G.L. c.71, §34H, 603 CMR 23.07.**

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

**Complaints:** A parent/guardian or eligible student has a right to file a complaint with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-5901, (202) 260-3887 or with the Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148, 781-338-3300. If you have any questions regarding this notice, or would like more information and/or a copy of the Massachusetts Department of Elementary and Secondary Education, please contact the building principal.

## **PPRA Notice and Consent/Opt-Out for Specific Activities**

The Protection of Pupil Rights Amendment of 2001 applies to schools that accept federal funds, which New Bedford Public Schools does. PPRA seeks to ensure that instructional materials are made available to parents/guardians for inspection if those materials will be used in connection with a survey, analysis, or evaluation in which their children participate.

Additionally, for surveys funded by sources other than the Department of Education further policies address these issues of student privacy.

The Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h, requires the New Bedford Public Schools to notify you and obtain consent or allow you to opt your child out of participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent/guardian;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;
4. Illegal, anti-social, self-incriminating, or demeaning behavior;
5. Critical appraisals of others with whom respondents have close family relationships;
6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. Religious practices, affiliations, or beliefs of the student or parents/ guardians; or
8. Income, other than as required by law to determine program eligibility.

## **NON-SCHOOL LITERATURE POLICY**

Distributing non-school literature during school hours on or in school property is prohibited. This approved material may be passed out in a place and at a time designated by the Principal. Prior to distribution, a copy thereof must be furnished to the Principal indicating the time and place of distribution. Persons or organizations from outside the school will not be granted permission to sell or distribute material on campus without authorization from the School Committee.

This material must not be obscene, libelous, pervasively indecent or vulgar, or advertise any product or service not permitted by law to minors and/or adults. Further it should not present a clear and present likelihood that it will cause a disruption of the proper and orderly operation and discipline of the school or school activities.

**Please sign and return this page only.**

**I have received and read the New Bedford Public Schools Student and Family Handbook and agree to conform to its rules and regulations.**

\_\_\_\_\_  
Student Name

\_\_\_\_\_  
Homeroom Teacher Name

\_\_\_\_\_  
Student Signature

\_\_\_\_\_  
Parent/Guardian's Signature

\_\_\_\_\_  
Date