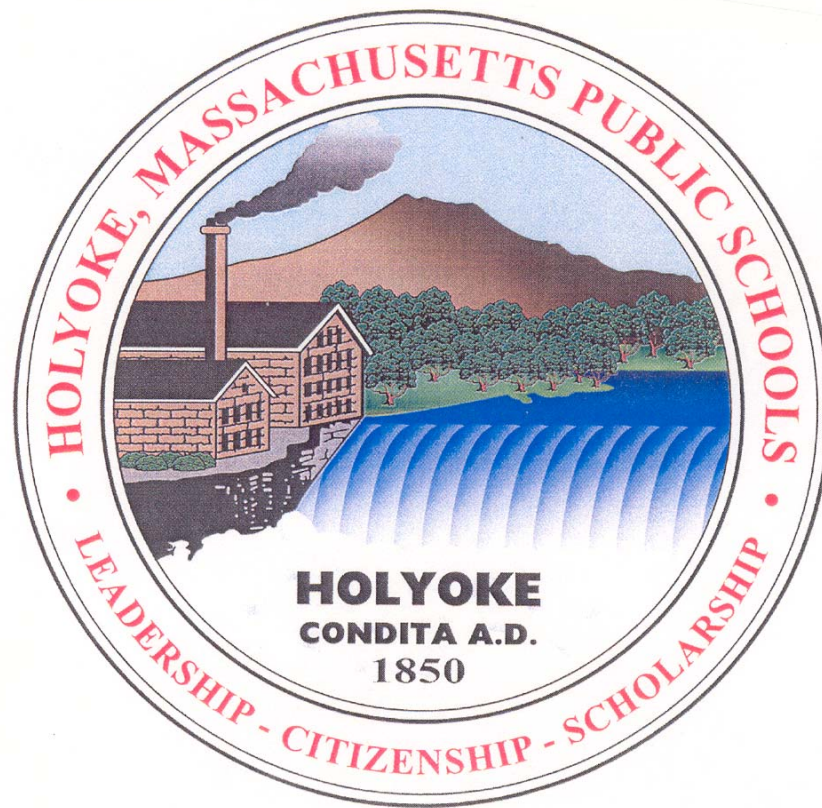


Code of Conduct and Discipline Policy

Student Handbook



David L. Dupont
Superintendent of Schools

HOLYOKE PUBLIC SCHOOLS



HOLYOKE PUBLIC SCHOOLS BUILDING DIRECTORY

William J. Dean Technical High School

1045 Main Street Phone: 534-2071

Holyoke High School

500 Beech Street Phone: 534-2020

Dr. William R. Peck School

1916 Northampton Street Phone: 534-2040

Maurice A. Donahue School

Whiting Farms Road Phone: 534-2069/70

Dr. Marcella R. Kelly School

216 West Street Phone: 534-2078/79

Center for Excellence

156 Cabot Street Phone: 534-2075

Lt. Elmer McMahon School

75 Kane Road Phone: 534-2062

Morgan School

587 South Summer Street Phone: 534-2083

Lt. Clayre P. Sullivan School

400 Jarvis Avenue Phone: 534-2060

E.N. White School

1 Jefferson Street Phone: 534-2058

Joseph Metcalf Early Childhood Program

2019 Northampton Street Phone: 534-2104

CODE OF CONDUCT AND DISCIPLINE POLICY

STUDENT HANDBOOK

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Holyoke Public Schools - 57 Suffolk Street -Holyoke, Massachusetts 01040

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David L. Dupont, Superintendent of Schools

Dear Parents, Legal Guardians, Students and Community Members:

This handbook was prepared for you so that you will have first-hand knowledge of the Code of Conduct, the Disciplinary Policy and the expectations the school system has for the behavior of our students. The main goal of the Holyoke Public Schools is to provide an education for all students in a safe and secure learning environment and, in so doing, instill a sense of responsibility to become upstanding citizens of the City of Holyoke.

Students, staff and administrators must treat each other with respect, dignity and civility. By ensuring this conduct through the parameters set forth in this handbook, a dignified attitude will be perpetuated. I charge you to take your responsibilities seriously.

If you have any questions regarding this handbook, please contact the principal of your school.

Sincerely,

David L. Dupont
Superintendent of Schools

VISION STATEMENT

The vision of the Holyoke Public Schools is that every student will graduate from high school ready for college success without remediation and for success as a worker and citizen in a global society.

GOALS/PHILOSOPHY OF THE CODE OF CONDUCT AND DISCIPLINE POLICY

The purpose of the Holyoke Public Schools is to enable students to become educated to their potential and to prepare them to become contributing and responsible members of the community.

GENERAL INFORMATION

INTERPERSONAL RELATIONSHIPS

Parents/guardians, family members, community members, students, administrators, teachers, support staff, and other school personnel share an expectation that civility and respect should govern all relationships between school and non-school personnel.

It is the policy of the Holyoke Public Schools that all school staff and non-school personnel, including students, shall treat each other with proper respect and dignity and communicate in a civil and humane manner.

MEDIA INFORMATION

The Holyoke Public Schools will use media outlets to film, interview and/or photograph students for television, newspaper, photo, web, Internet and/or movie use. The purpose for interviewing/photographing/ filming students is to represent and promote the good qualities of the Holyoke Public Schools.

If a parent/guardian does not wish his/her child to be interviewed, photographed or filmed, the parent/guardian must notify the child's principal within ten (10) days of receipt of this handbook.

CORI POLICY

It shall be the policy of the Holyoke Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I) from the criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education C.O.R.I. Law Advisory dated February 17, 2003, "Direct and unmonitored contact with children means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These

excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students."

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available C.O.R.I. data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

Access to C.O.R.I. material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I. material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on C.O.R.I. checks will be made consistent with this policy and any applicable law or regulations.

If a criminal record is received from the Criminal History Systems Board (CHSB), the Superintendent will closely compare the record provided by CHSB with the information on the C.O.R.I. request form and any other identifying information provided by the applicant, to ensure the record relates to the applicant.

If the district is inclined to make an adverse decision based on the results of the C.O.R.I. check, the applicant will be notified immediately. The applicant shall be provided with a copy of the criminal record and the district's C.O.R.I. policy, advised of the part(s) of the record that make the individual unsuitable for the position or license, and given an opportunity to dispute the accuracy and relevance of the C.O.R.I. record.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records (see attachment) which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REF: M.G.L. 71:38R, 151B, 276, §.100A, St.2002, c.385
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)
803 CMR 3.05 (Chapter 149 of the Acts of 2004)

SCHOOL VOLUNTEERS

It is the policy of the School Committee to encourage volunteer efforts in the schools. Parents/guardians, business representatives, senior citizens, and other community volunteers are recognized as important sources of support and expertise to enhance the instructional program and vital communication links with the community. The volunteer program will be coordinated in cooperation with building administrators.

FIELD TRIPS

The School Committee recognizes that firsthand learning experiences provided by field trips are a most effective and worthwhile means of learning. It is the desire of the Committee to encourage field trips as part of and directly related to the total school program and curriculum.

Specific guidelines and appropriate administrative procedures shall be developed to screen, approve, and evaluate trips and to ensure that all reasonable steps are taken for the safety of the participants. Said guidelines and procedures should be developed by the Administration and reviewed and approved by the School Committee.

These guidelines and appropriate administrative procedures shall ensure that all field trips have the approval of the Principal and that all overnight trips have the prior approval of appropriate Administrative level.

Field trips can bring the school and the community closer together, which can result in real life experiences that enrich the curriculum for students and also bring about better public relations. The School Committee will also encourage field trips as an integral part of the instructional programs in the schools.

FIELD TRIP PROCEDURES

The Superintendent will establish regulations to assure that:

1. All students have parental permission for trips.
2. All trips are properly supervised.
3. All safety precautions are observed.
4. All trips contribute substantially to the educational program.

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. Fundraising activities for such trips will be subject to approval by the appropriate Administrator.

SCHOOL ADMISSIONS

All children of school age who reside in the town will be entitled to attend the public schools, as will certain children who do not reside in the town but who are admitted under School Committee policies relating to nonresident students or by specific action of the School Committee.

Advance registration for prospective kindergarten students will take place in April. Every student seeking admission to school for the first time must present a birth certificate or equivalent proof of age acceptable to the Principal and proof of vaccination and immunizations as required by the State and the School Committee. Proof of residency of legal guardianship may also be required by the school administration.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A..

Purpose and Construction of 603 CMR 26.00: Access to Equal Educational Opportunity

- (1) 603 CMR 26.00 is promulgated to insure the right of access to the public schools of the Commonwealth and the equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools without regard to race, color, sex, religion, disability, sexual orientation or national origin. 603 CMR 26.00 shall be liberally construed for these purposes.
- (2) The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, sex, religion, disability, sexual orientation or national origin.

School Admissions:

- (1) All public schools in the Commonwealth shall admit students without regard to race, color, sex, religion, disability, sexual orientation or national origin. This includes, but is not limited to regional vocational-technical schools, elementary, secondary, trade, and selective academic high schools.
- (2) No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, religion, disability, sexual orientation or national origin. Written materials used by a school to recruit students shall not contain references suggesting the predominant sex of the students presently enrolled or the anticipated sex of the students to be recruited. Pictorial representation, in the agreed, in such material shall depict students of both sexes and of minority groups. Reference to only one sex in the name of schools, programs or activities shall not be retained.
- (3) The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extracurricular activities.
- (4) Any standards used as part of the admissions process to any public school, including but not limited to testing, the use of recommendations, and interviewing (as referred to in 603 CMR 26.02 (1)) shall not discriminate on the basis of race, color, sex, religion, disability, sexual orientation or national origin. Limited English-speaking ability (as defined by M.G.L.c.71A) shall not be used as a deterrent to or limitation on admissions.
- (5) If admission to any school, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, is dependent upon the participation or completion of courses or programs which were previously limited to students of one sex or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any racial, ethnic or religious group of students to participate in such programs, then such criteria must be abolished.
- (6) Nothing in 603 CMR 26.00 shall be construed as to control the interpretation of or interfere with the implementation of St. 1965, c. 641, as amended by St, 1974, c. 636, providing for the elimination of racial imbalance in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A..
603 CMR 26:01; 26:02; 26:03..

Admission to Course of Study

- (1) Each and every course of study offered by a public school shall be open and available to students regardless of race, color, sex, religion, disability, sexual orientation or national origin. Nothing herein shall be construed to prohibit the use of prerequisite requirements that have been demonstrated to be essential to success in a given program. However, if participation in a course or program is dependent upon completion of a prerequisite which was previously limited to students of one sex, or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any class of students to participate in such prerequisites, then all members of the previously excluded group shall be given the opportunity to acquire the prerequisites or be allowed to enter the program without

such prerequisites. If it cannot be shown that a prerequisite is essential for success in a given program, the prerequisite shall be abolished.

- (2) The determination of what courses or units of study are to be required of any student shall also be made without regard to the race, color, sex, national origin, disability, sexual orientation or religion of that student.
- (3) The scheduling of students into courses or units of study shall not be done on the basis of sex, color, race, religion, disability, sexual orientation or national origin.
- (4) Each student, regardless of race, color, sex, national origin, religion, disability, sexual orientation or limited English-speaking ability, shall have equal rights of access to courses of study and other opportunities available through the school system of the city or town in which he/she resides, along with appropriate bilingual instruction and programs or other curriculum offerings of a supportive nature such as appropriate remedial programs.
- (5) Nothing in 603 CMR 26.03 shall be construed to prevent particular segments of a program of instruction from being offered separately to each sex when necessary in order to respect personal privacy.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A..
603 CMR 26:01; 26:02; 26:03..

ENTRANCE AGE

A child must be five years of age by September first to enter Kindergarten. A child must be five (5) years old and nine (9) months by September first to enter the first grade.

ASSIGNMENT OF STUDENTS TO SCHOOLS

- 1) New students entering HPS in grades (K-8) will be assigned to schools based on designated School Attendance Zones.
- 2) Students who leave and re-enter during the school year will be assigned to their Attendance Zone School upon re-entry.
- 3) New or re-entering students with moderate special needs will be assigned to schools based on designated School Attendance Zones.
- 4) Entering special needs students with significant special needs, i.e. RISE, BIG or LATENCY, will be assigned to schools by the Special Education Administrator and according to mandates of the current Individual Education Plan (I.E.P.).

ATTENDANCE ZONES

Prior to, and throughout the school year, an interactive website is maintained by HPS and Tighe & Bond Company where the parents may log on and learn in what School Attendance Zone they reside. Families without access to a computer can contact the Student Assignment Office or call any one of the school offices and request that information.

"GRANDFATHER" CLAUSE

Under the Attendance Zone Plan, students who had been attending a school outside their Attendance Zone before its implementation in SY05/06 may continue to do so. Kindergarten students with "grandfathered" siblings may attend with their older siblings, provided space is available.

District supported bus transportation for "grandfathered" students (and their newly entering Kindergarten siblings), is not provided.

TRANSPORTATION WITHIN THE ATTENDANCE ZONES

The School Department will provide bus service as always, under the current eligibility criteria for all students attending their Attendance Zone Schools, as provided in EEAA, Walkers and Riders.

Students who are on waiting lists for their Attendance Zone schools because space is not yet available, may receive transportation if they are forced to attend a non Attendance Zone school that calls for bus transportation under the current eligibility criteria..

TRANSFERS TO ATTENDANCE ZONE SCHOOLS

Under the Attendance Zone Plan, students who move to a residence outside their current Attendance Zone may request a transfer to their new Attendance Zone School. Transfer requests for the following school year, may be filed at the Student Assignment Office during the time period of May 1 through September 30. **Transfer requests are reviewed on a "first come" basis.** Depending on space availability and reasonable class size, transfers may be immediately approved, or in some cases, waiting lists must be established. Priority will be given to students who have siblings already attending the school.

STUDENTS WHO MOVE TO A NEW ZONE DURING THE SCHOOL YEAR

Students who move from one Attendance Zone to another during the course of a school year will have the option of transferring immediately (pending space availability and reasonable class size) or, remaining at the school to finish out the current school year (providing all parties can agree on transportation arrangements).

The ongoing transfer of students throughout the school year can be very disruptive to students, teachers and classroom climate and school schedule. In light of MCAS and other testing schedules, the transfer of any student after December would generally be discouraged.

THE APPEALS PROCESS

An Appeals Protocol and Appeals Board will be established to address special cases of extreme and/or extraordinary circumstances that may warrant a particular student attending a school outside his/her Attendance Zone. The Appeals Board will be composed of a panel of parents representing each of the schools in the District. Membership on the panel will be staggered: one to two years. The panel will function under the facilitation of an appointed HPS administrator. Written appeals may be submitted throughout the school year for review by the Appeals Board which will be responsible for making the final decision.

GRADE LEVEL PLACEMENT/RETENTION

Consistent with laws prohibiting discrimination based on race, sex, sexual orientation, national origin, religion or handicap, the building principal, acting reasonably and in good faith, has the final decision in accordance with School Committee policy regarding the promotion or retention of a student, the placement of a student with a particular teacher, and the placement of a student in a designated course at a specific level of academic sophistication and/or one that has specific pre-requisite requirements.

While building principals are encouraged to involve parents whenever feasible in significant decisions that affect their children, the ultimate authority concerning promotion, retention, and placement of students rests with the school officials.

ALTERNATIVE SCHOOLS/PROGRAMS

It is the philosophy of the District to provide programs for all of its students. Where additional programs and/or environments could facilitate meeting the needs of students and the philosophy and objectives of the District, alternative programs may be established.

Definition

Alternative programs are defined as provisions within the public education system which offer major choices among diverse educational environments based on student needs, talents and interests; occupy a significant proportion of an individual student's time; and meet the District's philosophy and objectives.

Development

Any project shall have been discussed with the Administration and must receive its endorsement prior to development.

Alternative programs shall observe all policies and regulations that govern all of the schools and programs of the District unless specifically waived by the board.

Proposals for alternative programs must include a design for evaluating the effectiveness in achieving the purposes of the program and determining the extent to which it is successful in achieving the philosophy and objectives of the District. Alternative programs will be reviewed and evaluated annually for the first three years with a recommendation to the Committee as to continuation of the programs.

Approval

Prior to implementation, the Committee shall approve alternative programs.

SUMMER PROGRAMS

The school system will conduct summer sessions as a supplement to the instruction offered during the school year, when funding for such programs is available.

To attend remedial summer school, students must have the approval of their classroom and/or special subject teachers.

Students at all instructional levels may attend approved summer schools for remedial, enrichment, or make-up purposes. Credit towards graduation requirements for high school students, as well as grade to grade promotion, may be granted in line with regulations of the School District.

LEGAL REF.: M.G.L. 71:28

SCHOOL LUNCH PROGRAM: FREE AND REDUCED PRICE FOOD SERVICES

The school system will take part in the National School Lunch Program and other food programs that may become available to assure that all children in the schools receive proper nourishment.

In accordance with guidelines for participation in these programs, and in accordance with the wishes of the Committee, no child who a teacher believes is improperly nourished will be denied a free lunch or other food simply because the proper application has not been received from his/her parents or guardian.

As required by state and federal regulations, the School Committee will approve a policy statement pertaining to eligibility for free milk, free meals, and reduced price meals.

MEAL CHARGES

Food Services will now have a \$40.00 limit that students can charge for meals. This is equivalent to approximately one month of meal charges. If your student reaches the limit and the balance is not paid, then they will not be able to receive the menu lunch until the balance is paid. Students will be offered and alternate lunch of a cheese sandwich. Once the balance is paid then they will be able to have the menu lunch.

LEGAL REFS.: National School Lunch Act, as amended (42 USC 1751-1760).
Child Nutrition Act of 1966, P.L. 89-642, 80 Stat. 885, as amended.
M.G.L. 15:1G; 15:1L; 69:1C; 71:72.

HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

To the extent practical and as required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular

- sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
 8. Migratory children living in conditions described in the previous examples.

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area in which the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families with residence in the district.

If there is an enrollment dispute, the student shall be immediately 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 district's liaison will carry out dispute resolution as provided by state rule. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally.

The district's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families, other school districts on issues of transportation and records transfers, and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students.

LEGAL REFS.: Title I, Part C
No Child Left Behind Act, 2002

SCHOOL CHOICE

It is the policy of this School District to admit non-resident students under the terms and conditions of the inter-district School Choice Law (M.G.L. 76:12) and under the following local conditions:

1. That by May 1 of every school year, the administration will determine the number of spaces in each school available to choice students.
2. That by June 1 of every school year, if consideration is being given to withdraw from the provisions of the choice law, a public meeting will be held to review this decision.
3. That the selection of non-resident students for admission be in the form of a random drawing when the number of requests exceeds the number of available spaces. There will be two drawings for this purpose. The first will take place during the last week of the current school year but no later than July 1st. The second will be conducted during the week immediately preceding the opening of the next school year and will be based on the possibility of unexpected additional openings.
4. Any student who is accepted for admission under the provisions of this policy is entitled to remain in the District until graduation from high school except if there is a lack of funding of the program.
5. The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of race, color, religion, national origin, sex, age, sexual orientation, ancestry, athletic performance, physical handicap, special need, academic performance or proficiency in the English language.

LEGAL REFS.: M.G.L. 71:6; 71:6A; 76:6; 76:12; 76:12B..

HOME BOUND SCHOOLING

The schools shall furnish homebound instruction to those students who are unable to attend classes for a period of not less than fourteen days in any school year due to a physical injury, medical situation, chronic illness, or a severe emotional problem. The instruction is designed to provide maintenance in the basic academic courses so that when a student returns to school he/she will not be at a disadvantage because of the illness or the hospitalization.

To qualify for the program the student needs a written statement from a medical doctor requesting the homebound instruction, stating the reasons why, and estimating the time the student will be out of school. This statement needs to be sent to the Director of Student Services.

Homebound instruction is offered in basic elementary subjects and in secondary subjects which do not require laboratories and special equipment, subject in all cases to the availability of qualified teachers. Certified teachers are assigned to homebound instruction by the Director of Student Services with the approval of the Superintendent.

HOME SCHOOLING

The Massachusetts General Law requires the School Committee to determine that a Home Schooling program meet with the minimum standards established for public schools in the Commonwealth prior to approving such a program.

When a parent or guardian of a student below the age of 16 wants to establish a home-based educational program for his/her child, the following procedures shall be followed in accordance with the law.

Prior to removing the child from public school:

The parent/guardian must submit written notification of establishment of the home-based program to the appropriate administrator 14 days before the program is established, and resubmit notification on an annual basis as long as the child or children are being educated in a home-based environment.

The parent/guardian must certify in writing, on a form provided by the District, the name, age, place of residence, and number of hours of attendance of each child in the program.

The Superintendent shall give the notice to produce records required by law if there is probable cause to believe the program is not in compliance with the law. Factors to be considered by the Superintendent or School Committee in deciding whether or not to approve a home education proposal may be:

1. The proposed curriculum and the number of hours of instruction in each of the proposed subjects;
2. The competency of the parents to teach the children;
3. The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents;
4. Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards.

A student being educated in a home-based program within the District may have access to public school activities of either a curricular or extracurricular nature upon approval of the Superintendent.

A student, with the approval of the School Committee, may be awarded a high school diploma if he/she has satisfied the Department of Education's competency requirements and has met the District's educational standards for graduation.

LEGAL REFS.: M.G.L. 69:1D; 76:1, Care and Protection of Charles
Care and Protections of Charles - MASS. Supreme Judicial Court 399 Mass. 324 (1987)

STUDENT ABSENCES AND EXCUSES

Regular and punctual school attendance is essential for success in school. The Committee does recognize that parents of children attending district schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law.

Therefore, students may be excused temporarily from school attendance for the following reasons:

1. Illness or quarantine;
2. Bereavement or serious illness in family;
3. Weather so inclement as to endanger the health of the child;
4. Observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the school administrator.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his/her character. Parents can help their children by refusing to allow them to miss school needlessly.

Accordingly, parents will provide a written explanation for the absence and tardiness of a child. This will be required in advance for types of absences where advance notice is possible.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justifiable.

LEGAL REFS.: M.G.L. 76:1; 76:16; 76:20

MCAS TESTING

The Massachusetts Comprehensive Assessment System (MCAS) is mandated by the Education Reform Act of 1993. The Holyoke Public Schools must abide by this mandate. Students who refuse to participate in MCAS testing, or who refuse to follow directions while taking the test, resulting in a “failing” score, will be subject to short-term suspension based upon their “willful disregard of express or implied directions by a teacher, administrator or staff member”. Students are reminded that the failing test scores resulting from their refusal to participate in or comply with the directions of the MCAS result in a disservice to their fellow students. These failing scores lower a school’s overall performance rating; a lowered rating may result in the school being found to be “underperforming.” Such a finding has such potentially serious consequences as funding cuts and/or loss of local control.

In assigning short-term suspensions, administrators should strive to minimize the resulting interruption of a student’s educational program while still: 1) aiming to improve a student’s behavior; 2) maintaining a safe and orderly school environment; and 3) providing for necessary communication between parent(s)/legal guardian(s) and school personnel.

Therefore, suspensions and time out of school should be usually progressive in nature. First offenses should usually result in less loss of school time than subsequent offenses. In determining the length of a suspension, administrators should be also considering the student’s prior school behavior.

DUE PROCESS

Under Goss v. Lopez, students have the right to certain minimal due process protections when school officials seek to impose short-term suspensions. The student is entitled to oral or written notice of the charge(s) against him/her, an explanation of the basis for the accusation(s), and an opportunity to present his/her version of the facts. This “informal hearing” must be provided in advance of the suspension except when the student’s continued presence at school endangers persons or property or “threatens disruption of the academic process.” In the exceptional cases where immediate suspension is justified, the notice and hearing must follow as soon as practicable. When school officials seek to suspend a student for more than five (5) days (long-term suspension), greater due process protections may be required.

DUE PROCESS PROCEDURE

Short Term Due Process

Prior to the informal hearing, oral or written notice of the charges shall be given to the student by the administration.

1. The evidence against the student will be reviewed with the student.
2. The student will be given the opportunity to explain or make statements in defense of his/her action or in mitigation of his/her conduct.

3. The administrator shall record a summary of the facts and disputed evidence.
4. After the informal hearing, the student will be notified in writing of the decision of the administrator.

When a student is short-term suspended:

1. A phone call will be made to the parent(s) or legal guardian(s) informing him/her that the student is suspended immediately and that he/she is going to be sent home. If the administration is unable to reach the parent or legal guardian, the student will remain in the building until regular dismissal time. The parent(s)/legal guardian(s) shall have the right to discuss the suspension in person with the administration if the parent(s)/legal guardian(s) so chooses. (Note: After reasonable efforts to contact the parent or legal guardian have been made by the administration, the suspension shall take effect and not be stayed). An externally suspended student will not be allowed to return to school during the period of suspension even if the administration is unable to reach the parent(s) or legal guardian(s).
2. A letter shall be mailed/delivered to the parent(s)/legal guardian(s) by the next school day which includes the following:
 - A. A statement of the reasons for suspension and the day(s) of the suspension.
 - B. A statement that provisions will be made for the student to continue school assignments during suspension.
 - C. If the parent or legal guardian was not present at the hearing before the administration, he/she may, within three (3) school days of the suspension, request a conference with the administration to review the reasons for the suspension.
 - D. If the parent(s)/legal guardian(s) wishes further review of the action after the conference with the administration, the parent(s)/legal guardian(s) may request a review by the Office of Student Services, within five (5) school days of the suspension. The request should be sent to the Student Services Director who will review the suspension and notify the parent(s) /legal guardian(s) in writing of the results of his/her review. There is no right to further review.

In addition to the minimal protections afforded to a student where a short-term suspension is imposed, additional due process hearing rights arise under federal and Massachusetts law when a long-term suspension or an expulsion is sought.

Hearing Officer-Long-Term Suspension/Expulsion Hearings

Prior to the hearing, the Hearing Officer ensures that the parent(s) or legal guardian(s) (or student, if he/she is eighteen (18) years old or older) receive timely written or oral notice, in the language of the home of the following:

- A. That a hearing will be held to determine whether or not to impose a long-term suspension or expulsion;
- B. The date/time/place of the hearing;

All hearings will be held at: *Holyoke School Department
Student Services Office
57 Suffolk St., 3rd Floor
Tele: 534-2008/9
FAX: 540-2400*

- C. A description of the nature of the evidence supporting the allegation(s) against the student;
- D. The specific sections of the Handbook alleged to have been violated;
- E. A list of witnesses who will appear on behalf of the school;
- F. A summary of the procedures to be followed and the rights afforded to the student at the hearing;
 - The school will first present evidence from the above witnesses. The parent/guardian will be able to present any evidence related to the above-alleged acts on behalf of his/her son/daughter.
 - At the hearing, the parent/guardian and his/her son/daughter have the right to be represented by counsel or an advocate of their choice, at their expense.
 - Depending on the nature of the individual, the parent/guardian has the right to cross-examine school witnesses (note: In some cases, the need to protect an individual may outweigh a student's right to cross-examine a witness, for example another student).
 - In addition, the parent/guardian may present witnesses on behalf of his/her son/daughter, and have his/her son/daughter testify on his/her behalf.
 - The parent/guardian is entitled to a copy of the tape recording of the hearing.
 - The parent/guardian or his/her counsel or advocate may review any and all statements by proposed school witnesses prior to the hearing. Arrangements for such review can be made by contacting the Hearing Officer.

<p><i>Arrangements for the translation of witness statements or other school documents will be provided upon request to the Hearing Officer.</i></p>
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- Finally, the parent/guardian has the right to a reasonably prompt written decision, including the specific grounds for the decision after the hearing is concluded.
 - All reasonable efforts will be made to protect the confidentiality of the hearing.
 - The allegations against the student must be supported by a preponderance of evidence before a Long-term Suspension/Expulsion is imposed.
 - This is not a court proceeding. Evidence which is relevant, though hearsay, may be admitted.
- G. If the student has an Individualized Educational Plan (IEP), the student has the right to an Alternative Education Plan.
 - H. The parent/guardian has the right to appeal the decision to the Superintendent of Schools, in writing within **five (5)** days.

DISCIPLINARY PROCEDURES IN THE CLASSROOM

(A shop shall be considered a classroom under this and other sections of the Student Handbook.)

Teachers are responsible for establishing standards of conduct within the classroom. Teachers are strongly encouraged to refer students to guidance counselors, nurses, mediators, student assistance programs, and administrators.

Teachers are encouraged to contact parent(s)/legal guardian(s) and/or notify guidance counselors when appropriate to enhance communication between home and school.

There are some areas of discipline, which should remain in the classroom and be handled by the classroom teacher. These include, but are not limited to:

1. Tardiness to class;
2. Being unprepared for class;
3. Talking and other minor disruptions;
4. Passing notes;
5. Minor horseplay;
6. Non-participation in classroom activities/assignments; and
7. Cheating (see Academic Honesty, contained herein).

Students should not openly wear and/or display, operate or use any laser guns, walkman, radio, and/or tape players, etc. in the class/school buildings. The use of lasers, laser pens, laser pointers, or devices, which project intensive light upon surfaces, is not allowed on school grounds or in school buildings.

The use of matches or lighters is not allowed on school grounds or in school buildings.

The use of beepers, cellular phones, and other electronic communication devices, is not allowed on school grounds or in school buildings except for documented reasons.

The use and possession of hand-held electronic games, video cameras, tape recorders, and similar devices is not allowed in school buildings without the permission of school administration.

The inappropriate use and possession of hand-held electronic games, video cameras, tape recorders and similar devices is not allowed on school grounds or at school-related events.

Detention

When a student has persisted in a behavior contrary to this Discipline Policy, a teacher may assign the student to classroom detention. The student will be given twenty-four (24) hours notice before he/she must serve detention. This notice may only be waived by the mutual consent of both parties for students enrolled in grades 9-12; for students in grades K-8, this notice may only be waived with parental consent.

Classroom detentions cannot exceed forty-five (45) minutes from the end of school.

DISCIPLINARY ACTION BY ADMINISTRATORS

In addition to excluding a student from his or her school program by means of in-house, short-term and long-term suspensions, administrators have the right to institute alternative disciplinary measures, including, but not limited to: restitution, school-based community service, referral for counseling, referral for risk assessment, letters of apology, suspension of driving privileges on school property, creation of a discipline contract, and exclusion from extra-curricular activities in accordance with the MIAA Athletic Training Code if applicable. An administrator may also, at the request of the parent or guardian and with the permission of the parent or guardian, do random testing for illegal drugs, controlled substances, and/or alcohol.

SHORT-TERM SUSPENSION/IN-HOUSE SUSPENSION

DEFINITION: The removal of a student from his/her classroom for up to five (5) school days, including a referral to In-house Suspension and External Suspension. In keeping with HPS Attendance Policy of 92% student attendance, students may be required to make up missed school days at Saturday School.

IN-HOUSE SUSPENSION: Separation from regularly scheduled classes and restriction of movement within the school. Students are responsible for completion of all schoolwork and assignments and must abide by the Discipline Policy and rules of the school.

EXTERNAL SUSPENSION: Removal of a student from school for up to five (5) school days. Students remain responsible for the completion of all school assignments. In keeping with HPS Attendance Policy of 92% student attendance, students may be required to make up missed school days at Saturday School.

Students who do not abide by the rules of the In-house Suspension Program or who do not modify their behavior as a result of time in the In-house Suspension Program will be referred to the administration for external suspension.

During the period of the short-term suspension, a student may not appear on school property, and may not attend extra-curricular activities such as athletic events and school dances either as a spectator or participant. Depending on the reason for suspension, a student may be prohibited from attending extra-curricular activities beyond the suspension period. Suspensions, which carry over a weekend or vacation period, will also eliminate that student's participation in any extra-curricular events which take place on those weekends or during the vacation period.

Students under suspension remain responsible for completion of all school work and will receive credit accordingly. Suspended students will have the opportunity to take tests and exams given during the suspension period when they return to school. Teachers are under no obligation to provide help to a student while he or she is under suspension other than to provide notice of assignments, either during the period of suspension or upon the student's return to school.

Note: When appropriate and available, any student receiving a short-term suspension should be referred to the In-house Program.

GROUNDS FOR SHORT-TERM SUSPENSION

1. Leaving school during school hours without permission.

2. Unauthorized absence(s) from school (truancy) or from class. (See Attendance Policy, contained herein).
3. Repeated, unexcused tardiness to school, class and homeroom. (See Attendance Policy, contained herein).
4. Unexcused absence(s) from teacher's detention after two warnings or from an office detention.
5. Gambling in any form.
6. Use or possession of contraband items such as matches, lighters, fireworks, stink bombs, animal scents, electrical charges, lasers, laser pens or pointers, or any devices which project intensive light. Repeated offenses may result in long-term suspension.
7. Use of beepers, cellular phones, or other electronic communication devices during school hours.
8. Smoking in a school building, on school grounds, in a school bus or at school functions, third and subsequent offense. (See Tobacco Free Policy, contained herein).
9. Exhibitionism, lewd, wanton and lascivious behavior, disorderly conduct and distracting and inappropriate sexual contact between students. Depending on its severity, such an offense may result in a long-term suspension/expulsion and referral to law enforcement agencies (See Massachusetts General Laws, Chapter 272, Sections 16 and 53).
10. The possession, dissemination, or use of obscenity in any form, especially speech, writing or explicit sexual pictures or drawings. The use of this language or material in an intentional, disrespectful and disruptive manner will not be tolerated in a school setting and may result in a long-term suspension/expulsion and referral to law enforcement agencies (See Massachusetts General Laws, Chapter 272, Sections 29 and 31).
11. Intentional acts threatening the health and safety of self and/or others (i.e. fights, false fire alarms, tampering with fire alarms, extortion, engaging in seriously unhealthy acts, etc.) on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. A determination regarding the severity of such acts will be made by the appropriate administrator and staff member, and a long-term suspension/expulsion and referral to law enforcement agencies may be recommended.
12. Lack of respect for school staff and visitors, including, but not limited to, insubordination, failure to identify oneself to a teacher or administrator, disobedience to a teacher, administrator or staff member, the use of insulting and/or profane language or gestures, the willful disregard of express or implied directions by a teacher, administrator or staff member, including, but not limited to, the refusal to follow the directions of mandated tests, assessments, or exams, and/or the failure to attend a mandated program.
13. Theft or vandalism to school property or the property of others in a school setting, whether during or after school hours or at any school activity such as athletic events, dances, field trips, etc. Reasonable proof of the offender is necessary. Restitution by the offender is required. If the offense is judged particularly severe by the appropriate administrator, a long-term suspension/expulsion and referral to law enforcement agencies may be recommended. (See Massachusetts General Law, Chapter 226, Sections 30, 98, 100, 127A, etc).
14. Chronic school offender: The student who repeatedly disturbs or interrupts the educational process, refuses to work, who falsifies signatures on reports, who refuses to return the signed papers to teachers or administrators, who refuses to report to appropriate school personnel, who exhibits offensive behaviors on an ongoing basis, and/or who repeatedly violates the code of conduct.
15. Organizing or participating in "hazing". (See Hazing – Penalties, contained herein).
16. Violation of Civil Rights – Students have the right to be free from discrimination based upon race, color, religious creed, national origin, ancestry, gender, sexual orientation, disability or handicap. Such discrimination includes, but it is not limited to, verbal and physical attacks on students directed at their racial, ethnic or religious background, or their disability, and any form of sexual harassment.

17. Violation of rules approved by the Holyoke School Committee and filed with the Commissioner of Education for an individual school or program. (See Massachusetts General Laws, Chapter 71, Section 37H and Grounds for Long-Term Suspension, Expulsion contained herein).
18. Violation of Federal or Massachusetts Law.
19. Bullying in any form, including verbal abuse, harassment, taunting, name-calling, threats in any form, extortion, intimidation, slander, defamatory statements, whether verbal or written, pushing, shoving, and tripping. This includes asking anyone to verbally abuse, threaten or intimidate another student on one's behalf.
20. Any school related act, on or off school property, which interferes with or restricts another student's ability to enjoy the educational benefits afforded or offered within, and outside of, the school setting. Such acts include, but are not limited to, incidents that interfere with or threaten the well being or order of the school or its staff, students, or the general public.

PROCEDURES FOR SHORT-TERM SUSPENSION

1. See Due Process, contained herein. (See FORM 4)
2. The student will be allowed to make up any school work missed in the time established by the Attendance Policy, contained herein. Upon re-entry into the school, the student will report to the school administration and receive a blank admission to be filled out by each teacher. (See FORM 3). In order to maintain an attendance rate of 92%, students may also attend Saturday School. (See Attendance Policy)
3. The Attendance Officer will be notified if the student does not return upon completion of his/her suspension. The Attendance Officer will, in turn, report the reason(s), in writing to the Principal or his/her designee.
4. Parent(s)/legal guardian(s) should accompany the student upon his/her return from a suspension.
5. All school staff should be informed by student's school principal or his/her designee when one of their students is suspended.

LONG TERM SUSPENSIONS AND EXPULSIONS

DEFINITION OF LONG-TERM SUSPENSION (Under MA General Laws Ch. 71 sec 37H): Long-term suspension is the removal of a student from his/her educational program for more than five (5) days.

DEFINITION OF EXPULSION (Under MA General Laws Ch. 71 sec 37H): Expulsion is the exclusion of a student from school permanently.

During the period of the long-term suspension, a student may not appear on school property, and may not attend extra-curricular activities such as athletic events and school dances either as a spectator or participant. Depending on the reason for suspension, a student may be prohibited from attending extra-curricular activities beyond the suspension period. Suspensions which carry over a weekend or vacation period will also eliminate that student's participation in any extra-curricular events which take place on those weekends or during the vacation period.

Students under suspension remain responsible for completion of all school work and will receive credit accordingly. Suspended students will have the opportunity to take tests and exams given during the suspension period when they return to school. Teachers are under no obligation to provide help to a student while he or she is under suspension other than to provide notice of assignments, either during the period of suspension or upon the student's return to school.

Long-term suspensions and expulsions, while a necessary part of this Disciplinary Policy, should only be used in serious cases.

GROUNDS FOR LONG-TERM SUSPENSION/EXPULSION

The Principal may recommend expulsion/long-term suspension to the Hearing Officer for a student who has violated items (1) through (8) below.

1. Possession of any dangerous weapon, including but not limited to, firearm, knife, on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See United States Code, Section 921 of Title 18 and Massachusetts General Laws, Chapter 269, Section 10 and Chapter 71 Section 37H).
2. Assault/assault and battery upon any school staff member or individual, with or without means of a dangerous weapon, on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See Massachusetts General Laws, Chapter 265, Sections 15A and 15B as well as Sections 13A and 13D).
3. Possession, use and/or distribution of a controlled substance as defined in Massachusetts General Laws, Chapter 94C, including, but not limited to, marijuana, cocaine, crack, and heroin and/or misuse of inhalants, glue, or any other similar substance on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school.
4. Making a bomb threat by any means, including, but not limited to, verbally, electronically, or in writing. Use or possession of a bomb or any other explosive or incendiary device, including an object that appears to be a bomb or other such device.
5. Possession, use and/or distribution of alcohol on school premises, at school-sponsored or school-related events, including field trips, athletic games, and to and from school.
6. Pursuant to Massachusetts General Laws, Chapter 71, Section 37H ½, a student charged with a felony or the subject of a felony delinquency complaint may be suspended, or a student convicted, adjudicated, or admitting guilt with respect to a felony or felony delinquency may be expelled, provided that the Hearing Officer determines, after hearing, that the student's continued presence poses a substantial detrimental effect on the general welfare of the school.
7. Any disruptive actions or activities perceived by school administration or staff to be gang related on school premises, at school sponsored or school related events, including field trips, athletic games, and to and from school (i.e. including but not limited to displaying gang colors, apparel, symbols, insignias, jewelry, gestures and graffiti, distributing printed gang materials, trade marks or recruiting new members).
8. Serious offenses as defined in Grounds for Short-Term Suspension, Items 5 through 20 inclusive, on school premises, at school-sponsored or school-related or school sponsored events, including field trips and athletic games, and to and from school.

PROCEDURES FOR LONG-TERM SUSPENSION/EXPULSION

1. See "Due Process," contained herein.
2. The student shall be notified in writing of an opportunity for a long-term suspension/expulsion hearing before the Hearing Officer or School Committee. The student may have representation, at his/her expense, along with the opportunity to present evidence and witnesses on his/her own behalf, at said hearing.
3. After said hearing, the Hearing Officer shall determine whether to uphold the principal's recommendation for suspension/expulsion from school, for items 1-6 above or suggest an alternative disciplinary action.
4. Any student who has been expelled from school shall have the right to appeal to the Superintendent. The expelled student shall have five (5) days from the date of the expulsion in which to notify the Superintendent in writing of his/her appeal. The student has the right to be represented by counsel, at his/her expense, at the hearing. 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. The Superintendent may modify the expulsion of a student on a case-by-case basis.

5. The Hearing Officer shall provide written notification to the Superintendent of any long-term suspension/expulsion (See Form 5 and Form 6). A copy of said notification shall be mailed or hand-delivered to the student's parent(s) or legal guardian(s) in the language of the home. A copy shall also be maintained in the student's temporary cumulative file.
6. The student may return to school only upon the written approval of the Hearing Officer. Parents and legal guardians are strongly urged to accompany their child upon returning to school.
7. The Principal will notify the Hearing Officer if the student does not return to school at the completion of their suspension. The Hearing Officer will then notify the Attendance Officer.
8. If suspended, the student will be allowed to make up any schoolwork missed in the time established by the Attendance Policy, contained, herein.
9. The Principal shall ensure that all personnel assigned to his/her school report in writing to him/her an incident involving a student's possession or use of a dangerous weapon on school premises at any time. The Principal shall file a report concerning the weapon with the Superintendent. The Principal shall file copies of said weapon report with the local Chief of Police, the Department of Social Services, and the Office of Student Services, who shall arrange an assessment of the student involved in said weapon report. The student shall be referred to a counseling program; provided however, that said counseling shall be in accordance with acceptable standards as set forth by the Department of Education. Upon completion of a counseling session, a follow-up assessment shall be made of the student by those involved in the initial assessment.
10. The Office of Student Services may require a RISK Assessment of a student involved in a violation of item (1), Grounds for Long-term Suspension/Expulsion.
11. A student transferring into the Holyoke Public Schools shall provide the Student Assignment Center or the building Principal with complete school records. Said records shall include, but not be limited to, any incidents involving suspension(s)/expulsion(s) or violation(s) of criminal acts or any incident reports in which such student was charged with any suspended act.
12. When a student is expelled under the provisions of this section and applies for admission to another school, the Superintendent, once notified, shall inform the Superintendent of the receiving school of the reasons for the pupil's exclusion from the Holyoke Public Schools.
13. The Principal shall notify the Holyoke Police Department whenever a student has committed an assault/assault and battery upon a school staff member, an assault/assault and battery by means of a dangerous weapon, is in possession of a dangerous weapon, distributes a controlled substance, including alcohol or is in possession of a controlled substance, including alcohol, for the second/subsequent time.

CONFISCATED PROPERTY

Parents must pick up student property that has been confiscated by school administration, due to infraction of discipline policies, within 48 hours from the school office. The Holyoke Public Schools will not be liable for any property not picked up by parents within 48 hours of notification. Contraband items will be turned over to the authorities.

STUDENT RIGHTS AND RESPONSIBILITIES

ACADEMIC FREEDOM

The School Committee seeks to educate students in the democratic tradition, to foster recognition of individual freedom and social responsibility, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Fairness in procedures will be observed both to safeguard the legitimate interests of the schools and to exhibit, by appropriate example, the basic objectives of a democratic society as set forth in the Constitutions of the United States and the State of Massachusetts.

LEGAL REF.: Constitution of the Commonwealth of Massachusetts

ACADEMIC HONESTY

The school expects all students to be academically honest. Students have the responsibility to acknowledge the work of others, only taking credit for work that is solely their own.

CHEATING is defined in The Random House Dictionary of the English Language as the following:

1. “to take an examination or test in a dishonest way, as by improper access to answers.”
2. “to defraud or to practice deceit; to violate rules or regulations.”

Cheating on tests, copying assignments, or sharing work in any way not directly assigned by the teacher are forms of academic dishonesty. Giving or receiving help on tests or projects unless specifically permitted by the teacher is also a form of cheating.

PLAGIARISM is defined in The Random House Dictionary of the English Language as the following:

“The unauthorized use or close imitation of the language or thoughts of another author and the representation of them as one’s own original work.”

To use the ideas or words of others without giving them credit is plagiarism.

Cheating and plagiarism are prohibited in all areas of study, including, but not limited to, the following areas: homework, tests, quizzes, lab reports, research papers, projects and computer discs.

This policy applies to any student who cheats or plagiarizes and/or any student who willingly assists another student in cheating or plagiarizing.

In the event that a student cheats or plagiarizes, the following process will be instituted:

1. The student will receive no credit for the assignment.
2. The teacher will notify the student’s parent(s)/legal guardian(s) of the incident.

The teacher will notify the administration who may take further disciplinary action, including a conference with the parent(s)/legal guardian(s), student, and guidance counselor, as well as detention, suspension, and/or expulsion if deemed necessary.

HOMEWORK

The term "homework" refers to an assignment to be prepared during a period of supervised study in class or outside of class.

The purposes of homework are to improve the learning processes, to aid in the mastery of skills, and to create and stimulate interest on the part of the student.

Homework is a learning activity which should increase in complexity with the maturity of the student. With increased maturity, learning should become an independent activity. This should be established through consistent assignments which encourage students to investigate for themselves and to work independently as well as with others.

Homework assignments should be consistent in terms of the amount given each day and the time required for each assignment so that a pattern of meaningful homework can be established by the teacher and/or the student.

The information for any homework assignment should be clear and specific so that the student can complete the assignment.

Homework assignments should take into consideration individual differences of students such as health, ability, conditions at home, and educational resources at home. Homework should not require the use of reference materials not readily available in most homes, school libraries, or the public library, and should require the use of those materials only when the student has had instruction in the use of them.

There are many other learning activities in the life of a student besides homework. Such things as participating in school activities, pursuing cultural interests, participating in family living, and exploring personal interests should be considered by teachers when planning consistent assignments. Homework is not to be used as a form of punishment under any circumstances.

STUDENT DRESS

By law, the rights of students as to a personal dress and appearance may not be abridged except if school officials determine that such personal dress and appearance violate reasonable standards of health, safety, cleanliness, and propriety.

PERSONAL DRESS AND APPEARANCE WHICH IS VULGAR OR PLAINLY OFFENSIVE OR WHICH DISRUPTS OR SUBSTANTIALLY INTERFERES WITH THE EDUCATIONAL PROCESS OR WITH ANOTHER STUDENT'S ABILITY TO RECEIVE AN EDUCATION IS PROHIBITED.

The wearing of hats, bandanas and sweatbands in school is inherently disruptive and is not allowed in school. Students should remove these items when entering the school building and place them in their lockers or book bags for the remainder of the day.

Footwear, full shirts/tops, and pants, shorts, dresses, or skirts must be worn while a student is attending school.

In addition, a student's personal dress and appearance must comply with all OSHA and safety regulations while attending a lab or shop.

STUDENT PUBLICATIONS

Students will enjoy the constitutional rights of freedom of expression. They will have the right to express their views in speech, writing, or through any other medium or form of expression within limitations comparable to those imposed on all citizens but specifically designed for children and youth in a school setting.

The School Committee will encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views.

All student publications will be expected to comply with the rules for responsible journalism. This means that libelous statements, unfounded charges and accusations, obscenity, defamation of persons, false statements, material advocating racial or religious prejudice, hatred, violence, the breaking of laws and school regulations, or materials designed to disrupt the educational process will not be permitted.

The Superintendent will establish guidelines that are in keeping with the above and provide for the review of the content of all student publications prior to their distribution.

Review of content prior to publication is not censorship but part of the educational process as this concerns student publications. It can be pointed out to students, as it frequently is to journalists, that a publisher (in this case, the school system) enjoys freedom to determine what it will and will not publish.

Distribution of Literature

Students have a right to the distribution of literature on school grounds and in school buildings, except that the Principal may prohibit the distribution in school buildings of a specific issue or publication if it does not comply with rules for responsible journalism. The Principal shall require that no literature be distributed unless a copy is submitted to him/her in advance.

The Principal will reasonably regulate the time, place, and manner of distribution of literature.

LEGAL REF.: M.G.L. 71:82..

PREGNANT STUDENTS

School-age mothers, unless they receive adequate assistance, might drop out of school without acquiring the necessary education or without marketable skills.

Pregnant students will be permitted to continue in school in all instances and to participate in extracurricular activities throughout their pregnancies. A physician's approval of this continued attendance is not required. The student and her physician, in cooperation with the school staff, will

develop an appropriate educational plan if and when it is agreed she should no longer attend school regularly.

Every effort will be made to see that the educational program of the student is disrupted as little as possible; that health counseling services, as well as instruction are offered; that return to school after delivery is encouraged; and that every opportunity to complete high school is provided.

No student shall be suspended, expelled, or otherwise disciplined on account of marriage, pregnancy, parenthood, or for conduct which is not connected with any school-sponsored activities, provided, however, that in the case of a pregnant student, the School Committee may require that the student be under the supervision of a physician.

LEGAL REF.: M.G.L. 71:84
Title IX: 20 U.S.C. 1681
34 CFR 106.40(b)

STUDENT COMPLAINTS AND GRIEVANCES

The School Committee recognizes that there may be conditions in the school system that are in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well conceived and understood in advance, can do much to maintain harmonious relationships among the schools and the students and community.

The traditional "open door" policy in the public school system will be continued. Students--and their parents and/or guardians--who believe that the students have received unfair treatment in the form of disciplinary action will have the right to appeal. Any applicable provisions of the Massachusetts General Laws or federal law will be followed by school officials in conducting hearings and reviews of student grievances. In general, appeals procedures will begin with the authority imposing the penalty (for example, Principal or teacher) and may ultimately be referred to the Superintendent and on to the School Committee, which possesses the ultimate authority for discipline in the school system.

Every attempt will be made to seek a satisfactory solution to any legitimate grievance in a friendly and informal manner. In order to keep such discussions within a practical size, no more than six student representatives will be permitted to participate with the Principal, staff members, or School Committee members who may be involved.

LEGAL REF.: M.G.L. 76:17

SPECIAL EDUCATION/SECTION 504, TITLES II, IV, VI AND THE AMERICAN WITH DISABILITIES ACT

RIGHTS BROCHURE FOR PARENTS OF SPECIAL NEEDS STUDENTS

Parents of children with disabilities or children who maybe identified as having disabilities are provided several procedural safeguards to ensure that their children receive the Free Appropriate Public Education (FAPE) to which they are entitled. These rights are described in detail in the Massachusetts Department of Elementary and Secondary Education, Division of Special Education's *Parent's Rights Brochure* and the *Section 504 Handbook*. Copies of these documents may be obtained by contacting the Student Services Office at 413-534-2008/2009. The Parent's Rights Brochure may also be downloaded from the Department of Elementary and Secondary Education web site--www.doe.mass.edu/sped

PARENTS AND STUDENTS' RIGHTS UNDER SECTION 504, TITLES II, IV, VI, IX, AND THE AMERICANS WITH DISABILITIES ACT

It is the policy in the Holyoke Public Schools to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as well as those contained in Title II, Title IV, Title VI, Title IX, and the Americans with Disabilities Act ("ADA"). These acts prohibit discrimination against a person with a handicap in any program which receives federal funding. A person with a handicap is defined as one who:

- has a mental or physical impairment which substantially limits one or more major life activities;
- has a record of such impairment; or
- is regarded as having such impairment

GRIEVANCES

The Holyoke Public Schools has established an internal procedure in order to provide for prompt and equitable resolutions of complaints alleging any action prohibited by the Unites States Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II of the ADA regulations largely reinforces Section 504 of the Rehabilitation Act of 1973. This procedure is also to be followed when lodging complaints involving alleged violations of Title IV, Title VI, and Title IX.

The office in the district responsible for assuring compliance with the above is:

Holyoke Public Schools
Office of Student Services
57 Suffolk Street
Holyoke, MA 01040

Phone: (413) 534-2008

Fax: (413) 540-2400

Grievance forms and procedures are available in the Student Services Office, 3rd floor, 57 Suffolk St.

DISCIPLINARY ACTION RELATIVE TO SPECIAL NEEDS STUDENTS

With respect to the removal of students with special needs from public schools, Massachusetts General Laws, Chapter 71B, Section 3 states:

“No School Committee shall refuse a school age child with special needs admission to or continued attendance in public school without the prior written approval of the Department (of Education) and without complying with the department’s regulations and procedures for disciplining students with special needs, where applicable.

No child who is so refused or removed shall be denied an alternative form of education approved by the department, as provided for in section ten, through a tutoring program at home, through enrollment in an institution operated by a state agency, or through any other program which is approved for the child by the department.”

There are exceptions for violations involving the possession of dangerous weapons or controlled substances.

PURSUANT TO FEDERAL AND MASSACHUSETTS REGULATIONS - PROCEDURES FOR THE DISCIPLINING OF SPECIAL NEEDS STUDENTS

Disciplining Students with Special Needs: Procedures Applicable when Suspension(s) will Accumulate to More than Ten (10) days in the School Year

The following provisions shall apply whenever a school Administrator proposes to suspend a student with special needs for more than ten (10) cumulative days in a school year.

SUSPENSION shall be defined as any action which results in the removal of a student from the program prescribed in his/her Individualized Educational Plan (IEP). The term includes in-school suspension as well as any exclusion from transportation services which prohibits the student’s participation in his/her prescribed program.

General Requirements:

Each school shall ensure that:

1. It has an appropriate procedure to notify the Administrator of Special Education of the misconduct for which suspension of a student with a disability for more than ten (10) cumulative days is proposed, so that manifestation determination procedures can be implemented consistently.
2. The number and duration of suspensions of students with a disability is recorded and maintained by school administrators.
3. No student with a disability may be suspended for more than ten (10) cumulative days in the school year as provided hereunder.

Manifestation Determination

When it is known that the suspension(s) of a student with a disability will accumulate to ten (10) days in a school year, a review of the IEP will be conducted. Participants in the meeting shall include, but are not limited to, individuals who are trained in the area of the student's disability. At that review, the review TEAM will determine whether the student's misconduct is a manifestation of the student's disability, or results from an inappropriate special education program/placement or an IEP that was not fully implemented. Depending on the result of that determination, suspension may or may not be implemented. If the student has demonstrated repeated instances of dangerously assaultive or self-abusive behavior, an emergency evaluation and placement may be made with parental consent.

Circumstances under which the student may not be suspended for more than ten (10) cumulative days:

1. If the TEAM concludes that the student's misconduct is related to the student's disability or results from an inappropriate special education program or placement or an IEP that was not fully implemented, the student shall not be suspended. Instead, the student's IEP shall be revised to reflect a new program or placement designed to meet the student's needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken by the school to ensure that the IEP is fully implemented. If revision of the student's IEP is required, development of an amended or new IEP shall occur.
2. If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parental approval of the IEP. If the parent(s)/legal guardian(s) refuses consent to the IEP, the school or parent(s)/legal guardian(s) may request a hearing to determine the appropriateness of the program. Alternatively, the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in the last agreed upon educational placement (the placement in effect when the dispute arose), unless another placement is agreed upon by the school and the student's parent(s)/legal guardian(s), or a court order permits the school to change the student's placement based on a showing that the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

Circumstances under which suspension may be imposed for more than ten (10) cumulative days:

1. If the school wishes to impose a suspension which results in more than ten (10) cumulative days of suspension in the school year, and the TEAM concludes that: the student's misconduct is not a manifestation of the student's disability; is not the result of an inappropriate special education program/placement; and the current IEP was fully implemented, the school shall:
 - A. Provide an interim alternative plan for the delivery of special education services to the student during the period of the suspension, which shall be referred to as "the alternative plan";

- B. Before the student is suspended for more than ten (10) cumulative days, present the interim alternative plan to the student's parent(s)/legal guardian(s) along with the required written notice.
2. A copy of the interim alternative plan must be included in the student's file, which shall also include documentation which demonstrates that:
 - A. The school has complied with procedures required by Goss v. Lopez and by the school's Code of Conduct.
 - B. The school has considered less restrictive disciplinary measures, including modifying the student's IEP to set out specific methods of discipline.
 - C. The disciplinary action is for a stated and limited number of days.
 - D. The action is necessary in light of the needs of the student and other students in the school.
 - E. The school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.
3. If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing. The State or local education agency shall arrange for an expedited hearing on any case described in this subsection requested by a parent.
4. Procedural Rights for students with disabilities can be found in the Parents Rights Brochure of the Department of Elementary and Secondary Education.
5. A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, may assert any of the protections provided for if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. A local educational agency shall be deemed to have knowledge that a child is a child with a disability if—
 - A. the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services.
 - B. the behavior or performance of the child demonstrates the need for such services.
 - C. the parent of the child has requested an evaluation of the child.

Court order necessary to authorize suspension:

A school shall not suspend or exclude a student for more than ten (10) cumulative days while pending a Bureau of Special Education Appeals Hearing or judicial proceeding brought to challenge a suspension, proposed suspension, or any determination, above, unless the school obtains a court

order authorizing a temporary change of the child's educational placement based on a showing that the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

PLEASE NOTE THE FOLLOWING SITUATION REQUIREMENTS UNDER FEDERAL LAW:

Section 1415(k) of the Individuals with Disabilities Education Act (hereinafter, "IDEA"), codified as 20 U.S.C. 1415(k), sets forth the following procedures with respect to the suspension of students with special needs (and protections for those children not yet eligible for special educational and related services):

Placement in alternative education setting

(1) *Authority of school personnel*

(A) School personnel may order a change in the placement of a child with a disability –

- (i) to an appropriate interim alternative setting, another setting or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and
- (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if-
 - (a) the child carries a weapon to school or to a school function under the jurisdiction of a state or a local educational agency; or
 - (b) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a state or local educational agency.

(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)—

- (i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior, or
- (ii) if the child already has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address the behavior.

(2) *Authority of a BSEA Hearing Officer*

A Hearing Officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the Hearing Officer-

(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

- (B) considers the appropriateness of the child's current placement;
- (C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and
- (D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

(3) *Determination of setting*

(A) The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP Team.

(B) *Additional requirements*

Any interim alternative setting which a child is placed under paragraph (1) or (2) shall -

- (i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
- (ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

HOLYOKE SCHOOL DISTRICT POLICIES

ATTENDANCE POLICY

GRADES K THROUGH 5

1. A student must be in attendance for at least 92% of the days school is in session. That is, to earn promotion to the subsequent grade, a student may not miss more than fourteen (14) days. It is understood that fourteen (14) represents a maximum figure and that students should make every reasonable effort to be in school every day.

It is extremely important that parent(s)/legal guardian(s) and students realize that days of absence built into the attendance policy are not to be considered as authorized days for absences but are reserved for illness and emergencies.

It is important for parent(s)/legal guardian(s) and students to be aware of the consequences of absences from school when making appointments during school hours or vacation plans, which might involve days out of school. Such absences may result in non-promotion.

2. When a student is absent for a maximum of ten (10) days, or when a suspicious attendance pattern is apparent, the school must contact the parent(s)/legal guardian(s) in writing, in the language of the home, requesting a conference between the parent(s)/legal guardian(s) and the Principal or Assistant Principal. Parent(s)/legal guardian(s) need to respond within a five-day period. It should be expressly understood through this letter that failure of the parent(s)/legal guardian(s) to respond will result in the case being referred to Student Services which will follow-up with the parent(s)/legal guardian(s).
3. It is the policy of the Holyoke Public Schools to file "Failure to Cause" on the parent(s)/legal guardian(s) of any child with special needs or any regular education child under seven (7) years of age who accumulates enough absences (fifteen (15) days) to warrant a CHINS (Children In Need of Services) Petition.
4. When a student is absent for fifteen (15) days, the school will notify the Attendance Assistant, who will make a home visit and report back to the school in writing. When a CHINS Petition is to be filed, the school will submit an Attendance Form to the Attendance Officer. On this form, in addition to the information requested, the school will document its contacts with the parent(s)/legal guardian(s). The school will continue to closely monitor the student's attendance.
5. When a student reaches nine (9) absences, a letter will be sent by the school to the parent(s)/legal guardian(s) warning that six (6) more absences will result in non-promotion for the student for the year in question.
6. When a student reaches fifteen (15) absences, the school will then send a letter to the parent(s)/legal guardian(s) notifying them of the student's non-promotion. An automatic review will occur at the school level.
7. Truancy: When a student is absent for a maximum of three (3) days without permission, the school will contact the parent(s)/legal guardian(s) through the outreach worker, by phone or in writing, informing them of these unexcused absences.

8. Transfers: Transfer students (grades K through 5) must attain a 92% attendance rate for the time they are enrolled in the Holyoke Public Schools.

* See General Provisions at end of section.

GRADES 6 THROUGH 8

1. A student must be in attendance for at least 92% of the days school is in session. That is, to earn promotion to the subsequent grade, a student may not miss more than fourteen (14) days. It is understood that fourteen (14) represents a minimum figure and that students should make every reasonable effort to be in school every day.

It is extremely important that parent(s)/legal guardian(s) and students realize that days of absence built into the attendance policy are not to be considered as authorized days for absences but are reserved for illness and emergencies.

It is important for parent(s)/legal guardian(s) and students to be aware of the consequences of absences from school when making appointments during school hours or vacation plans, which might involve days out of school. Such absences may result in non-promotion.

2. When a student is absent for a maximum of seven (7) days, or when a suspicious attendance pattern is apparent, the school must contact the parent(s)/legal guardian(s) in writing, in the language of the home, requesting a conference between the parent(s)/legal guardian(s) and the Principal or Assistant Principal. Parent(s)/legal guardian(s) need to respond within a five (5) day period. It should be expressly understood through this letter that failure of the parent(s)/legal guardian(s) to respond will result in the case of being referred to Student Services which will follow-up with the parent(s)/legal guardian(s).
3. When a student is absent for a maximum of eleven (11) days, the school will notify the Attendance Assistant, who will make a home visit and report back to the school in writing. When a CHINS Petition is to be filed, the school will submit an Attendance Form to the Attendance Officer. On this form, in addition to the information requested, the school will document its contacts with the parent(s)/legal guardian(s). The school will continue to closely monitor the student's attendance.
4. It is the policy of the Holyoke Public Schools to file "Failure to Cause" on the parent(s)/legal guardian(s) of any child with special needs who accumulates enough absences (fifteen (15) days) to warrant a CHINS (Children In Needs of Services) Petition.
5. When a student reaches nine (9) absences, a letter will be sent by the school to the parent(s)/legal guardian(s) warning that six (6) more absences will result in non-promotion for the student for the year in question.
6. When a student reaches fifteen (15) absences, the school will then send a letter to the parent(s)/legal guardian(s) notifying them of the student's non-promotion. An automatic review will occur at the school level.
7. Truancy: When a student is absent for a maximum of three (3) days without permission, the school will contact the parent(s)/legal guardian(s) through the outreach worker, by phone or in writing, informing them of these unexcused absences.
8. Transfers: Transfer students (grades 6 through 8) must maintain a 92% attendance rate for the time they are enrolled in the Holyoke Public Schools.

* See General Provisions at end of section.

GRADES 9 THROUGH 12

1. A student must be in attendance for at least 92% of the days school is in session. That is, to earn promotion to the subsequent grade, a student must not miss more than fourteen (14) days. It is understood that 14 represents a maximum figure and that students should make every reasonable effort to be in school every day.
2. When a student is absent for a maximum of seven (7) days, or when a suspicious attendance pattern is apparent, the school will contact the parent(s)/legal guardian(s) in writing, in the language of the home, requesting a conference between parent(s)/legal guardian(s) and Principal or Assistant Principal. Parent(s)/legal guardian(s) need to respond within a five-day period. If the student is under sixteen (16) years of age, it should be expressly understood that failure of the parent(s)/legal guardian(s) to respond will result in the case being referred to the Office of Student Services. Student Services will be required to make a follow-up visit to the home.
3. When a student is under sixteen (16) years of age is absent for ten (10) days, the school will notify the Attendance Assistant, who will make a home visit and report back to the school in writing. When a CHINS (Child In Need of Services) Petition is to be filed, the school will submit an Attendance Form to the Attendance Officer. On this form, in addition to the information requested, the school will document its contacts with the parent(s)/legal guardian(s). The school will continue to closely monitor the student's attendance.
4. It is extremely important that days of absence built into the attendance policy are not to be considered as authorized days for absence but are reserved for illness and emergencies. It is important for parent(s)/legal guardian(s) and students to be aware of the consequences of absences from school when making appointments during school hours or vacation plans which might involve days out of school. Such absences may result in loss of credit.
5. Truancy: When a student is absent for a maximum of three (3) days without permission, the school will contact the parent(s)/legal guardian(s) through the outreach worker, by phone or in writing, informing them of these unexcused absences.

* See General Provisions at end of section.

REVIEW/APPEAL

In cases where a student in grade K through 12 receives no credit or is not promoted as directed by this policy, an automatic review will occur at the school level. A response by the Principal, upon recommendation by the school's attendance team, will be made in writing by the last day of school in June. Eighty percent (80%) of the absences must be satisfactorily accounted for and DOCUMENTED. Excused absences include: illness with doctor's verification, death of a family member or close friend, school sponsored activities or functions, suspension, religious reasons, documented court appearances, DYS confinement and displacement by natural disasters. Consideration will be given to staff recommendations and the student's academic performance. The student, or parent(s)/legal guardian(s), may appeal the decision on the school level review to the Superintendent of Schools. The appeal must be submitted in writing within ten (10) days of the receipt of the review decision.

GENERAL PROVISIONS

1. **Make-up of School Work:** A student who is not present in school because of an excused absence may make up his/her school work within the following time frame:
For each absence a student will have two days to make up work. (i.e. two (2) consecutive absences = four (4) days in which to make up missing work, etc.)
2. Students receiving the services of the home tutor and/or students enrolled in other authorized educational programs (with the approval of the Principal) will be considered present for purposes of school attendance. Documentation of the student's attendance and course work will be required.
3. If a student misses more than 14 days of school he/she will be required to make up the missed time by mandatory attendance at Saturday school. It will be the responsibility of the parent to transport the child/children to and from the Saturday school. Failure to make up days and maintain 92% attendance rate will result in non-promotion of the student to the next grade, regardless of grade level and passing grades. Saturday school may be provided at a school building different from the one the student attends during the regular school year.

SUBSTANCE ABUSE POLICY

The Holyoke Public Schools are dedicated to providing a drug and alcohol free environment for staff, students and citizens. The District believes that education plays a critical role in establishing life long health habits for its students. A comprehensive health curriculum K-12 emphasizing the dangers of drugs and alcohol remains a major goal of the Holyoke Public Schools. The Holyoke Public Schools also have a strong interest in the health of its employees and in their serving as positive role models for students. It is the further policy of the Holyoke Public Schools that the commercialization/promotion of drug or alcohol use is contrary to the health and well being of its students, staff, and community.

ALCOHOL USE BY STUDENTS

In view of the fact that the use of alcohol can endanger the health and safety of the user, and recognizing the deleterious effect the use of alcoholic beverages can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any alcoholic beverage on school property or at any school function.

Additionally, any student, regardless of age, who has been drinking alcoholic beverages prior to attendance at, or participation in, a school-sponsored activity, will be barred from that activity and subject to disciplinary action.

LEGAL REF.: M.G.L. [272:40A](#)

TOBACCO FREE POLICY

The Holyoke Public Schools are dedicated to providing a healthy, smoke-free environment for staff, students, and citizens. The Holyoke Public Schools believe that education plays a critical role in establishing life-long health habits for its students. A comprehensive health curriculum for grades pre-school - 12, emphasizing the dangers of tobacco, drugs, and alcohol, remains a major goal of the Holyoke Public Schools, which have a strong interest in the health of its employees and their importance as positive role models.

GANG ACTIVITY/SECRET SOCIETIES

The goal of the School Committee is to keep District schools and students free from the threats or harmful influence of any gang. For purposes of this policy, gang is defined as any group, secret society, organization or association that advocates drug use, violence, ethnic intimidation, or disruptive or illegal behavior. The Principal or his/her designee shall maintain supervision of school premises to deter intimidation of students and confrontations between members of different gangs. The Superintendent shall establish open lines of communication with local law enforcement agencies so as to share information and provide mutual support in this effort within appropriate legal guidelines.

The Superintendent shall provide in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources that may help students.

Symbols

The School Committee finds that gang symbols are inherently disruptive to the educational process, and therefore prohibits the presence of any insignia, apparel, jewelry, accessory, notebook or other school supply, or manner of grooming which by virtue of its color, arrangement, trademark, or any other attribute denotes membership in gangs. The School Committee further prohibits any demonstration of gang membership through the use of hand gestures, graffiti, or printed materials. This policy shall be applied by the Principal or his/her designee as the need for it arises at individual school sites. A student may be suspended or expelled for failure to comply with the provisions of this policy.

Prevention Education

The School Committee realizes that students may become involved in gangs without understanding the consequences of such membership. Early intervention is a key component of efforts to break the cycle of such memberships. Therefore, gang violence prevention information shall be made available in the elementary, middle, and high schools as appropriate.

SECRET SOCIETIES

Fraternities, sororities and/or secret societies shall not receive District or building recognition in any manner.

A student may be suspended or expelled for failure to comply with the provisions of this policy.

FIREARMS

Massachusetts General Laws, Chapter 269, Section 10, states in part of the following:

“Whoever, not being a law enforcement officer, and notwithstanding any license obtained by him/her, carries on his/her person a firearm as hereinafter defined, loaded or unloaded or other dangerous weapon in any building or on the grounds of any elementary or secondary school, without the written authorization of the board or officer in charge of such elementary or secondary school, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this paragraph “firearm” shall mean any pistol, revolver, rifle or smoothbore arm from which a shot, bullet or pellet can be discharged by whatever means.”

M.G.L. c. 269, 10(j).

Any faculty member or administrative officer of a pre-school, elementary or secondary school, failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than five hundred dollars.

NON-DISCRIMINATORY POLICY

IT IS THE POLICY OF THE HOLYOKE PUBLIC SCHOOLS, PURSUANT TO THE AMERICANS WITH DISABILITIES ACT (ADA), SECTION 504, CHAPTER 622, TITLE II TITLE IV, TITLE VI, TITLE IX, AND RELATED FEDERAL AND STATE STATUTES, NOT TO DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION, DISABILITY OR HANDICAP.

NO PERSON SHALL, ON THE BASIS OF RACE, COLOR, RELIGIOUS CREED, NATIONAL ORIGIN, ANCESTRY, GENDER, SEXUAL ORIENTATION, DISABILITY OR HANDICAP, BE DENIED EQUAL ACCESS OR ADMISSION TO SCHOOL PROGRAMS, COURSES, EXTRACURRICULAR ACTIVITIES, AND EMPLOYMENT OPPORTUNITIES.

It is the policy of the Holyoke Public Schools to fully abide by all state and federal statutes and the regulations promulgated there under which prohibit discriminatory acts.

Students will not be excluded from school based on marital status or pregnancy.

Any students, parent or guardian in the Holyoke Public School District who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any district education program or activity on the basis of gender, race, color, religion, national origin, or handicap, in violation of this policy, may file a written grievance with the Director of Student Services.

SEXUAL HARASSMENT POLICY

All persons have the right to be free from sexual harassment; therefore, sexual harassment in any form is strictly forbidden in school, on school grounds, or at school related activities.

DEFINITION

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when 1) submission to that conduct or communication is made a condition of obtaining services; 2) used as a factor in decisions affecting one's education; or 3) that conduct or communication has the purpose or effect of substantially interfering with an individual's education, or creating an intimidating, hostile, humiliating, or sexually offensive educational environment.

A male, as well as a female, may be the victim of sexual harassment, and a female, as well as a male, may be the harasser. The victim does not have to be of the opposite sex from the harasser. An adult may be the victim of sexual harassment by a student.

EXAMPLES

Examples of sexual harassment include but are not limited to: demanding sexual favors accompanied by threats; engaging in reprisals as a result of an individual's refusing to engage in sexual behavior; contact with any sexual part of another's body (e.g., touching, patting, or pinching); touching any non sexual part of the body (e.g. shoulder, etc.) after that person has indicated that such touching is unwanted; displaying sexually suggestive pictures or objects; calling a person a demeaning,

sexualized term, or making a reference to a person's physical characteristic when that person has indicated he/she does not wish to be addressed or referred to in that manner; leering (i.e., prolonged staring) at a person's body; sexual language or conduct in another's presence, even if not directed to said individual, once it is known that he/she objects.

REPORTING

Any student who believes he/she is a victim of sexual harassment should talk to his/her building Principal or another adult in a position of authority in the school as soon as possible. Students should avoid trying to solve the problem of sexual harassment alone.

All persons shall promptly report knowledge of actual or reasonably suspected sexual harassment to the building Principal or his/her designee to be investigated.

DISCIPLINARY ACTION

If there are reasonable grounds to believe that sexual harassment has occurred, the person accused of sexual harassment will have a confidential disciplinary hearing before the building Principal or his/her designee.

If the building Principal or his/her designee, after the above hearing, determines that sexual harassment has actually taken place, disciplinary and corrective action may include one or more of the following: an education component; apology to the victim; mandatory counseling; detention; short-term suspension; long-term suspension, or recommendation for expulsion.

If either the victim or person accused of sexual harassment is aggrieved by the finding(s) or action taken by the building Principal or his/her designee, he/she may appeal said action to the Superintendent of Schools.

The Superintendent shall conduct a hearing and shall indicate his/her disposition of the appeal within two (2) days of such appeal, and shall furnish a copy thereof to the grievant and the Holyoke School Committee.

REPRISAL

Reprisal, threats, or intimidation of the victim or a person who provides information regarding a claim of sexual harassment will be treated as a most serious offense, which may result in a recommendation of permanent separation from the school community through expulsion from school.

NOTIFICATION TO/BY PARENT(S)/LEGAL GUARDIAN(S)

After investigation, if there are reasonable grounds to believe that sexual harassment has occurred, the building Principal or his/her designee shall notify a student's parent(s)/legal guardian(s) if the student is the victim of, or is accused of, sexual harassment.

Parent(s)/legal guardian(s) are strongly encouraged to report incidents of sexual harassment to their son's/daughter's building Principal or to the Superintendent of Schools.

NON-SCHOOL RELATED TEEN DATING VIOLENCE

The Holyoke Public Schools are dedicated to providing an atmosphere free from actual threatened psychological, physical, or sexual abuse, including teen dating violence. The District believes that education plays a critical role in establishing healthy relationships for its students. Holyoke's comprehensive health curriculum for grades pre-school - 12 includes instruction on establishing safe, non-violent relationships. In addition, a Teen Safety Plan may be developed and implemented by the school.

It is the policy of the Holyoke Public Schools that teen dating violence related to school, including school-sponsored activities, shall not be tolerated.

FILING A COMPLAINT OF TEEN DATING VIOLENCE

Complaints of teen dating violence related to school, including school-sponsored activities, may be filed verbally or in writing by a victim, student, faculty/staff member or a parent. The complaint may relate to verbal, non verbal, written, physical or sexual behaviors which are observed, reported, or experienced. The complaint should be filed with the Building Principal, but if the victim is more comfortable talking with another staff member, that member must report that incident to the building Principal. It is important to note that, pursuant to Massachusetts General Laws Chapter 209A, school staff are required by law to report to the Department of Children and Families if they have reasonable cause to believe that a child under the age of 18 is suffering serious physical, emotional abuse or neglect, or sexual abuse, including rape and indecent assault and battery.

When a complaint related to school, including school-sponsored activities, is received, the building Principal or his/her designee will initiate an immediate investigation of the allegations. It will be conducted in such a way as to maintain confidentiality, and will include private interviews with the victim and/or person filing the complaint. The person alleged to have committed the behavior will also be interviewed separately. Upon completion of the report, both parties will be informed of the results by the building Principal.

DISCIPLINARY ACTION

When it is determined that inappropriate behaviors have occurred related to school or school-sponsored activities, disciplinary and corrective action will occur. The range of disciplinary and corrective action may include one or more of the following: an education component; apology to the victim; mandatory counseling; detention; short-term suspension; long-term suspension; or recommendation for expulsion.

RESTRAINING ORDERS

It is the responsibility of the student/parent(s) to inform the building Principal if he/she has obtained a restraining order against an individual. Once the building Principal is notified of the restraining order, he/she, or his/her designee, may meet with the student and his/her parents to review the order and its implications. An appropriate safety plan will be developed in collaboration with the school psychologist, guidance counselor, and faculty. The building Principal, or his/her designee, may also meet with the defendant to review the terms of the order, the expectations concerning appropriate behavior and the consequences for violation of the order. Violation of a restraining order is a criminal offense, and must be reported to the police.

When complaints of teen dating violence that are not related to school or school-sponsored activities are made known to school officials, students will be informed of available services. If the student

agrees, a referral(s) to appropriate resources may be made. Parental involvement shall be encouraged.

BULLYING

Bullying and harassment are major distractions from learning. The grades of the victims can suffer. Fear can lead to chronic absenteeism, truancy, or even dropping out of school. Bystanders feel both guilty and helpless for not standing up to the bully.

As a rule, bullying behavior starts in elementary school and peaks in the middle school years. However, it attracts more attention from adults when it appears in high school. There the students are older and physically larger, and the behavior is recognized as being less tolerable and more inappropriate. Also, sexual harassment is, in fact, often a form of bullying.

Most bullying by students starts out verbally – teasing and put-downs – and may become progressively worse and assume physical dimensions.

Bullying of any type has no place in a school setting. The Holyoke Public Schools will endeavor to maintain a learning and working environment free of bullying.

Bullying is defined as the act of one or more individuals intimidating one or more persons through verbal, physical, mental, or written interactions. Bullying can take many forms and occur in virtually any setting. It can create unnecessary and unwarranted anxiety that will affect attending school, walking in corridors, eating in cafeterias, playing in the school yard or recreation areas, participating in or attending special and extracurricular activities, or riding on the bus to and from school each day.

Examples of bullying include but are not exclusive to:

1. Intimidation, either physical or psychological
2. Threats of any kind, stated or implied
3. Assaults on students, including those that are verbal, physical, psychological and emotional
4. Attacks on student property

The School Committee expects administrators and supervisors to make clear to students and staff that bullying in the school building, on school grounds, on the bus or school-sanctioned transportation, or at school-sponsored functions will not be tolerated and will be grounds for disciplinary action up to and including suspension and expulsion for students, and termination for employees.

The District will promptly and reasonably investigate allegations of harassment, including bullying. The Principal of each building will be responsible for handling all complaints by students alleging harassment, including bullying.

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

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
Board of Education 26:00

HAZING-PENALTIES

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

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

The term “hazing” as used in this section and in sections eighteen (18) and nineteen (19), shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conducts shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

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

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

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

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

Each institution of secondary education and each public or private institution of post secondary education shall deliver, at least annually before or at the start of enrollment, to each person who enrolls as a full time student in such institution, a copy of this section and sections seventeen and eighteen.

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

CELL PHONE POLICY

The use of beepers, cellular phones, and other electronic communication devices, is not allowed on school grounds or in school buildings during school hours.

- A. Students are permitted to use cell phones only during the following times:
 - 1. before school hours outside or inside the school building;
 - 2. after school hours outside or inside the school building;
 - 3. at after-school or sports activities, only with the permission of the coach, instructor or program director;
 - 4. at evening or weekend activities inside the school building.
- B. The use of cell phones for any other purpose – including telephone calls, text messaging and other functions – is not permitted at any other time on school grounds.
- C. Cell phones must be completely turned off (not simply on silent or vibrate mode) during the school day.

SEARCHES AND INTERROGATIONS

Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school committees and administrators. This authority may be exercised as needed in the interest of safeguarding children, their own and school property.

Nevertheless, exercise of that authority by school officials places unusual demands upon their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

Searches by school officials of students' automobiles or the student will be conducted in a way that protects the students' rights consistent with the responsibility of the school system to provide an atmosphere conducive to the educational process.

Interrogations by Police

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. Therefore:

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or his/her designee will be present when possible. An effort will be made to contact the student's parent or guardian so that the responsible individual may be notified of the situation.
2. If custody and/or arrest are involved, the Principal will request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officials.

LOCKERS/DESKS/COMPUTERS - SEARCHES OF STUDENTS

Students may be issued lockers, with or without private combinations, desks, computers, etc., at the opening of school or thereafter.

STUDENTS SHOULD HAVE NO EXPECTATION OF PRIVACY IN THEIR SCHOOL LOCKERS, DESKS, COMPUTERS, ETC. Lockers, desks, and computers are for the use of students but remain the property of the Holyoke Public Schools.

Students are advised that their lockers, desks, computers, etc., may be inspected without notice by school administrators to insure cleanliness, safety, and adherence to federal, state, and local laws and regulations.

The legality of a search of a student, his/her clothing and/or possessions depends simply on the reasonableness, under all circumstances, of the search. The search by a school official is "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or the rules of the school. Such a search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student(s) and the nature of the infraction.

POLICY ON CONDOM AVAILABILITY IN THE HOLYOKE PUBLIC SCHOOLS

Purpose: The purpose of this policy is to outline guidelines for the availability of condoms in the Holyoke Public Schools. Increasing rates of reported sexually transmitted infections (STIs), including HIV/AIDS, among our community's adolescent population has prompted the need to provide comprehensive sexuality education along with a school based program that makes condoms available to sexually active youth.

Policy: It is the policy of the Holyoke Public Schools to support condom availability to middle school aged and high school students in Holyoke Public Schools. Parents/guardians will be notified of condom availability in the schools and will have the opportunity to deny permission (opt-out) for access to condoms for their student(s).

Condoms will be available through the School Nurses' Health Offices and through the Teen Clinics to students who are Teen Clinic members. Students will receive counseling for condom receipt. Counseling shall include information on abstinence and instruction (verbal and/or written) on proper storage and use of condoms.

This policy is intended as a counter measure to the alarming rates of teenage pregnancy and sexually transmitted infections and is being instituted for the protection of the students as an answer to this increase in sexually related problems. This policy does support referral of individual students to appropriate staff and community resources when a student actively seeks out information related to their reproductive health.

Condoms will be obtained free of charge. Supplies for the school availability program will be obtained from the Department of Public Health, also a free service. Information packets included with the condoms from the Department of Public Health will be made available to the student(s).

PHYSICAL RESTRAINT POLICY

The Commonwealth of Massachusetts Department of Elementary and Secondary Education has issued specific regulations concerning the use of physical restraint on students at publicly funded elementary and secondary education programs found at 603 CMR 46.00 et seq. These regulations apply to all students, including regular education students, collaborative students, and students with disabilities. The Holyoke School Committee, the Superintendent of Schools, and all Holyoke Public School administrators are committed to ensuring that the use of physical restraint on Holyoke students strictly adheres to these regulations.

Pursuant to the regulations, school personnel will use physical restraint with two goals in mind, and only after other less intrusive methods have been attempted or considered.

1. To administer a physical restraint only when needed to protect a student or member of the school community from imminent, serious physical harm; and
2. To prevent or minimize any harm to the student as the result of the use of physical restraint.

In accordance with state and federal law, nothing in the regulations precludes school personnel from implementing physical restraint contained in an agreed-upon Behavioral Intervention Plan. A Behavioral Intervention Plan is the result of a Functional Behavioral Assessment and may be found in an Individual Educational Program, Section 504 Accommodation Plan, or on its own. A Behavioral Intervention Plan requires informed written consent by the student's parent/legal guardian.

It should also be noted that nothing in the regulations precludes a teacher or other staff members from using reasonable force to protect students, themselves, or other persons from assault or imminent, serious physical harm.

Definitions:

1. PHYSICAL RESTRAINT may be defined as “the use of bodily force to limit a student’s freedom of movement.”
2. EXTENDED RESTRAINT may be defined as a physical restraint, which lasts for more than twenty (20) minutes.
3. PHYSICAL ESCORT may be defined as “touching or holding a student without the use of force for the purpose of directing the student.” Physical escort is not physical restraint.
4. TYPES OF RESTRAINT can include, but are not limited to, the use of a mechanical device to restrict movement of the entire body or portions thereof; placing a student in seclusion without access to school staff; or the administration of medication. The use of a seclusion restraint is prohibited in the Holyoke Public Schools. The use of “time-outs” where a staff member is present or accessible by the student does not constitute seclusion restraint. The type of physical restraint used is dependent upon the special training of staff members in specific kinds of such

restraints. Chemical restraint may not be used without the explicit authorization of a physician and a signed release from the parent/guardian approving its use.

When Physical Restraint is Used:

1. Physical restraint may be used when non-physical interventions have been attempted without success or when it is apparent that they would not be effective. It may only be used when a student's behavior poses a threat of imminent, serious physical harm to self and/or others when otherwise outlined in a Behavioral Intervention Plan.
2. Physical restraint is limited to the use of such reasonable force as may be necessary to protect a student or other persons from assault or imminent, serious physical harm.
3. Unless specifically indicated in an agreed-upon Behavioral Intervention Plan, physical restraint may not be used as a response to property destruction, disruption of school order, a refusal to comply with a school rule or staff directive, or verbal threats which do not constitute a threat of imminent, serious physical harm. Physical restraint may never be used as a means of punishment.
4. A school staff member who uses a physical restraint on a student must use the safest method available, which is most appropriate to the situation at hand, and the method for which, the staff member has been trained. Staff shall review and consider any known medical or psychological limitations and/or behavior intervention plans regarding the use of physical restraint upon an individual student.
5. No physical restraint may be used which prevents a student from speaking or breathing, and must be used in such a way as to prevent or minimize physical harm. If, at any time during the restraint, the student demonstrates significant physical distress, the restraint shall be removed immediately.
6. A physical restraint must be discontinued as soon as possible when it has been determined that a student no longer poses a risk of harm to self or others.
7. Following the use of a physical restraint, the building principal or a designated program staff member will meet with the student to address the behavior which prompted the restraint, and will also review the incident with the staff members who were involved and determine whether follow-up is needed for students who may have witnessed the incident.
8. Physical restraint regulations do not prohibit any individual from reporting a crime committed by a student to local law enforcement or other state agencies. Law enforcement officers, school security staff, or judicial authorities are not prohibited by this regulation from the exercise of their responsibilities, which may include the physical detainment of a student or other person alleged to have committed a crime or who poses a security risk. In addition an individual who is a mandated reporter under M.G.L. c. 119 51A is not prohibited by this policy from complying with their responsibility to report neglect or abuse to the appropriate state agency.
9. Parents/guardians are encouraged to voluntarily notify their child's IEP Team, Section 504 team, or building principal of all medications their child takes on an ongoing basis. Failure to do so will likely hamper the ability of school personnel to de-escalate problem behaviors.

Students with Disabilities

Restraints which are administered to students pursuant to their Individualized Education Plans, Section 504 Accommodation Plans, or other plans developed in accordance with state and federal law, and which has been agreed upon by both the school and the parent/guardian, shall be deemed to meet the requirements of 603 CMR 46.00. The limitations on chemical, mechanical, and seclusion restraints as specified above continue to apply to students with disabilities, as do the above reporting requirements.

GRIEVANCE PROCEDURE:

The Holyoke Public Schools has established an internal procedure in order to provide for prompt and equitable resolutions of complaints regarding the administration of physical restraints.

Definitions:

A “Grievance” is a complaint made pursuant to, and arising out of, the Holyoke Public Schools obligations to comply with state regulations regarding the use of physical restraints.

An “Aggrieved Party” is a person or persons making this complaint.

Purpose:

The purpose of this grievance procedure is to secure prompt and equitable solutions to grievances, which may, from time to time, arise pursuant to 603 CMR 46.00.

General:

No aggrieved party will be subject to coercion, intimidation, interference, or discrimination for registering a complaint or for assisting in the investigation of any alleged complaint within the context of this grievance procedure.

All documents, communications, and records dealing with the filing of a grievance will be kept confidential to the full extent provided by law.

Forms for filing grievances will be provided upon request by building principals or the Director of Student Services, Holyoke Public Schools, 57 Suffolk Street, Holyoke, MA 01040.

Procedure:

1. The aggrieved party should complete the Grievance Form and return it to the building principal or his/her designee at the school building in which the alleged grievance occurred. The complaint should be filed within fifteen (15) days after the complainant becomes aware of the alleged violation. Assistance will be provided, upon request, to enable an individual to complete the Grievance Form and pursue the grievance process.
2. Within ten (10) school days after receiving the grievance, the building principal or his/her designee shall meet with the aggrieved party in an effort to resolve the grievance. This investigation into the complaint is to be thorough, but informal, in nature. All interested persons and their representatives, if any, shall be afforded an opportunity to be heard and to submit evidence relevant to the complaint. If the grievance is not resolved, it will be forwarded to the Director of Student Services.
3. Within thirty (30) school days of receipt of an unresolved grievance, the Director of Student Services will conduct a hearing to determine what, if any, action shall be taken in response to the grievance. The hearing shall be held at a time and place mutually convenient to all parties. The hearing procedure will follow appropriate due process procedures including:
 - A. The opportunity for the aggrieved party to present the grievance in any suitable manner.
 - B. The right of the aggrieved party to an impartial Hearing Officer.
 - C. The right of the aggrieved party to be represented by counsel or an advocate at the aggrieved party’s expense.
 - D. The right of the aggrieved party to a prompt decision.

Parents/legal guardians should provide advance notice to the Director of Student Services that they will be represented by counsel or an advocate at the grievance hearing. Failure to provide such notice will likely result in a postponement of the hearing.

4. A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the Director of Student Services and forwarded to the complainant no later than fifteen (15) working days after the hearing. The determination of the validity of the complaint and the description of the resolution will be provided in an alternate format, upon request, if needed for effective communication.
5. The complainant can request a reconsideration of the case in instances where he/she is dissatisfied with the resolution. The request for reconsideration should be made within fifteen (15) working days following receipt of the written determination to the Superintendent of the Holyoke Public Schools.
6. The right of a person to a prompt and equitable resolution for the complaint filed shall not be impaired by the person's pursuit of other remedies such as the filing of an ADA, Section 504 or other complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
7. These rules shall be constructed to protect the substantive rights of the interested persons to meet appropriate due process standards and to assure that the Holyoke Public Schools comply with 603 CMR 46.00.
8. Copies of all resolutions and findings made under this procedure shall be filed with the Superintendent's office of the Holyoke Public Schools.

ACCEPTABLE COMPUTER AND INTERNET USE POLICY

Internet and computer access through the Holyoke Public Schools is a **PRIVILEGE** offered to enhance learning. Therefore, student access may be limited or revoked by school officials at any time if this privilege is abused or violates acceptable use. Students engaged in unacceptable use of the Internet will also be subject to disciplinary action in conformity with the Holyoke Public Schools Code of Conduct and Discipline Policy.

All student use of the Internet is to be conducted under faculty supervision. Nevertheless, students are responsible for acceptable use of a computer network. The network is provided for students to conduct educational research and support educational endeavors.

The Holyoke Public Schools believe that the benefits to students from access to information resources and opportunities for collaboration exceed any potential for abuse. The Holyoke Public Schools maintain tools that block access to inappropriate sites. Ultimately, however, parent(s)/guardian(s) of minors are responsible for setting and conveying the standards that their children should follow when using a computer and the Internet.

Student Access

All students in Pre-Kindergarten through Grade 12 will take part in an annual grade-level appropriate discussion of the Holyoke Public Schools Acceptable Computer and Internet Use Policy with their teachers before being authorized to use the computer and the Internet.

Access to Student Files

Students should have no expectation of privacy in the use of computers and the Internet. Pursuant to local, state, and federal laws, administrators and staff may provide access to student files and records to law enforcement authorities. All files will be subject to the Holyoke Public Schools Code of Conduct and Discipline Policy, and local, state and federal laws and regulations.

Personal Safety/Disciplinary Action

The Holyoke Public Schools, in its commitment to promote a safe and secure learning environment, have high-end filtering software to filter inappropriate sites. The filtering software, however, cannot ensure that all inappropriate sites are blocked.

Students are expected to adhere to the Holyoke Public Schools Code of Conduct and Discipline Policy. Any deliberate destruction, modification, and tampering of technology equipment will be subject to disciplinary action and/or referral to law enforcement authorities. Any activity which inhibits or interferes with the normal operation of the hardware and software, which comprise the Holyoke Public Schools' computer network system, is also subject to disciplinary action.

Acceptable Uses:

1. Using e-mail for educational purposes is allowed solely through a teacher's e-mail account.
2. Abiding by generally accepted rules of network etiquette including, but not limited to: being polite, using appropriate language, respecting the privacy of others' work, and demonstrating courtesy towards others.
3. Documenting and obeying the copyright laws.
4. Reporting misuse of the Internet to appropriate school authorities.
5. Using technology resources to ensure fair access to all students.
6. Using computing and communications facilities in a manner consistent with local, state, and federal laws and policies.
7. Notifying the teacher immediately if there is a problem with the computer being used.

Unacceptable Uses:

1. Providing private or personal information about yourself or others.
2. Viewing or sending obscene or patently offensive material.
3. Accessing another person's file or account.
4. Giving out an individual's password to other students.
5. Moving or unplugging computer and/or other devices.
6. Eating or drinking near or around the technology equipment.
7. Violating the Holyoke Public Schools Code of Conduct and Discipline Policy, including but not limited to engaging in racial or other forms of discrimination, sexual harassment, hazing, plagiarism, cheating, or interfering with the rights of reproduction or transmission of material that is protected.
8. Connecting to any Holyoke Public Schools computer any device that will circumvent the district firewall is strictly prohibited.
9. The only allowable Internet access on school property is through the Holyoke Public Schools network system.

Students and parent(s)/guardian(s) will be expected to familiarize themselves with this policy, and to sign the Acceptable Computer and Internet Use Policy Agreement Form, which will be provided to them by school staff on an annual basis.

SCHOOL TRANSPORTATION

STUDENT TRANSPORTATION SERVICES

The major purpose of the school system's transportation services is to aid students in getting to and from school in an efficient, safe, and economical manner.

The school system will contract for transportation services. Contracts will be awarded on a competitive bid basis by the School Committee. Bus contractors and taxi contractors, who will be held responsible for the safe operation of school buses, will comply with all applicable state laws and regulations, including but not limited to:

1. specifications for school bus design and equipment
2. inspection of buses
3. qualifications and examinations of bus drivers
4. driving regulations
5. small vehicle requirements, if applicable
6. insurance coverage
7. adherence to local regulations and directives as specified in bid contracts.

The Superintendent, working with the bus contractor and other appropriate administrators, will be responsible for establishing bus schedules, routes, stops, and all other matters relative to the transportation program.

LEGAL REFS.: M.G.L. 40:5; 71:7A, B and C; 71:37D; 71:48A; 71:68; 71:71A; 71B:4; 71B:5; 71B:8; 74:8A; 76:1; 76:12Bi; 76:14

WALKERS AND RIDERS

Students will be entitled to transportation to and from school at the expense of the public schools when such transportation conforms with applicable provisions of the Massachusetts General Laws. Reimbursement to the school system for transportation costs is given by the Commonwealth only for (a) students living at least one and one half miles from school, (b) students who live more than one mile from the nearest bus stop, and (c) students with special needs for whom transportation must be provided.

Additionally, the Committee will provide transportation for students as follows:

KINDERGARTEN: All students, except those living in immediate proximity to the school, as determined by the Superintendent;
GRADES PRE-K - 5: Students living more than one mile from school;
GRADES 6-8: Students living more than one and one-half miles from school;
GRADES 9 -12: Students living more than two miles from school.

Exceptions to these guidelines may be made at the discretion of the Superintendent or his/her designee. This will apply particularly to any student who must travel in a hazardous area to and from school. These students will be transported regardless of the mileage limits listed.

LEGAL REFS.: M.G.L. [40:5](#); [71:7A](#); [71:68](#); [71B:5](#)

BUS REGULATIONS

The Holyoke Public Schools view conduct on the bus as an extension of classroom behavior. In order to promote the health and safety of each pupil, the following are the accepted norms:

1. Students should wait in an orderly manner at their designated bus stops.
2. Students should board and exit the buses in an orderly manner at the direction of the driver.
3. All students must obey all the rules of safety. They should remain seated and voices controlled, in order to enable the driver to fulfill his/her responsibilities.
4. For the safety of all, windows are to be opened or closed by the driver except in cases of emergency.
5. Only authorized students will be allowed to ride the bus to and from school.
6. In order to promote the safe transportation of students, cameras may be used to monitor students' behavior on buses.
7. The following acts may result in denial of the privilege to ride the bus:
 - A. profanity on school buses;
 - B. fighting or other aggressive physical behavior;
 - C. smoking on school buses;
 - D. unnecessary distraction of driver;
 - E. destruction of any bus property (restitution will be the parent's/legal guardian's financial responsibility)
 - F. violation of rules and safety on school buses; and
 - G. any act which interferes with the safe or orderly transportation of students.

LATCH KEY PROGRAM

The Latch Key Program is designed for bus riders who, for whatever reason, cannot be released at their regular bus stop at the end of the school day. They are brought to the Center for Excellence, 156 Cabot Street.

For example, certain Special Education students, Out-of-District and Kindergarten and first grade students may require an adult present at their drop off site. If there is no adult present, the students cannot be released from the bus.

For safety and security reasons, there may be times when a bus driver feels uncomfortable leaving students off at a stop if no familiar adult is present. Occasionally, poor weather conditions and/or road closures may prevent a bus from getting to the regular bus stop. Rather than let these students

off, without proper supervision or at another location, the bus driver will deliver them to the Latch Key Program.

Once delivered to the Center for Excellence, trained staff members are there to supervise the students. They record the students' names, schools, time of drop off at the Center for Excellence and the reasons why they could not be released from the bus that day in the daily sign-out log.

Staff attempts to make immediate contact with the parent/guardian and notify them to come to the Center for Excellence and pick up their child. If the parent/guardian cannot be reached, staff must then try to notify one of the student's emergency contact persons. Should a student's parent/guardian or emergency contact person not be reached (by phone and/or by home visit) and child is still at the Center for Excellence as of 4:45PM, a (51-A) will be filed by the Latch Key staff and the student is brought to the Department of Children and Families located at 261 High Street.

A voice mail message or written notice will be left at the student's home informing the parent/guardian that the child is in the care of the Department of Children and Families.

STUDENT HEALTH

SCHOOL DEPARTMENT WELLNESS POLICIES ON PHYSICAL ACTIVITY AND NUTRITION

The Holyoke School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. The District recognizes that children need access to healthful foods and opportunities to be physically active in order to grow, learn, and thrive; and that good health fosters student attendance and education. Therefore, it is the policy of the Holyoke School District that:

- It will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will, at a minimum, meet the nutrition recommendations of the U.S. Dietary Guidelines for Americans.
- Qualified child nutrition professionals will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
- All schools in the district will participate in available federal school meal programs including the School Breakfast Program, National School Lunch Program and After-School Snack Program, and to the maximum extent possible, the Summer Food Service Program.
- Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.
- The school district will cultivate relationships with area community health agencies and organizations to bring resources and support into the schools.

TO ACHIEVE THESE POLICY GOALS:

I. School Health Councils

The Holyoke School District will have a school health advisory council that reviews and makes recommendations to the Holyoke School Committee regarding the development, implementation, and revision, as necessary, of school nutrition and physical activity policies. The council also serves as a resource to school sites for implementing those policies. The school health advisory council will consist of a group of individuals representing the school and community, including parents, students, the school district Food Service Director, members of the school board, school administrators, teachers, health professionals, and members of the public.

II. Nutritional Quality of Foods and Beverages Sold and Served on Campus

School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables;
- serve only low-fat (1%) and fat-free milk and nutritionally-equivalent non-dairy alternatives (as defined by USDA); and
- ensure that half of the served grains are whole grain.

Food service staff will observe consumption of any new menu items in order to identify new, healthful, and appealing food choices and will report their observations to the Food Service Director for follow-up. In addition, the District can make information about the nutritional content of meals available to parents and students upon request. Nutrition information will be made available in each school cafeteria.

Breakfast

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- All Holyoke Public Schools will offer the Universal School Breakfast Program.
- Schools will arrange bus schedules and utilize methods to serve school breakfasts that encourage participation, including exploring non-traditional serving alternatives.
- Schools will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children.

Free and Reduced-priced Meals

The Holyoke School District will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals. Toward this end, schools will utilize electronic identification and payment systems.

Summer Food Service Program

The Holyoke School District will sponsor the Summer Food Service Program at sites in schools and at agencies throughout the city.

Meal Times and Scheduling

Schools:

- will provide students with at least 10 minutes to eat after sitting down for breakfast and 20 minutes after sitting down for lunch;
- should schedule meal periods at appropriate times, e.g., lunch should be scheduled between 11 a.m. and 1 p.m. (when possible);
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will provide students convenient and timely access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs.

Qualifications of School Food Service Staff

Qualified nutrition professionals will administer the school meal programs. As part of the school district's responsibility to operate a food service program, continuing professional development will be provided for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.

Foods and Beverages Sold Individually (i.e., foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)

Elementary Schools

The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children's limited nutrition skills, food in elementary schools should be sold as balanced meals. Beverages sold individually are limited to low-fat and non-fat milk.

Middle Schools and High Schools

In middle and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte lines, vending machines, student stores, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

Not allowed: soft drinks containing caloric sweeteners; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

Foods

A food item sold individually:

- will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
- will have no more than 35% of its weight from added sugars;
- will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, French fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes;
- a choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).

Portion Sizes

Portion sizes of foods and beverages sold individually will be limited to those listed below:

- one and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
- one ounce for cookies;
- two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;
- four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
- eight ounces for non-frozen yogurt;
- twelve fluid ounces for beverages, excluding water; 20 ounces for athletes in the locker room areas;
- the portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

Fundraising Activities

Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

Snacks

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits, vegetables and grains as the primary snacks. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of approved healthful snack items to teachers, after-school program personnel, and parents.

Rewards

Schools will not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior, and will not withhold food, beverages, or physical activity as punishment.

Celebrations

Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above). The district will disseminate a list of healthy party ideas to parents and teachers.

School-sponsored Events (such as, but not limited to, athletic events, dances, or performances)

Foods and beverages offered or sold at school-sponsored events outside the school day that meet the nutrition standards for meals or for foods and beverages sold individually (above) will be included in all menu offerings.

III. Nutrition and Physical Activity Promotion and Food Marketing

Nutrition Education and Promotion

The Holyoke School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at each grade level, Pre-K-9, as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as mathematics, science, language arts, social sciences, and elective subjects; the district Director of Health Education will work with each school principal to ensure that nutrition is integrated into these other content areas;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, farm visits, and school gardens;
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- links with school meal programs, other school foods, and nutrition-related community services; and
- includes training in nutrition education and wellness policy training for teachers and other staff. To ensure ongoing compliance and sustainability, training will be offered at least once every three years. A nutrition education and wellness policy training will be developed for all new teachers and staff and will be delivered to all new staff as part of their new job orientation.
- Copies of the Holyoke Wellness Policy will be provided to every Holyoke educator, with the tools and resources necessary for implementation at the beginning of every school year.

Integrating Physical Activity into the Classroom Setting

For students to receive the nationally-recommended amount of daily physical activity (i.e., at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

- Classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television or playing video games.
- Opportunities for physical activity will be incorporated into other subject lessons. and
- Classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

Communications with Parents

The school-parent collaboration is essential to the health of children. The district will support parents' efforts to provide a healthy diet and daily physical activity for their children. Nutrition information will be sent home, nutrition tips will be posted on school websites, and nutrient analyses of school menus will be provided. Nutrition tips, recipes, and healthy snack information will be made available in Spanish as well as English. Schools should encourage parents to pack healthy lunches and snacks and to refrain from including beverages and foods that do not meet the above nutrition standards for individual foods and beverages. Parents will be provided a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities.

Information will be provided about physical education and other school-based physical activity opportunities before, during, and after the school day; and parents' efforts to provide their children with opportunities to be physically active outside of school will be supported. Such supports will include sharing information about physical activity and physical education through the District's website, a newsletter, and other take-home materials, special events, or physical education homework. This will include opportunities that are available through community agencies such as the YMCA, the Boys' and Girls' Club and the Parks and Recreation Department.

The District will also share the state mandated student height and weight measurements and BMI calculation for selected grades with parents/guardians of those students via letters sent home. The letter will outline the BMI percentage for the child and will refer to any necessary follow-up with the child's health care provider.

Food Marketing in Schools

School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually (above). School-based marketing of brands promoting predominantly low-nutrition foods and beverages is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged. Marketing activities that promote healthful behaviors (and are therefore allowable) include: vending machine covers promoting water; pricing structures that promote healthy options in

a la carte lines or vending machines; sales of fruit for fundraisers; and coupons for discount gym memberships.

IV. Physical Activity Opportunities and Physical Education

Daily Physical Education (P.E.) K-12

All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, should receive daily physical education for the entire school year.

Daily Recess

All elementary school students should have some supervised recess each day.

Schools should discourage extended periods (i.e., periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School

All elementary, middle, and high schools should seek opportunities to offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

Before school and after school child care and enrichment programs will provide and encourage - verbally and through the provision of space, equipment, and activities - daily periods of moderate to vigorous physical activity for all participants.

V. Monitoring and Policy Review

Monitoring

The Superintendent or his/her designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or his/her designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the Holyoke School Health Advisory Council annually.

School food service staff, at the school and district level, will ensure compliance with nutrition policies within school food service areas and will report on this matter to the school principal. In addition, the school district will report on all USDA School Meals Initiative (SMI) review findings and any resulting changes.

The Superintendent or his/her designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the school board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

Policy Review

Assessments of this policy will be conducted every three years, or as needed, to review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the school district will review nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and

program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

SCHOOL HEALTH MANDATED PROGRAMS

The Holyoke School Department has full-time nursing coverage in each of its public school buildings. Registered nurses provide school nursing services to all students. Services include first-aid to sick or injured students, review and maintenance of school health records, communicable disease control, enforcement of immunization regulations, medication administration and provision of state-mandated screenings. Two nurse practitioners and a school physician are also available system-wide for physical examinations of students and consultation to the school nurses. In addition, expanded health resources, including counseling services are provided by Teen Clinics located at Peck School, Holyoke High School, and Dean Technical High School. Students must be members in order to be serviced by the Teen Clinic.

PHYSICAL EXAMINATIONS

Documented proof of a completed, comprehensive physical examination is required of all pre-school students, kindergarten students, and new entrees. Documented proof of subsequent physical examinations is required every three (3) to every four (4) years, usually in grades 4, 7 and 10. These examinations should be done by the child's private health care provider or clinic when the parent/guardian receives these notices. A nurse practitioner is available for some of these required exams when the parent fails to comply. If parent(s)/legal guardian(s) do not respond to these required physical exam notices, a school physical/health assessment may be done under state law. (D.P.H.: 105 C.M.R. 200.00). Students participating in competitive sports must have a physical examination yearly. Physical Examination Forms and Sport Forms are available from the school nurse.

IMMUNIZATIONS

Massachusetts Law (Chapter 76, Sec. 15c) states that a child may not be admitted to school except upon presentation of a licensed health care provider's/clinic's certificate that the child has been successfully immunized against diphtheria, pertussis, tetanus, measles, mumps, rubella, hepatitis B, chicken pox, poliomyelitis, and other diseases as deemed necessary by the Department of Public Health. A signed or stamped certificate of immunization must include the dates and types of immunizations administered. Immunizations must be updated periodically, and school health records must be current. Parents/guardians who receive notice of a student's need for documented proof of certain immunization(s) must comply within a reasonable time in order to prevent the child from being excluded from school.

GROWTH SCREENING

Assessments of the height and weight of students in grades 1, 4, 7 and 10 will be completed. These measurements will be used to calculate each measured student's Body Mass Index (BMI) to obtain a percentile ranking related to the Center for Disease Control's guidelines for weight status. These

findings will be communicated directly to each student's parent/guardian. Parents/guardians may choose not to have the BMI screening completed by notifying the school nurse in writing.

POSTURAL SCREENING

Postural (Spinal) screening for scoliosis will be administered to students yearly in grades 5 through 9. No parental permission is required for this screening.

VISION/HEARING SCREENING

Testing of sight and hearing is performed in the school by a certified Vision and Hearing Tester in certain grades. No parental permission is required for this screening.

MEDICATION IN SCHOOLS

Medications (prescription and over-the-counter) are given in school by the school nurse only when absolutely necessary and when accompanied by a written licensed prescriber's order and signed parental permission. Forms for these purposes are available at the school from the school nurse. The prescription medication must be delivered to the school nurse by a parent/legal guardian in a pharmacy labeled container that includes the name of the child, the name of the licensed prescriber, the name, strength, and dose of medication, and the schedule for administration of the medicine. Over-the-counter medication must be supplied in its original, sealed, labeled container. No medication will be accepted by the school nurse from another adult other than the parent/legal guardian unless prior agreements have been made and agreed upon with the school nurse. No more than a thirty-day supply of medicine should be kept at the school. The handling and storage of medication at school will be according to established policy. It is the policy of the School Health Program not to delegate medication administration to unlicensed personnel. In certain cases, the child may self-administer certain medications if approved by the school nurse according to established policy. Any questions about these medication policies should be directed to the school nurse. Field trips may require special arrangements for medication administration.

SPECIAL MEDICAL PROCEDURES IN SCHOOL

A written order from a licensed prescriber and written parental permission are required prior to initiating any special medical procedure on a student for that year. Forms for this purpose are available from the school nurse.

MANAGEMENT OF PEDICULOSIS (Head Lice)

Students with head lice will be dismissed immediately from school and will not be readmitted until the hair has been properly treated at home. Parents/guardians will be provided with instructions on how to treat and eliminate head lice. No more than two (2) days will be allowed as excused absences for the purpose of treatment and nit removal. More than two days out of school for head lice care will be considered unexcused absences due to parental/guardian non-compliance. Before the child can be readmitted to school, the parent/guardian must make arrangements with the school nurse by calling in advance so that the child may be examined by the nurse before the child returns to class.

ILLNESS/INJURY AT SCHOOL

It is the responsibility of the parent(s)/legal guardian(s) to complete necessary forms such as the Health and Emergency Forms and to provide the school office with current, updated information for parent/guardian contact that includes home and work numbers, addresses, and alternate emergency contacts and phone numbers. Except in cases of life-threatening illness or injury for which emergency transport to a health care facility is necessary, the parent(s)/guardian(s) is responsible for making arrangements to transport the ill/injured child home or to a health care provider's office after

consultation by the parent/guardian with the child's health care provider. Parents/guardians should be aware not to send a sick child to school. Parents are also reminded that injuries that occur at home need to be cared for at home.

STUDENT HEALTH SERVICES AND REQUIREMENTS

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

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

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

The District shall maintain a Nurse's Protocol Book which shall guide school health services.

Procedures for Emergency at School

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

Each year, parents shall supply information indicating where the student is to be taken in case of an emergency; the name, address, and phone number of a neighbor or relative to be contacted in case the parent/guardian is not available; and any allergies or diseases the student might have.

The District shall maintain an Emergency Procedures Handbook, which shall be utilized by District personnel for handling emergencies. Emergency procedures shall include the following:

Student Illness or Injury

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

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

Transportation of a student by school personnel will be done only in an emergency and by the individual so designated by the school administrator.

LEGAL REF.: M.G.L. 71:53; 54; 54A; 54B; 55; 55A; 55B; 56; 57

PHYSICAL EXAMINATIONS OF STUDENTS

Students in certain grades will be examined once in each school year for screening in vision or hearing and for other physical problems as provided in the laws. A record of the results will be kept by the school nurse.

Every student will be required to have a general physical examination four times: upon entering school and upon admittance to the fourth, seventh, and tenth grades. The results of these examinations will be a basis for determining what corrective measures or modifications of school activities, if any, should be recommended. A record of all examinations and recommendations will be kept.

Every candidate for a school athletic team will present the signed consent of parent/guardian in order to participate on a squad. Athletes should be examined by their own private health care providers for a pre-sports participation physical at their own expense. A completed written report stating the fitness of the student to participate and signed by the health care provider must be sent to the school nurse and athletic trainer. The school physician or nurse practitioner may in certain cases, with the signed consent of a parent/guardian, perform the pre-participation sports physical.

The school physician will make a prompt examination of all children referred to him/her by the school nurse. He/she will examine school employees when, in his/her opinion, the protection of the student's health may require it. Except in an emergency, the school physician will not prescribe for or treat any student.

Whenever the school nurse finds a child suffering from any disease or medical problem, the situation will be reported to the parent/guardian in writing, or by personal visit if remedial treatment is recommended. A copy of the report will be filed at the school.

The school nurse will make a monthly report to the Superintendent of the number of students examined; the number excluded; and the number recommended for treatment or special adjustment of work. In all cases of exclusion or recommendation, the causes will be included in the report.

LEGAL REFS.: M.G.L. [71:53](#); [71:54](#); [71:56](#); [71:57](#)

INOCULATIONS OF STUDENTS

Students entering school for the first time, whether at kindergarten or through transfer from another school system, will be required to present a health care provider's certificate attesting to immunization against diphtheria, whooping cough, poliomyelitis, tetanus, measles, and such other communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a health care provider that immunization would not be in the best medical interests of the child, or by the student's parent/guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent.

Established by law

LEGAL REF.: M.G.L. [76:15](#)

PARENTAL NOTIFICATION RELATIVE TO SEX

In accordance with General Laws Chapter 71, Section 32A, the Holyoke School Committee has adopted this policy on the rights of parent(s)/legal guardian(s) of students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each school year, all parent(s)/legal guardian(s) of students in the Holyoke Public Schools will be notified in writing of the courses, curricula, and programs offered that

primarily involve human sexual education or human sexuality issues. The Superintendent of Schools has determined that the Health Education Department Head is responsible for sending the notice(s). Parent(s)/legal guardian(s) of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If the planned curriculum changes during the school year, to the extent practicable, parent(s)/legal guardian(s) will be notified of this fact in a timely manner before implementation.

Each such notice to parent(s)/legal guardian(s) will include a brief description of the curriculum covered by this policy, and will inform parent(s)/legal guardian(s) that they may:

1. exempt their child from any portion of the curriculum that primarily involves sexual education or human sexuality issues, without penalty to the student, by sending a letter to the school principal requesting an exemption. Any student who is exempted by request of the parent(s)/guardian(s) under this policy may be given an alternative assignment;
2. inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parent(s)/guardian(s) and others to the extent practicable. Parent(s)/guardian(s) may arrange with the principal to review the material at the school, and may also review them at other locations that may be determined by the Superintendent of Schools.

A parent(s)/guardian(s) who is dissatisfied with a decision of the principal concerning notice, access to instructional materials, or exemption for the student under this policy may send a written request to the Superintendent for review of the issues. The Superintendent or designee will review the issue and give the parent(s)/guardian(s) a timely written decision, preferably within two weeks of the request. A parent(s)/guardian(s) who is dissatisfied with the Superintendent's decision must send a written request to the School Committee for review of the issue. The School Committee will review the issue and give the parent(s)/guardian(s) a timely written decision, preferably within four weeks of the request. A parent(s)/guardian(s) who is still dissatisfied after this process may send a written request to the Commissioner of Education for review of the issue in dispute.

STUDENT RECORDS

CONFIDENTIALITY

Any action taken by the Holyoke Public Schools in the application of this Disciplinary Policy shall be documented in the student's temporary cumulative record. Disclosure of this information without the prior written consent of the student's parent(s)/guardian(s) or the student if he or she is fourteen (14) or older is prohibited except as allowed by law.

STUDENTS' SCHOOL RECORDS

A student's record contains all information concerning that student which is kept by the school. Each student and parent/legal guardian with custody has the right to see the student's records. Copies of any information in the record may be obtained upon request; for extensive copies, advance notice must be given. A signed log is kept in each cumulative record for all students.

No third party, other than authorized school or Department of Elementary and Secondary Education personnel, shall have access to information in or from a student record without the specific informed consent of the eligible student or the parent(s)/legal guardian(s). A student's record is available to school personnel who work directly with the student. This includes administrators, teachers, counselors, administrative office staff, and clerical personnel. They do not need permission to see student records.

No information in a student's record is available to anyone outside the school district without written permission of the student and/or parent/guardian. Exceptions to this would be a probation officer, receipt of a court order requiring that a record be made available, or when a student transfers to another school district. Students and parents/guardians will be notified however, before records are released in those circumstances.

Upon receipt of a court order or lawfully issued subpoena, or upon receipt of a request from a court or the Department of Youth Services for information regarding a student, the school, prior to compliance, shall notify the eligible student or parent(s)/legal guardian(s) of the order, subpoena or request in such reasonable time that he/she may seek to have the process quashed.

If a parent/legal guardian or student wishes transcripts or records forwarded to technical schools, colleges, prospective employers, or a branch of the armed services, a written release must be delivered to the Principal of the school or appropriate custodian of the student's school records.

In the case of a student, fourteen through seventeen (14-17) years of age, or of one who has entered the ninth grade, both the student and his/her parent(s)/legal guardian(s), or either one acting

separately, shall exercise these rights. Any student eighteen (18) years of age or older may exercise these rights alone.

Directory Information

The Holyoke Public Schools have designated certain information contained in student records as “directory information” for purposes of the Family Educational Rights Protection Act (FERPA) Access to Students and Student Recruiting Information, the Massachusetts Student Record Regulations, and Public Law 107-110 (HR1) No Child Left Behind Section 9528 Armed Forces Recruiter. The following information is considered “directory information:”

- name, address and telephone number
- school and grade
- date and place of birth
- major field of study
- participation in officially recognized activities and sports
- weight and height of members of athletic teams
- dates of attendance
- degrees, honors, and awards received
- post-high school plans

Directory information may be disclosed for any purpose at the discretion of the school district, without the consent of a parent/guardian or eligible student. Parents of students and eligible students have the right, however, to refuse to permit the designation of any or all of the above information as “directory information.” In that case, this information will not be disclosed except with the consent of a parent/guardian or student, or as otherwise allowed by FERPA and 603 CMR 23.00 et seq.

Any parent/guardian or student who wishes to ensure that no directory information be disclosed must provide the building principal with written of their decision within one week of receipt of this handbook.

Amending a student record

A parent/guardian or eligible student has the right to add information, comments, data or any other relevant written material to the student record. The additional information must be submitted to the building principal along with a written request that the information be added to the student record.

A parent/guardian or eligible student has the right to request in writing the deletion or correction of any information contained in the student record, except for information which was placed in the record by a student with disabilities TEAM. Any such information inserted by the TEAM will not be subject to a request for deletion or correction until the Individualized Education Plan for that student has been accepted, or, if rejected, after the completion of the special education appeal process.

Notice on transfer to another school district

The Holyoke Public Schools hereby gives notice to parents/guardians and eligible students that it forwards the complete school record of a transferring student to schools in which the student seeks or intends to enroll. While consent of the parent/guardian or eligible student is not required, it is the policy of the Holyoke Public Schools that it will not forward records to the receiving district without the signature of the parent/guardian or eligible student.

Destruction of records

Notice is given that the temporary educational record, which includes the student health record, of a student will be destroyed no later than seven (7) years after that student transfers, graduates, or withdraws from the school district. If the parent/guardian or eligible student wishes to have the temporary record, they must request it in writing prior to the last day of school that the documents be provided to them. No additional notice will be provided to the parent/guardian or eligible student prior to the destruction of such records.

In addition, the principal, teachers, and/or other service providers may destroy the following documents, which are considered part of the temporary record, on a yearly basis: disciplinary records (other than documentation of suspensions and/or expulsions), any notes from the parent/guardian concerning absences, early dismissals, late arrivals, as well as examples of student work. If the parent/guardian or eligible student wants those records, they must request so in writing prior to the last day of school.

Access to student work

During the course of the school year, personally-identifiable student work may be seen and reviewed by third parties. For example, personally-identifiable student work may be displayed on bulletin boards, at fairs/shows, during Open House, and during parent-teacher conferences and will thus be seen by many people. In addition, classroom instructional techniques may include cooperative learning, peer review, editing, and commenting on another student's work. All of this activity is part of the regular educational process and serves to benefit the student. The work produced as a result of these instructional techniques is also considered to be part of the student record.

If the parent/guardian or eligible student does not consent to the disclosure of this type of student work, they must provide the building principal with a written statement indicating that they do not consent to the disclosure of the student's work, no later than one week of receipt of this handbook.

NON-CUSTODIAL PARENTS ACCESS TO SCHOOL RECORDS

A non-custodial parent who wishes to receive information concerning his/her child, including, but not limited to report cards and progress reports, the results of testing, notification of a referral for a special needs assessment, notification of enrollment in a transitional bilingual program, absences, illnesses, detentions, suspensions, expulsions, or withdrawal from school, must submit a written request to the school principal.

The following information must accompany the initial request of a non-custodial parent for information about his/her child before the school may release the information:

1. A certified copy of the probate court's order or judgement indicating that the non-custodial parent has not been denied shared legal custody of the child based on a threat to the safety of the child or custodial parent and is entitled to unsupervised visitation with the child, or a certified copy of the probate

- court's order specifically ordering that this information be made available to the non-custodial parent; and
2. An affidavit from the non-custodial parent certifying that the judgement or order remains in effect and that no temporary or permanent order exists that restricts his or her to access to the custodial parent or to any child in the custodial parent's custody.

Upon receipt of the above, the school shall immediately notify the custodial parent of the request by registered and first class mail. The notice shall inform the custodial parent that the information requested shall be provided to the non-custodial parent after 21 days unless the school receives either a court order which prohibits the non-custodial parent's contact with the child or access to the information, or the school receives a temporary or permanent protective order issued by the court unless the order specifically allows access to the information requested.

In each subsequent year, the non-custodial parent shall provide a new written request for information that indicates that he/she continues to be entitled to unsupervised visits with the child and remains eligible for receipt of the information requested. The school shall immediately provide the above 21 days notification to the custodial parent.

At any time the school is presented with a court order which prohibits the distribution of information to the non-custodial parent, the school shall notify the non-custodial parent that provision of the information shall cease.

The information provided to the non-custodial parent shall be marked to indicate that it may not be used to support admission of the child to another school.

The above information shall be provided in a timely and appropriate manner to all parents of children enrolled in school.

SAFETY AND SECURITY

MISSION STATEMENT

The care and protection of students and staff of the Holyoke Public Schools is of primary concern to the Holyoke School Committee. Therefore, the Committee is determined to establish a comprehensive safety and security policy for the system.

GOAL

To enhance those safety and security procedures that are already in use through the development of a formal safety and security plan for the school system and for each individual school.

SAFETY PROGRAM

Accidents are unplanned occurrences that can result in tragic consequences - bodily harm, loss of school time, property damage, legal action, and even fatality. The School Committee will diligently guard against such occurrences to protect the safety of all students, employees, visitors and others present on school property or at school-sponsored events.

The Committee will comply with safety requirements established by governmental authorities and will insist that its staff adhere to recommended safety practices as these pertain, for example, to the school plant, special areas of instruction, student transportation, school sports and occupational safety.

The practice of safety will also be considered a facet of the instructional program of the schools. Instruction will be provided in accident prevention as well as fire prevention, emergency procedures, traffic, bicycle, and pedestrian safety.

The Superintendent will have overall responsibility for the safety program of the school system. It will be the responsibility of the Superintendent to see that appropriate staff members are kept informed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health, and occupational safety.

Efforts directed toward the prevention of accidents will succeed only to the degree that all staff members recognize that preventing accidents is a daily operational responsibility.

LEGAL REF.: M.G.L. 71:55C and Acts of 1985c 614 Sec 1
Board of Education 36:00

SAFETY AND SECURITY PLAN

A) Needs Assessment

There shall be an annual needs assessment submitted to the Superintendent by the administrator of each school site within the Holyoke Public Schools.

The assessment should review the school buildings and grounds vulnerability to outsiders and review emergency procedures, safety and security equipment and materials, internal security, and other safety concerns. The senior building custodian should participate in this assessment.

B) Student Identification Policy – I.D. Cards

In order to promote a safer and more secure school environment for students, staff and lawful visitors, all students in grades 6-12 shall clearly and conspicuously display a student I.D. card at all times during school hours and on school buses.

Students who do not have a valid student I.D. card visibly on their person may have school services restricted including, but not limited to, utilization of the library, cafeteria (all students shall receive lunch), transportation, and extracurricular activities. In addition, the students' movement within the school building and upon school property may also be restricted. No restrictions shall be imposed upon emergency health-related services.

C) Loitering or Congregating at Another School

Students from one Holyoke public school may not loiter in the building or on the grounds of another Holyoke public School, either during or after school hours, without a legitimate reason for being there. Any student who is in the building or on the grounds of a school other than the school he/she attends must have permission from that school's principal/designee.

Students may not congregate on any public way or public property which is adjacent to any school with the purpose of annoying, bullying, or harassing the students or staff in that building, nor may they hinder, obstruct, prevent or disrupt the normal functions of the school.

D) Control of Visitors

Notices will be posted at the entrances to each school building that all visitors shall, upon entering the school building, report to the office and sign in. They will be given visitors' badges. Visitors shall be accompanied by school personnel within the building.

All staff members and students shall immediately report any strangers to the building Principal.

E) School Crisis Team

There shall be established at each school site within the Holyoke Public Schools a building-based Crisis Team consisting of the Principal, teachers, students, guidance counselors, and custodians.

The purpose of the Crisis Team is to formulate safety and security plans within each school in order to ensure and promote a safe and secure school environment, develop specific protocols in response to emergencies, and disseminate safety enforcements to students,

parent(s)/legal guardian(s) and the community. The Crisis Team shall meet at least once a month during the regular school year.

F) Written Reports

The Principal or his/her designee of each school site within the Holyoke Public Schools shall document in writing all critical incidents, including, but not limited to, misdemeanors which affect the health, safety, and welfare of students and/or staff, the outbreak of contagious diseases or illnesses, the intrusion of uninvited and/or unwelcome strangers into or upon the school site, etc., and all accidents and injuries, vandalism, felonies, and dangerous incidents involving weapons and controlled substances, and shall immediately forward a copy of the same to the Superintendent of Schools. Serious incidents shall be reported to the School Committee.

EMERGENCY PLANS

Advance planning for emergencies and disasters is essential to provide for the safety of students and staff; it also strengthens the morale of all concerned to know that plans exist and that students and staff have been trained in carrying out the plans.

The Superintendent will develop and maintain plans that meet the requirements of state law for preparedness in case of fire, civil emergencies, and natural disasters.

Building Principals will meet all requirements for conducting fire drills to give students practice in moving with orderly dispatch to designated areas under emergency conditions, and the staff practice in carrying out their assigned responsibilities for building evacuation.

EMERGENCY CLOSINGS

The Superintendent may close the schools or dismiss them early in the event of hazardous weather or other emergencies that threaten the health or safety of students and personnel. While it may be prudent, under certain circumstances, to excuse all students from attending school, to delay the opening hour or to dismiss students early, the Superintendent has the responsibility to see that as much of the administrative, supervisory and operational activity is continued as may be possible. Therefore, if conditions affect only a single school, only that school will be closed.

In making the decision to close schools, the Superintendent will consider many factors, including the following principal ones relating to the fundamental concern for the safety and health of the children:

1. weather conditions, both existing and predicted;
2. driving, traffic, and parking conditions affecting public and private transportation facilities;
3. actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous;
4. inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

The Superintendent will weigh these factors and take action to close the schools only after consultation with public works and public safety authorities and with school officials from neighboring towns. Students, parents and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closings. When schools are closed

for emergency reasons, staff members will comply with School Committee policy in reporting for work.

LEGAL REFS.: M.G.L. 71:4; 71:4A

SCHOOL ATHLETICS

SPORTSMANSHIP POLICY

The ideals of good sportsmanship, ethical behavior, and integrity should permeate all school activities, including interscholastic athletics.

Athletes and fans of the Holyoke Public Schools' sport teams represent their communities as well as their school.

Parents, students, teachers, support staff, student athletes, and coaches share an expectation that respect and good sportsmanship shall govern all those participating in or attending athletic events involving the Holyoke Public Schools.

Student athletes and fans must act appropriately and responsibly at all athletic events.

Consistent with Massachusetts Interscholastic Athletic Association (M.I.A.A.) policies, it is the policy of the Holyoke Public Schools to prohibit any actions or comments by players or spectators which are intended to bait, anger, embarrass, ridicule, humiliate, or demean others, whether or not the deeds or words are vulgar or racist, and whether or not directed at players, coaches, game officials, or other spectators.

Players who violate this policy may have their eligibility to participate in interscholastic athletics withdrawn.

Spectators who violate this policy may be ejected from an event and/or barred from admission to future games/matches

ATHLETIC POLICY

The purposes of this Athletic Policy are:

1. to coordinate the efforts of the Athletic Department in promoting the total athletic program;
2. to provide all school personnel with complete guidelines in order that they, in turn, will be able to implement correct procedures in the most efficient manner;

3. to assist students, parent(s)/legal guardian(s), teachers and coaches in obtaining greater understanding of the operation of Holyoke's Interscholastic Athletic Program; and
4. to insure uniformity and harmony in the formation and revision of policy supervision.

INTERSCHOLASTIC ATHLETIC PROGRAM

The Holyoke Public Schools Interscholastic Athletic Program is a component of Physical Education and an integral part of the total educational curriculum of the Holyoke School System. It encourages and provides for the maximum opportunity for athletic participation to all students, providing they meet the standards of academic eligibility, school citizenship, basic physical/health qualifications, and athletic ability.

Through varied and wholesome athletic competition, the athletic program provides the participant with positive physical, mental, moral, and social growth. The student may acquire new skills and contribute actively to promote good sportsmanship, tolerance, self-discipline, leadership, and good school/community citizenship.

As a member of the Holyoke Public Schools Interscholastic Athletic Program, students and coaches are expected to demonstrate proper respect for all coaches, teammates, officials, and spectators. They should exhibit the highest level of conduct both on and off the playing field as they are, at times, a representative of their team, school, and community. Participation in the program is a privilege earned by students who meet and maintain these standards and by coaches who uphold them.

OBJECTIVES OF INTERSCHOLASTIC ATHLETICS

1. To promote a challenging, diversified, and sound athletic program
2. To encourage student participation for all team members
3. To provide maximum opportunity for participation of all team members
4. To promote school spirit and morale
5. To provide an athletic experience which places the health, safety, and welfare of the participant above all other considerations
6. To encourage each participant to excel to the best of his/her ability
7. To establish patterns of behavior conducive to good sportsmanship
8. To develop and promote the values of physical fitness
9. To foster an atmosphere conducive to the development of self-discipline, self-reliance, and teamwork of each athlete
10. To develop a positive attitude toward winning and losing
11. To develop an understanding of the rules essential to playing the game and to being intelligent spectators
12. To inform the general public of the purpose, intent, and role of interscholastic athletics
13. To encourage the general public to support the athletic program

GENERAL ADMINISTRATIVE ORGANIZATION

THE MASSACHUSETTS INTERSCHOLASTIC ATHLETIC ASSOCIATION

The Massachusetts Interscholastic Athletic Association (MIAA) is the official organization in the state for regulating and conducting all athletic events, contests, and tournaments between and among member high schools.

The objectives of the MIAA shall be to promote the best interests of secondary education; to maintain cooperation and professionalism among its members; and to apply uniform regulations and control of interscholastic athletics as an integral part of the educational program for secondary school students.

STATE AND FEDERAL LEGISLATION

Chapter 622 of the Massachusetts General Laws defines equal opportunity and prohibits a school from denying any student the opportunity to participate in an extracurricular activity due to race, sex, religion, or national origin.

Chapter 71 of the Massachusetts General Laws Section 47 gives the School Committee authority to supervise and control athletic activities of the schools and provides that, directly through any authorized representative, it may determine under what conditions athletic competitions among schools may take place.

Title IX defines equal opportunity to members of both sexes in athletic participation. The emphasis is directed to the totality of the athletic program rather than to each sport offered in the program.

It is the policy of the Holyoke Public Schools not to discriminate on the basis of race, color, religion, national origin, or handicap in its educational programs and employment practices in compliance with Title IX of the Educational Amendments of 1972, Chapter 622 of the General Laws of the Commonwealth of Massachusetts, and Section 504 of the Rehabilitation Act of 1973.

ADMINISTRATOR OF THE ATHLETIC PROGRAM

Duties and Responsibilities of the Athletic Trainer:

1. The Athletic Trainer shall verify that a physical exam to determine fitness of a student has been performed by a physician/health care provider prior to the participation of any athlete.
2. The Athletic Trainer is responsible for a medical inspection of injured athletes during the week and determining the status of an athlete for participation in practice or games.
3. The Athletic Trainer shall arrive one-half hour prior to the start of any game that he/she attends for the purpose of consulting with the coach, inspecting players' injuries, and checking on medical equipment. (The coach is responsible for having a first-aid kit, water, and ice at all practices and games).
4. The Athletic Trainer shall assume full responsibility for each athlete at a game. He/she will go to the locker room between halves and after the game for the purpose of inspection of players and caring for injuries.
5. The Athletic Trainer, within limits, will prescribe the treatment and procedure for the coach to follow in the care of injured players. A prescription from an

- attending physician may be necessary, in some cases, before treatment can begin. School use of therapy equipment (for example, a whirlpool) shall be under supervision of the Trainer.
6. The Athletic Trainer will inspect all first-aid kits before each sports season and provide coaches with all necessary supplies for the kits during the season.
 7. The Athletic Trainer will be available to athletes for practice and pre-game tapings.
 8. The Athletic Trainer will keep on file a copy of all injury reports throughout the school year. Coaches are responsible for submitting injury forms to the Athletic Trainer within twenty-four (24) hours.
 9. Return to Play Forms will be kept on file in the Athletic Trainer's Office. Injured athletes may not participate in athletic activities until the Return to Play Form or a doctor's/health care provider's note has been submitted to the Athletic Trainer.
 10. The welfare of participating athletes should be a shared concern and responsibility of the Athletic Trainer and the coach. Cooperatively and together they can ensure the best possible medical supervision for each athlete.

Duties and Responsibilities of the Head Coach to Athletes:

1. Motivate athletes to develop their maximum potential and effort.
2. Maintain a fair, unprejudiced relationship with athletes and have their physical welfare in uppermost consideration at all times.
3. Recognize individual differences and instill self-respect.
4. Encourage the values of good citizenship, loyalty, integrity, courage, self-discipline, and courtesy.
5. Protect athletes from injury by proper conditioning, by not playing athletes when injured, and by recommending protective equipment.
6. Emphasize the ideals of sportsmanship, and fair play in all competitive situations.
7. Exhibit the ability to accept victory or defeat gracefully.
8. Apply discipline in a fair, consistent, firm, clear, and positive manner.
9. Make sure athletes are dressed appropriately for trips to other schools.
10. Assure safety and proper behavior of athletes on bus trips.
11. Establish good public relations at all athletic events, both home and away.
12. Supervise locker rooms- make sure lights are out, equipment put away, doors are locked and athletes have left the building, after every practice session, and game.
13. Plan practice sessions with specific goals and objectives for athletes in mind.
14. Explain and interpret MIAA, school, and team rules to athletes, including this Athletic Policy.
15. Provide athletes with a written copy of try-out procedures and the coach's policies concerning discipline and practice.
16. Have a first-aid kit, ice, and water available at all practices and games.
17. Know where the nearest telephone is in case of an emergency.
18. Report all injuries within twenty-four (24) hours.

ATHLETES' RESPONSIBILITIES

1. To return all necessary forms to the Athletic Director and/or coach prior to participating in any practice sessions or games, including:
 - A. Medical form (approved by MIAA) signed by a doctor/health care provider; and
 - B. Grade report
2. To return team rules and regulations signed by parent(s)/legal guardian(s)
3. To attend all meetings, practice sessions, and scheduled games
4. To participate to the best of his/her ability in practice and competitions
5. To take proper care of uniforms and equipment issued to him/her
6. To return uniforms and equipment in good condition within one (1) week after the last games of the sport season. Uniforms should be cleaned before they are returned.
7. To support all members of his/her team throughout the sports season
8. To adhere to sound training habits. The use of tobacco, alcohol, and/or non-prescription drugs is not permitted.
9. To set a good example on and off the playing field
10. To develop his/her academic, as well as athletic, interests to the highest levels and standards
11. To show respect for coaches, officials, opponents, and spectators at all times
12. To demonstrate good sportsmanship at all times
13. To know, understand, and appreciate the rules of his/her sport. The coach will review the rules of each sport during the sports season.
14. To honor the expectations of the coach and the Athletic Department. A copy of this Athletic Policy will be distributed to each athlete along with each individual coach's team rules for his/her particular sport.
15. To report all personal injuries to the coach and athletic trainer
16. To keep the locker room and practice area clean
17. To bring a doctor's/health care provider's note or Return To Play Form to the Athletic Trainer following an injury or illness for which a doctor/health care provider was seen.

APPROVED ATHLETIC ACTIVITIES

The following are the approved athletic activities: Baseball, Basketball, Cheerleading, Cross-Country Running, Field Hockey, Football, Golf, Ice Hockey, Skiing, Soccer, Softball, Swimming and Diving, Tennis, Track and Field, Volleyball, and Wrestling.

RULES AND PROCEDURES FOR CONTROL OF SPORTS

APPEALS

A suspended athlete can appeal for a hearing with the Director of Athletics and the Principal. The following procedure will be followed:

1. A decision to uphold or overturn the appeal will be made within twenty-four (24) hours.
2. If the suspension is upheld, the suspended athlete may appeal to the Superintendent within twenty-four (24) hours.
3. If the suspension is upheld by the Superintendent, the suspended athlete may request a hearing with the Holyoke School Committee.

ATTENDANCE

Athletes must be in regular attendance at all practice sessions, games, and other mandatory meetings or functions. Absenteeism without valid excuse, or failure to report a planned absence in advance, may be penalized by the coach.

In order to participate in a contest, the athlete must be present at school on the day of the contest, or the day prior to a contest that is held on a non-school day. (Exception: games played on a holiday).

CANCELLATIONS AND POSTPONEMENTS

Cancellations and postponements are the responsibility of the Athletic Director, except that in his/her absence, the authority may be assumed by the coach after consulting with the Principal.

If either school is not in session due to inclement weather conditions or any other emergency, no contest will be played unless it is agreed to be played by the school that is not in session.

Once notified of a cancellation or postponement, the coach is responsible for notifying team members.

CAPTAINS

The selection procedure and time of announcing the new captain(s) is the responsibility of the Head Coach.

CHANGING SPORTS DURING A SEASON

From the time a player's name appears on the team list for an interscholastic sport, he/she may not join another team or compete in another interscholastic sport until after the sport's season has terminated.

Any team member who has been dropped from a team roster for disciplinary reasons is not eligible to participate on any other team for the remainder of the season.

ELIGIBILITY

The responsibility for determining eligibility lies with the Principal. A roster of team members, alphabetically by class and section number, must be submitted to the Athletic Director one week prior to the first contest. All MIAA Rules of Eligibility will be strictly followed.

To satisfy this requirement, a student must have passed sufficient courses for that marking period which carry credits totaling the equivalent for four (4) one-year (1-year) major English courses.

- A student cannot, at any time, represent a school unless the student is taking courses, which would provide credit, equivalent to four (4) one year (1-year) major English courses.
- To be eligible for the fall marking period, students are required to have passed, for the previous academic year the equivalent of four (4) one-year (1-year) major English courses.
- Academic eligibility of all students shall be considered as official and determining only on the date when the report cards for that ranking period have been issued to the parent(s)/legal guardian(s) of all students within a particular class.
- Incomplete grades may not be counted toward eligibility.
- A student who repeats work upon which he/she has received credit cannot count that subject a second time for eligibility purposes.

- A student receiving services under Chapter 766 whose individualized education plan is for a substantially separate setting may be declared academically eligible by the Principal provided that all other eligibility requirements are met.

Time Allowed for Participation

A student shall be eligible for interscholastic competition for no more than twelve (12) consecutive athletic seasons beyond the eighth (8th) grade. In no case may a student be eligible to participate in more than four (4) of each of the three (3) annual athletic seasons.

In special cases where a student has been absent because of an accident or illness which prevented school attendance, the Athletic Director, or his/her designee, shall have the authority to extend the student's eligibility upon presentation of a doctor's certificate on the student's behalf and a letter from the Principal attesting to the inability of the student to attend school during the period of the student's absence because of an accident or illness. In instances where an extended eligibility is granted, the student may be declared eligible only for the season(s) that the student's illness prevented him/her from participating.

Age Limits:

A student shall be under nineteen (19) years of age, but may compete during the remainder of the school year, provided that his/her nineteenth (19th) birthday occurs on or after September 1st of that year. For grade 9 competition, a player shall be under sixteen (16) years of age, but may compete during the remainder of the school year provided that the sixteenth (16th) birthday occurs on or after September 1st for that year. Principals must exercise great care in determining age of contestants, and in all doubtful cases, must secure birth certifications from the town clerk of the pupil's place of birth.

In the case of a Chapter 766 student, the student may waive his/her right to the initial waiver consideration before the Executive Director and proceed directly to a hearing before the Eligibility Review Board. To qualify for this process, a student must have an approved educational plan and an annual review specifying services in a substantially separate setting.

Protocol and Procedures for Management of Sports-Related Concussion Holyoke High School/ Dean Tech

Medical management of sports-related concussion is evolving. In recent years, there has been a significant amount of research into sports-related concussion in high school athletes. Holyoke High School and Dean Tech have established this protocol to provide education about concussion for athletic department staff and other school personnel. This protocol outlines procedures for staff to follow in managing head injuries, and outlines school policy as it pertains to return to play issues after concussion.

Holyoke High School and Dean Tech seek to provide a safe return to activity for all athletes after injury, particularly after concussion. In order to effectively and consistently manage these injuries, procedures have been developed to aid in ensuring that concussed athletes are identified, treated and referred appropriately, receive appropriate follow-up care during the school day, including academic assistance, and are fully recovered prior to returning to activity.

In addition to recent research, two (2) primary documents were consulted in developing this protocol. The “Summary and Agreement Statement of the 2nd International Conference on Concussion in Sport, Prague 2004” (referred to in this document as the Prague Statement), and the “National Athletic Trainers’ Association Position Statement: Management of Sport-Related Concussion” (referred to in this document as the NATA Statement).

The HPS Athletic Training Staff, Athletic Director, Nurse Supervisor, and School Physician will review this protocol on a yearly basis. Any changes or modifications will be reviewed and given to athletic department staff and appropriate school personnel in writing. All athletic department staff will attend an annual in-service meeting in which procedures for managing sports-related concussion are discussed.

Contents

- I. Recognition of concussion
 - II. ImPACT neuropsychological testing requirements
 - III. Other requirements for Athletes and Parents
 - IV. Requirements for Coaches, Certified Athletic Trainers and Volunteers
 - V. Responsibilities of the Athletic Director
 - VI. Responsibilities of the School Nurses
 - VII. Management and referral guidelines for all staff.
 - VIII. Procedures for the Certified Athletic Trainer (AT)
 - IX. Guidelines and procedures for coaches
 - X. Follow-up care during the school day
 - XI. Return to play procedure
- I. Recognition of Concussion**
- A. Common signs and symptoms of sports-related concussion
 1. Signs (observed by others):
 - Athlete appears dazed or stunned
 - Confusion (about plays, assignment, etc.)
 - Forgets plays
 - Unsure about game, score, opponent
 - Moves clumsily (altered coordination)
 - Balance problems
 - Personality change
 - Responds slowly to questions
 - Forgets events prior to hit
 - Forgets events after hit
 - Loss of consciousness (any duration)
 2. Symptoms (reported by athlete):
 - Headache
 - Dizziness
 - Fatigue
 - Nausea or vomiting
 - Double vision, blurry vision
 - Sensitive to light or noise
 - Feels sluggish
 - Feels “foggy”

- Problems concentrating
- Problems remembering

3. These signs and symptoms are indicative of probable concussion. Other causes for symptoms should also be considered and ruled out.

B. Cognitive Impairment (altered or diminished cognitive function)

1. General cognitive status can be determined by simple sideline cognitive testing
 - a. The Athletic Trainer may utilize SCAT (Sports Concussion Assessment Tool), SAC, sideline ImPACT, or other standard tool for sideline cognitive testing. (Appendix A).
 - b. Coaches should utilize the basic UPMC cognitive testing form (Appendix B).

II. ImPACT neuropsychological testing requirements

1. ImPACT (Immediate Post-Concussion Assessment and Cognitive Testing) is a research-based software tool utilized to evaluate recovery after concussion. It was developed at the University of Pittsburgh Medical Center (UPMC). ImPACT evaluates multiple aspects of neurocognitive function, including memory, attention, brain processing speed, reaction time, and post-concussion symptoms.

a. Neuropsychological testing is utilized to help determine recovery after concussion.

2. Athletes at Holyoke High School and Dean Tech will take the baseline ImPACT test or equivalent neuropsychological test prior to participation in High School Athletics in their freshmen and junior years. The Athletic Training Staff will coordinate the testing sessions.

3. ImPACT test or equivalent test will be utilized after a concussion to aid in the progression of athletes for a safe return to full participation. The ImPACT test is one component of the return to play management plan and will not be used as the sole criteria for clearance.

III. Other requirements for Athletes and Parents

1. All athletes and parents will be educated on concussion through written and on-line materials annually. Information will include recognizing the signs and symptoms of concussion, the biology and the short-term and long-term consequences of a concussion, second impact syndrome and the HPS Protocol and procedures for Concussions and return to play requirements.

2. All athletes and parents will submit to the Athletic Office either (a) a certificate of completion for the approved on-line educational courses or (b) a signed acknowledgment as to their receipt of approved written educational materials.

3. All athletes will complete and submit to the Athletic Office a Concussion History Form and an ImPact Consent Form. All forms will have athlete and parent signatures.

4. All athletes and parents will notify the Coaches, Athletic Trainers and/or School Nurses of all concussions or symptoms of concussions.

5. The training and education required applies to one school year and must be repeated for every subsequent year. All forms must be completed each school year.

IV. Requirements for Coaches, Certified Athletic Trainers and Volunteers

1. All Coaches, Athletic Trainers, Parent Volunteers, Athletic Directors, and Marching Band Directors must participate in a Sports Head Injury and Concussion Awareness Course. Certificate of completion must be filed with the Athletic Director and Superintendent of Schools.

2. All Athletic Department staff will attend an annual meeting on concussion, including protocol updates and management.
3. All coaches will teach techniques aimed at minimizing sports-related head injury. Coaches will discourage and prohibit student athletes from engaging in any unreasonably dangerous athletic technique that endangers the health or safety of a student, including using a helmet or any other sports equipment as a weapon.
4. Coaches must remove from play all athletes with suspected concussions and report suspected concussions to the Athletic Trainers, Athletic Director and/or School Nurses immediately after injury or the next day.
5. Coaches or the Athletic Trainer will communicate the nature of the injury to the parent in person or by phone immediately after an athlete has been removed from play for a head injury or suspected concussion. Written documentation and concussion information must be provided to the parent by the end of the next business day.

V. Responsibilities of the Athletic Director (AD)

The Athletic Director shall be responsible for:

1. Completing the annual educational training on concussions
2. Ensuring that all coaches, athletic trainers, school nurses, school physicians and volunteers have completed the annual educational requirements and have a current certificate of completion on file in the Athletic Office.
3. Ensure that all students and parents have been educated on concussions through written and on-line materials annually. The AD will ensure that parents have submitted a certificate of completion for the on-line course or a signed acknowledgement as to their receipt of approved written materials.
4. Ensuring, in collaboration with the Athletic Trainers and School Nurses, that all student athletes have completed and submitted a current physical examination and the Department Pre-Participation Form, prior to participation in athletics.
5. Ensuring that all Pre-participation forms are reviewed and the coaches, Athletic Trainers, School Nurses and School Physician are informed of those athletes with a history of concussion.
6. Ensuring that Department Report of Head Injury Forms are provided to the School Nurse, Athletic Trainer and School Physician for follow-up.
7. Discouraging and prohibiting student athletes from engaging in any unreasonably dangerous athletic technique that endangers the health or safety of a student, including using a helmet or any other sports equipment as a weapon.
8. Reporting annual statistics to the Department of Health. Statistics will include at minimum (a) the total number of Department Report of Head Injury Forms received by the school; and (b) the total number of students who incur head injuries and suspected concussions when engaging in athletics.

VI. Responsibilities of the School Nurse

The School Nurse shall be responsible for:

1. Completing the annual educational training on concussions and submitting a certificate of completion to the Athletic Office.
2. Reviewing pre-participation forms with the Athletic Trainer and following up with parents as needed prior to the student's participation in extracurricular athletic activities.

3. Maintaining pre-participation forms and head injury report forms in the student's health record.
4. Participating in the graduated re-entry planning meeting with the Athletic Trainer and Guidance Counselor for students who have been diagnosed with a concussion to discuss any necessary accommodations or modifications with respect to academics, course requirements, homework, testing, scheduling and other aspects of school activities consistent with a graduated re-entry plan for return to full academic and extracurricular activities after a head injury and revising the healthcare plan as needed.
5. Monitoring recuperating students with head injuries and collaborating with teachers to ensure that the graduated re-entry plan for return to full academic and extracurricular activities is being followed.
6. Providing ongoing educational materials on head injury and concussion to teachers, staff and students.

VII. Management and Referral Guidelines for All Staff

A. Guidelines for Management of Sports-Related Concussion

1. Any athlete with a witnessed loss of consciousness (LOC) of any duration should be spine boarded and transported immediately to the nearest emergency department **via Ambulance.**
2. Any athlete who has symptoms of a concussion, and who is not stable (i.e., condition is changing or deteriorating), is to be transported immediately to the nearest emergency department **via Ambulance.**
3. An athlete who exhibits **any** of the following symptoms should be transported immediately to the nearest emergency department, **via Ambulance.**
 - a. deterioration of neurological function
 - b. decreasing level of consciousness
 - c. decrease or irregularity in respirations
 - d. decrease or irregularity in pulse
 - e. unequal, dilated or unreactive pupils
 - f. any signs or symptoms of associated injuries, spine or skull fracture, or bleeding
 - g. mental status changes: lethargy, difficulty maintaining arousal, confusion or agitation
 - h. seizure activity
 - i. cranial nerve deficits
4. An athlete who is symptomatic but stable, may be transported by his or her parents. The parents should be advised to contact the athlete's primary care physician, or seek care at the nearest emergency department, **on the day of the injury.**
 - a. **ALWAYS** give the parents the option of emergency transportation, even if you do not feel it is necessary.

VIII. Procedures for the Certified Athletic Trainer (AT)

- A. The AT will assess the injury, or provide guidance to the coach if unable to personally tend to the athlete.
 1. Immediate referral to the athlete's primary care physician or to the hospital will be made when medically appropriate (see Section V).
 2. The AT will perform serial assessments following recommendations in the NATA Statement, and utilize the SCAT (Sport Concussion Assessment Tool), as recommended by the Prague Statement, or sideline ImPACT, if available.

- a. The Athletic Trainer will notify the athlete's parents and give written and verbal home and follow-up care instructions.
- B. The AT will notify the school nurse of the injury, prior to the next school day, so that the school RN can initiate appropriate follow-up in school immediately upon the athlete's return to school.
 1. The AT will continue to provide coordinated care with the school RN, for the duration of the injury.
 2. The AT will communicate with the athlete's guidance counselor regarding the athlete's neurocognitive and recovery status, if needed.
- C. The AT is responsible for administering post-concussion ImPACT or equivalent testing.
 1. The initial post-concussion test should be administered within 48-72 hours post-injury, whenever possible.
 - a. Repeat post-concussion tests will be given at appropriate intervals, dependent upon clinical presentation.
 2. The AT will review the post- concussion data with the athlete and the athlete's parent.
 - a. Test data will be forwarded to the school medical advisor for review and consultation.
 3. The AT will forward testing results to the athlete's treating physician, with parental permission and a signed release of information form.
 4. The AT or the athlete's parent may request that a neuropsychological consultant review the test data. The athlete's parents will be responsible for charges associated with the consultation.
 5. The AT will monitor the athlete, and keep the School Nurse informed of the individual's symptomatology and neurocognitive status, for the purposes of developing or modifying an appropriate health care plan for the student-athlete.
 6. The AT is responsible for monitoring recovery & coordinating the appropriate return to play activity progression.
 7. The AT will maintain appropriate documentation regarding assessment and management of the injury.
 8. The AT will ensure that appropriate documents

IX. Guidelines and Procedures for Coaches

A. **RECOGNIZE** concussion

1. All coaches should be familiar with the signs and symptoms of concussion that are described in Section I.
2. Very basic cognitive testing should be performed to determine cognitive deficits.

B. **REMOVE** from activity

1. If a coach suspects an athlete has sustained a concussion, the athlete should be removed from activity until evaluated medically.
 - a. **Any athlete, who exhibits signs or symptoms of a concussion should be removed immediately, assessed and should not be allowed to return to activity that day.**

C. **REFER** the athlete for medical evaluation

1. Coaches should report all head injuries to the HHS/DEAN TECH Certified Athletic Trainer (AT) for medical assessment and management, and for coordination of home instructions and follow-up care.
2. Coaches should seek assistance from host site AT if at an away contest.
3. The AT will be responsible for contacting the athlete's parents and providing follow-up instructions.
4. If the HHS/DEAN TECH AT is unavailable, or the athlete is injured at an away event, the coach is responsible for notifying the athlete's parents of the injury.
 - a. Contact the parents to inform them of the injury and make arrangements for them to pick up the athlete at school.
 - b. Contact the AT at the above number, with the athlete's name and home phone, so that follow-up can be initiated.
 - c. Remind athlete to report directly to the school nurse before school starts, on the day he or she returns to school after the injury.
5. In the event that an athlete's parents cannot be reached, and the athlete is able to be sent home (rather than directly to MD):
 - a. The Coach or AT should insure that the athlete will be with a responsible individual, who is capable of monitoring the athlete and understanding the home care instructions, before allowing the athlete to go home.
 - b. The Coach or AT should continue efforts to reach the parent.
 - c. If there is any question about the status of the athlete, or the athlete is not able to be monitored appropriately, the athlete should be referred to the emergency department for evaluation. A coach should accompany the athlete and remain with the athlete until the parents arrive.
 - d. Athletes with suspected head injuries should not be permitted to drive home.

X. **RETURN TO PLAY (RTP) PROCEDURES AFTER CONCUSSION**

A. Returning to participation on the same day of injury is **NOT ALLOWED**.

1. As previously discussed in this document, an athlete who exhibits any signs or symptoms of concussion, or has abnormal cognitive testing, should not be permitted to return to play on the same day of injury. Any athlete who denies symptoms but has abnormal sideline cognitive testing should be held out of activity.
2. "When in doubt, hold them out!"

B. Return to play after concussion

1. The athlete must meet **all of the following criteria** in order to progress to activity:
 - a. Athlete has rested from activity for a minimum of five (5) days **AND:**
 - b. Athlete is asymptomatic at rest and exertion (including mental exertion in school) **AND:**
 - c. Athlete is within normal range of baseline on post-concussion ImpACT or equivalent testing **AND:**
 - d. Has submitted a Department Post Sports-Related Medical Clearance and Authorization Form completed by their Primary Care Physician or Head Injury Specialist (athlete must be cleared for progression to activity by a physician other than an Emergency Room physician).

2. Once the above criteria are met, the athlete will be progressed back to full activity following a stepwise process, (as recommended by both the Prague and NATA Statements), under the supervision of the AT.
3. Progression is individualized and will be determined on a case by case basis. Factors that may affect the rate of progression include: previous history of concussion, duration and type of symptoms, age of the athlete and sport/activity in which the athlete participates. An athlete with a prior history of concussion, one who has had an extended duration of symptoms, or one who is participating in a collision or contact sport should be progressed more slowly.
4. Stepwise progression as described in the Prague Statement:
 - a.No activity – do not progress until asymptomatic
 - b.Light aerobic exercise – walking, stationary bike
 - c.Sport-specific training (e.g., skating in hockey, running in soccer)
 - d.Non-contact training drills
 - e.Full-contact training after medical clearance
 - f. Game play
 - If the athlete experiences post-concussion symptoms during any phase, the athlete should drop back to the previous asymptomatic level and resume the progression after 24 hours.
5. The AT and the athlete will discuss appropriate activities for the day. The athlete will be given verbal and written instructions regarding permitted activities. The AT and athlete will each sign these instructions. One copy of this is for the athlete to give to the coach and one will be maintained by the AT.
6. The athlete should see the AT daily for re-assessment and instructions until he or she has progressed to unrestricted activity and been given a written report to that effect from the AT.
7. Any athlete who sustains a second concussion in the same season must be evaluated and cleared by a neurologist, neuropsychologist or equivalent specialist.

XI. Documentation of Head Injury and Concussion History

- A. At or before the start of each sport or band season, all students shall complete and submit to the Athletic Trainer the following forms:
 1. Pre-participation medical history form
 2. Concussion history form
 3. Emergency Information and Consent to participate form
 4. ImPACT consent form
 5. Certificate of completion or documentation of their receipt of concussion educational materials
- B. All completed forms will be reviewed and kept on file in the Athletic Training Office.
- C. All forms shall be distributed to the School Physician, School Nurse, Athletic Trainers, and coaches for all athletes with a history of concussion.
- D. The Department Report of Head Injury during Sports Season Form must be completed (a) by the coach, Athletic Trainer or band director, if the injury or suspected concussion occurs during a game or practice or (b) by a parent if the injury occurs outside of those settings, and forwarded to the coach, band director or Athletic Trainer. The Athletic Director shall ensure that these forms are reviewed and provided to Athletic Trainer, School Nurse and School Physician.
- E. The school, consistent with any applicable state and federal law, shall maintain the following records for 3 years or at a minimum until the student graduates:
 1. Verifications of completion of annual training and receipt of materials

2. Department pre-participation forms
3. Department report of head injury forms
4. Department medical clearance and authorization forms
5. Graduated re-entry plans for return to full academic and extracurricular activities

F. The school shall make these records available to the Department and the Department of Elementary and Secondary Education, upon request or in connection with any inspection or program review.



HRM-14
(June 30, 2005)

CORI REQUEST FORM

Holyoke Public Schools has been certified by the Criminal History Systems Board for access to conviction and pending criminal case data. As an applicant/employee for the position of _____, I understand that a criminal record check will be conducted for conviction and pending criminal case information only and that it will not necessarily disqualify me. The information below is correct to the best of my knowledge.

Applicant/Employee Signature

Date

APPLICANT/EMPLOYEE INFORMATION (PLEASE PRINT)

LAST NAME

FIRST NAME

MIDDLE NAME

MAIDEN NAME OR ALIAS (IF APPLICABLE)

PLACE OF BIRTH

DATE OF BIRTH

SOCIAL SECURITY NUMBER

MOTHER'S MAIDEN NAME

FORMER ADDRESS:

SEX: _____ HEIGHT: _____ FT. _____ IN. WEIGHT: _____ EYE COLOR: _____

STATE DRIVER'S LICENSE NUMBER: _____

***** THE ABOVE INFORMATION WAS VERIFIED BY REVIEWING THE FOLLOWING FORM OF GOVERNMENT ISSUED PHOTOGRAPHIC IDENTIFICATION:**

REQUESTED BY:

SAMPLE NOTICE TO THE CUSTODIAL PARENT

WHEN NON-CUSTODIAL PARENT HAS REQUESTED STUDENT RECORDS

PER GENERAL LAWS CHAPTER 71, SECTION 34H

NOTE: The statute requires schools to send notice to the custodial parent by certified mail and by first class mail, in both the primary language of the custodial parent and in English.

(Date) _____

(Name and address of custodial parent) _____ **By certified and first class mail**

Dear (Name of custodial parent): _____

Pursuant to Massachusetts General Laws Chapter 71, Section 34H, a law regarding student records access for non-custodial parents, (insert name of non-custodial parent) has requested the student records of (insert name of child). This request was made on (insert date of non-custodial parent's request).

In compliance with Section 34H (c) and (d), I am providing you with written notice of this request.

The law requires the school to provide the non-custodial parent with the student record information after 21 days, unless before that date you provide me with a copy of either of the following documents.

- 1) A court order that prohibits the non-custodial parent from having contact with your child; or

- 2) A court order that prohibits the non-custodial parent from getting access to the student records; or
- 3) A temporary or permanent order issued to provide protection to you or to any child in your custody from abuse by the requesting parent, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to your child's student records.

Please contact my office if you have any questions. Thank you very much.

Sincerely,

(School Principal or Designee)

**SAMPLE AFFIDAVIT FOR NON-CUSTODIAL PARENT
REQUESTING STUDENT RECORDS**

PER GENERAL LAWS CHAPTER 71, SECTION 34H

I, (Name of non-custodial parent), on oath depose and state as follows:

1. I am the parent of (Name of student).
2. Attached is a certified copy of the court judgment or order relative to the custody of my child, which meets the standards of General Laws Chapter 71; Section 34H.

OR

3. Attached is a certified copy of an order by a probate and family court judge specifically ordering that my child's student records be made available to me, according to the standards of General Laws Chapter 71; Section 34H.
4. I certify that the judgment or order remains in effect and that there is currently no temporary or permanent protective order restricting my access to (Name of student), the custodial parent or to any child in the custodial parent's custody.

Signed under the pains and penalties of perjury this _____ day of _____
(Month, Year)

Parent's signature

**USER AGREEMENT FOR PARTICIPATION IN AN
ELECTRONIC COMMUNICATIONS SYSTEM**

This user agreement must be renewed each academic year.

Users Name: _____

Grade level: _____

School: _____

I have read the District's Acceptable Use Policy and Administrative Procedures and agree to abide by their provisions. I understand that violation of these provisions may result in disciplinary action including but not limited to suspension or revocation of privileges, suspension or expulsion from school, termination of employment, and criminal prosecution.

Signature: _____

Parent/Guardian Sponsor: _____

I have read the District's Acceptable Use Policy and Administrative Procedures. In consideration for the privilege of using the District's system/network, and in consideration for having access to the public networks, I hereby release the District, its operators, and institutions with which they are affiliated from any and all claims and damages of any nature arising from my child's use of, or inability to use, the system/network, including, without limitation, the type of damage identified in the District's policy and administrative procedures.

___ I give permission for my child to participate in the District's system/network.

___ I do not give permission for my child to participate in the District's system/network.

___ I give permission for my child's name to appear on their student web page should one be developed.

___ I give permission for my child's photo to appear on their student web page should one be developed.

Signature of parent/guardian: _____

This spaced reserved for system administrator.

Assigned Username: _____

Assigned password: _____

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FORM 2

DISCIPLINARY REFERRAL (Referral form from teacher to administrator)

Student's Name: _____

Homeroom: _____ Today's Date: _____

Date of Incident: _____ Time: _____ Teacher: _____

- | | |
|--|--------------------------------------|
| ___ Not reporting after school | ___ Parent conference scheduled |
| ___ Unauthorized absence from class | ___ Student conference scheduled |
| ___ No textbook or materials | ___ Pupil verbally corrected |
| ___ Chronic class tardiness | ___ Guidance counselor referred |
| ___ Prone to mischief | ___ Assigned new class |
| ___ Disturbing class or other pupils | ___ Warning issued |
| ___ Damaging school property | ___ Office detention for ___ days |
| ___ Disrespectful/Discourteous | ___ In-house detention for ___ days |
| ___ Antagonistic towards class routine | ___ External suspension for ___ days |
| ___ Other _____ | ___ Other _____ |

COMMENTS: _____

DISPOSITION: _____

Return Time _____

Signature of Administrator _____

FORM 3

ADMISSION FORM

NAME :

ROOM NO.:

My absence of _____ was caused by _____

Homeroom or Classroom Teacher's Signature

Classwork to be made up (with teacher's signature/initials):

- | | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

NOTE: This form should be made out by the homeroom or classroom teacher for each absent student with dates of absences. Appropriate teachers fill in make-up work on form.

In case of suspensions, this form is completed by the administrator at the time of student re-entry and signed by the parent(s)/legal guardian(s) if in attendance at this meeting.

FORM 4

NOTIFICATION OF SHORT-TERM SUSPENSION

Student's Name: _____ School: _____ Homeroom: _____
ID #: _____ Grade: _____ Date of Incident: _____ Staff: _____ Time: _____

PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a short-term suspension of your child. The ground(s) for the suspension is the following violation(s) of the Code of Conduct: _____ . Serious behavioral problems result in poor learning for your child and often for others.

If suspended, your child will be allowed to make up any school work missed as established by the Attendance Policy. Please call the Guidance or School Office to arrange for making up school work.

If suspended, your child should report directly to administration upon returning to school. You may request a review of the suspension imposed with School administration.

VIOLATION - GROUND (S) FOR SHORT-TERM SUSPENSION

- | | |
|--|---|
| _____ Leaving school without permission | _____ Aggressive/threatening behavior |
| _____ Unauthorized absence from school/class | _____ Lack of respect to staff/visitors |
| _____ Repeated tardiness: _____ | _____ Theft or vandalism |
| _____ Missed detention | _____ Chronic school offender |
| _____ Smoking | _____ Hazing |
| _____ Moral offenses | _____ Violation of Civil Rights |
| _____ Disorderly conduct | _____ Violation of school rule(s): _____ |
| _____ Possession of obscene materials/
Use of obscenity | _____ Violation of law: _____ |
| _____ Gambling in any form | _____ Interfering with education of others |
| _____ Use or possession of contraband items | _____ Use or possession of beepers/cell phones etc. |
| _____ Disregard of express or implied directions | _____ Bullying in any form |

Comment(s) _____

ACTION TAKEN

In-house suspension for ___ days

External suspension for ___ days from _____ to _____

Interim Alternative Education Setting for ___ days from _____ to _____

Return to school on _____

By this form, I am giving you written notice of this suspension of your child.

Authorized Signature - Title

Date

COPIES FOR: ADMINISTRATION
PARENT(S)/LEGAL GUARDIAN(S)/STUDENT
GUIDANCE
EDUCATIONAL PROGRAMMER (if student with special needs)
DATA ENTRY

FORM 5

NOTIFICATION OF LONG-TERM SUSPENSION/EXPULSION OF REGULAR EDUCATION STUDENT*

To: Superintendent of Schools
Student Services Supervisor
Parent(s)/Legal Guardian(s)/Student
Data Entry

From: _____, Principal
(Name of School)

STUDENT'S NAME: _____ Grade: _____

Proposed suspension for _____ days from: _____ to: _____
Proposed expulsion for _____ days from: _____ to: _____
Return to school on _____

PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a suspension/expulsion of your child. The ground(s) for the suspension/expulsion is the following violation(s) of the Code of Conduct: _____.

If suspended, your child will be allowed to make up any school work missed as established by the Attendance Policy. Please call the Guidance or School Office to arrange for making up school work.

If suspended, your child should report directly to administration upon returning to school.

The proposed suspension/expulsion will result in the exclusion of the student for more than ten (10) school days.

In addition to the minimal protections afforded to a student where a short term suspension is imposed, additional due process hearing rights arise under federal and Massachusetts law when a long-term suspension or an expulsion is sought.

Prior to the imposition of a long-term suspension or an expulsion, the principal shall ensure that the parent(s) or legal guardian(s) (or student if he or she is eighteen (18) years or older) receive timely written notice, in the language of the home, by first class mail, postage prepaid, of the following:

- a. intent to hold hearing _____yes_____no
b. date/time/place of hearing _____yes_____no
c. nature of evidence against the student _____yes_____no
d. section(s) of the Code of Conduct allegedly violated _____yes_____no
e. list of school's witnesses _____yes_____no
f. summary of the procedures/rights (See Notice Attachment which follows) _____yes_____no
g. right to appeal to Superintendent _____yes_____no

A copy of this Notice in the language of the home is attached hereto. _____yes_____no

A copy of this Notice has been forwarded to the Superintendent of Schools, Administrator of Student Services, and Parent(s)/Legal Guardian(s)/Student(s). A copy of the Parent Signature Form is also attached hereto. _____yes_____no

Authorized Signature - Title Date

*If the school had knowledge that the student was a child with special needs before the behavior that precipitated this disciplinary action, see Form 6.

FORM 6

NOTIFICATION OF LONG-TERM SUSPENSION/CUMULATIVE SUSPENSION OF MORE THAN TEN (10) DAYS OR EXPULSION OF STUDENTS WITH DISABILIT(IES)

To: Superintendent of Schools
Student Services Supervisor
Parent(s)/Legal Guardian(s)/Student
Data Entry

From: _____, Principal
(Name of School)

STUDENT'S NAME: _____ Grade: _____

Proposed suspension for _____ days from: _____ to: _____

Proposed expulsion for _____ days from: _____ to: _____

Return to school on _____

PARENTS: The purpose of this notice is to inform you of a violation(s) of the Code of Conduct resulting in a suspension/expulsion of your child. The ground(s) for the suspension/expulsion is the following violation(s) of the Code of Conduct: _____ Serious behavioral problems result in poor learning for your child and often for others.

If suspended, your child will be allowed to make up any school work missed as established by the Attendance Policy. Please call the Guidance or School Office to arrange for making up school work.

If suspended, your child should report directly to administration upon returning to school.

The proposed suspension/expulsion will result in the exclusion of the above named student for more than ten (10) cumulative days in the school year.

In addition to the minimal protections afforded to a student where a short-term suspension is imposed, prior to the imposition of a long-term suspension/expulsion or a suspension resulting in exclusion for more than ten (10) cumulative days, additional rights arise. I attest to the following:

1. I have complied with the written notice requirements as outlined in the Code of Conduct of the Holyoke Public Schools, concerning long-term suspensions/expulsions, i.e.:

- a. intent to hold hearing
b. date/time/place of hearing
c. nature of evidence against the student
d. section(s) of the Code of Conduct allegedly violated
e. list of school's witnesses
f. summary of the procedures/rights
g. right to Alternate Plan; and
h. right to appeal to Superintendent

A copy of this Notice in the language of the home is attached hereto.
yes no

2. I have provided immediate notice to the Special Education Team Leader (SETL) to schedule a TEAM meeting as the student's infraction might result in a cumulative suspension of more than ten (10) days from the beginning of the school year. A TEAM meeting was scheduled and Notice of the TEAM Meeting, in the language of the home, was sent to the parent(s)/legal guardian(s) and other TEAM participants (student's service providers, administrative representatives, other qualified personnel).

3. The TEAM met on _____, completed a functional behavioral assessment, developed or reviewed a behavioral intervention plan and concluded that the misconduct was NOT related to the student's handicapping condition(s) or the result of an inappropriate special education placement, was NOT the result of a failure to fully implement the student's IEP, was NOT the result of the student's disability causing an inability to understand the impact and consequences of the behavior, and was NOT the result of the student's disability causing an inability to control the behavior.

4. The TEAM considered:
- (a) evaluation and diagnostic results _____yes _____no
 - (b) relevant information supplied by the parent(s)/legal guardian(s) _____yes _____no
 - (c) observations of the student _____yes _____no
 - (d) Student's IEP and placement _____yes _____no

5. I have ensured that the parent(s)/legal guardian(s)/student have been provided with copies of the current IEP and the Amendment to the IEP (Alternative Plan) developed by the TEAM, which describes the special education services to be provided during this period of exclusion, including services designed to address the behavior so that it does not recur, provision for continued participation in the general education curriculum, along with the applicable parent/legal guardian notice of procedural safeguards and rights as required by state and federal regulations. I have also provided them with written notice of their right to mediation or hearing before the Bureau of Special Education Appeals if they do not accept the Alternate Plan. A copy of this Notice is attached hereto.

_____yes _____no

6. The following required documentation has been placed in the student's file and is available to the Department of Education upon request:

- a. Copy of the Student's current IEP _____yes _____no
- b. Copy of Alternate Plan _____yes _____no
- c. Copy of written notice to parent's of procedural safeguards _____yes _____no

7. The special needs student was found in possession of or was using a dangerous weapon or illegal drugs in school or at a school-sponsored event in violation of school policy; therefore, the student has been placed in an appropriate interim alternative educational setting, as determined by the TEAM, for up to 45 days, pursuant to 20 U.S.C. 1415 (k), regardless of parental consent.

_____yes _____no

8. The parent(s)/legal guardian(s)/student has/have consented to the Alternate Plan. _____yes _____no

or

As a result of the parent(s)/legal guardian(s)/student's rejection of the proposed Alternate Plan, the school has requested a hearing and shall seek an order to change the student's placement based on a showing that both the student's continued presence in the school presents a substantial likelihood of injury or harm to him/herself or others and that the school has taken reasonable steps to minimize the likelihood of harm.

_____yes _____no

9. The parent(s)/legal guardian(s) student has/have requested a hearing or filed a lawsuit to challenge the school district's action. _____yes _____no

or

As a result of the parent(s)/legal guardian(s)/student(s) rejection of the proposed Alternate Plan, the School has requested a hearing to uphold the proposed educational program. _____yes _____no

Authorized Signature - Title

Date

NOTICE ATTACHMENT FOR FORMS 5 and 6

“During the course of the hearing, the school will first present direct and corroborative evidence from the above-named individual(s). After presentation of the school’s evidence, you will be able to present any evidence, you will be able to present any evidence related to the above alleged acts on behalf of your son/daughter. You will then be able to present an argument concerning the information presented, followed by a brief argument by the school.

AT THE HEARING, YOU AND YOUR SON/DAUGHTER HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL OR AN ADVOCATE OF YOUR CHOICE. DEPENDING UPON THE NATURE OF THE INDIVIDUAL, YOU MAY HAVE THE RIGHT TO CROSS-EXAMINE SCHOOL WITNESSES. (NOTE: IN SOME CASES, THE NEED TO PROTECT AN INDIVIDUAL MAY OUTWEIGH A STUDENT’S RIGHT TO CROSS-EXAMINE A WITNESS FOR EXAMPLE, ANOTHER STUDENT.) IN ADDITION, YOU MAY PRESENT WITNESSES ON BEHALF OF YOUR SON/DAUGHTER, AND HAVE YOUR SON/DAUGHTER, IF YOU CHOOSE, TESTIFY IN HIS/HER OWN BEHALF IF YOU SO DESIRE. YOU ARE ENTITLED TO A COPY OF THE TAPE RECORDING OF THE HEARING. IN ADDITION, YOU OR YOUR COUNSEL OR ADVOCATE MAY REVIEW ANY AND ALL STATEMENTS BY PROPOSED SCHOOL WITNESSES PRIOR TO SAID HEARING ARRANGEMENTS FOR SUCH REVIEW CAN BE MADE BY CONTACTING THE BUILDING PRINCIPAL. FINALLY, YOU HAVE THE RIGHT TO A REASONABLY PROMPT WRITTEN DECISION, INCLUDING THE SPECIFIC GROUNDS FOR THE DECISION, AFTER THE HEARING IS CONCLUDED.

Arrangements for the translation of witness statements or other school documents will be provided upon request.

Please be advised that all reasonable efforts will be made to protect the confidentiality of the hearing.

Please note that the allegations against the student must be supported by a preponderance of the evidence before a long-term suspension/expulsion is imposed.

Please also note that this is not a court proceeding. Evidence which is relevant, though hearsay, may be admitted.”

Please further note that you have the right to appeal the Principal’s decision to the Superintendent of Schools within ten (10) days.

Notice of Procedural Safeguards

Formerly known as the “Parent’s Rights Brochure”

Interim Notice - designed to be used until final federal regulations for IDEA-2004 are in effect

Dear Parents: Your child has been referred for or is currently receiving special education services to provide for his or her individual educational needs. This Notice of Procedural Safeguards is designed to assist you in understanding the special education process and your rights.

The requirements regarding special education are based on state and federal law. The relevant laws are the following:

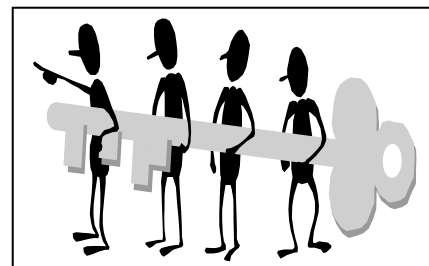
State Law: The state special education law, popularly known as “Chapter 766” after the session law number under which it was passed in 1972, is contained in the Massachusetts General Laws (MGL) at Chapter 71B. The regulations implementing the statute are found in the Code of Massachusetts Regulations (CMR) at 603 CMR, Section 28.00.

Federal Law: The federal special education law is known as “IDEA” (Individuals with Disabilities Education Act). The statute is located in the United States Code at 20 U.S.C. § 1400. In 2004, Congress reauthorized the IDEA and the amended statute is popularly referred to as “IDEA-2004.” The implementing regulations for IDEA will be found in the Code of Federal Regulations (CFR) at Chapter 34, Section 300.

This Notice of Procedural Safeguards is an interim notice that incorporates statutory changes of IDEA-2004. Final implementing regulations for IDEA-2004 have not yet been issued by the U.S. Department of Education and are expected to be completed in December 2005. After that time, the Massachusetts Department of Education will publish a new version of this Notice.

The federal and state special education laws are grounded upon six basic principles:

1. Parent & Student Participation
2. Free and Appropriate Public Education (FAPE)
3. Appropriate Evaluation
4. Individualized Education Program (IEP)
5. Least Restrictive Environment
6. Procedural Safeguards



In the following section of this document, each of the principles is described:

1. Parent & Student Participation – The law provides for many opportunities for parents to be involved in the planning and discussions concerning their child’s special education needs, including as an integral member of the Team that discusses eligibility, services, and placement of the student. You are entitled to have Team meetings held at a time and place mutually convenient to you and to other members of the Team. If you are unable to participate in a Team meeting, the school district is required to use other methods (such as phone conversations or other meeting opportunities, including virtual meetings, if you agree to use other methods of participation) to ensure that you have the opportunity to participate in the discussion even if you cannot attend the meeting in person. Also, IDEA-2004 provides flexibility in Team participation requirements. Parents may agree in writing to excuse a member of the Team from attending a Team meeting. The school district cannot excuse Team members without your written permission, however.

As the student grows older, he or she begins to have rights to participate in the Team process and in planning for transition to adult life. If transition is a topic of the Team meeting, the district must invite your child to attend. Also, you may invite your child to attend any Team meeting if you think it is in your child’s best interests. Additionally, the law entitles students of any age who are receiving special education to participate in the general education program of the school, including participation in school-wide or statewide assessment programs.

The law does not speak directly to your responsibilities as a parent, but the opportunities that the law provides for your participation are intended to promote a dialogue between you and the school district on behalf of your child. You are expected to share information with the school district about your child, and the school district is expected to attend to the information you provide and the concerns you present. It is important to emphasize that special education is most successful when it is viewed as an ongoing partnership with all parties having a strong interest in providing the best possible education for the student. Although as a parent you have many rights, it is important to remember that the relationship you build with

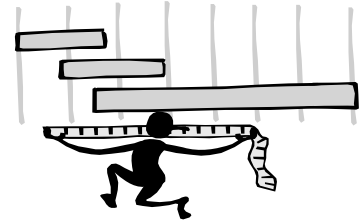
the school district may endure for many years and a positive, cooperative relationship on the part of both parents and school district personnel is most likely to result in maximum benefit to your child.

2. **FAPE** – Under federal law, students who are eligible for special education are entitled to a FREE, APPROPRIATE, PUBLIC EDUCATION – This concept is known as “FAPE.” The FAPE standard for special education services requires the school district to provide instruction tailored to the individual student’s needs, with sufficient support services to assist the student to make meaningful educational progress. Any special education services identified for the student are required to be provided at public expense with no cost to the parent. All students in the Commonwealth’s public education system, including students with disabilities, are entitled to the opportunity to learn the material that is covered by the academic standards in the Massachusetts curriculum frameworks. Massachusetts also provides an individual right to FAPE for students with disabilities who are enrolled by their parents in private schools, and who seek public special education services.

3. **Appropriate Evaluation** – A student must receive a complete and comprehensive evaluation to determine if the student has a disability and is eligible for special education and, if eligible, to assist in determining appropriate special education and related services that may be necessary. Parents who have a concern about their child’s development or have a suspicion about a possible disability may refer their child for an initial evaluation. Special words need not be used in making a referral for an initial evaluation. Upon receipt of such a request for an initial evaluation, the school district must send notice to the parent and must seek the parent’s consent to conduct an evaluation. (A school district will rarely have occasion to refuse to conduct an initial evaluation and may do so only if the parent or other individual making the referral has no suspicion of a disability or is not concerned about the student’s development.) Where appropriate, the school district may also provide the parent with information concerning other supportive services that may better suit a particular student’s needs. However, a school district may not refuse to evaluate a student who has been referred for an evaluation as described above, even if the student is participating in another academic support program or the school district would like to try other instructional support activities that are unrelated to special education, or for any other reason. Additionally, the law provides for periodic reevaluations to ensure that the student is benefiting from and continues to require special education. The parent’s consent will always be required prior to these reevaluations.

In Massachusetts, in order to be found eligible for special education, a student must demonstrate the presence of a disability (autism; developmental delay; intellectual, sensory, neurological, emotional, communication, physical, or health impairment; or specific learning disability) that prevents the student from making effective progress in education and requires specially designed instruction or related services in order to access the general curriculum. An initial evaluation to determine eligibility will seek sufficient evaluative information about the student to make a fair determination that considers all of these factors.

Although the state testing program, the Massachusetts Comprehensive Assessment System (MCAS), is an evaluation it is not a part of the evaluation conducted to determine if the student requires special education. The special education law provides protections to ensure that every student with disabilities is included in state or district-wide testing to ensure that the educational needs of students with disabilities are considered in a systemic way. Therefore, your permission is not required for your son/daughter to participate in MCAS or any other state or district-wide tests. However, during the Team meeting held to develop your child’s Individualized Education Program (see #4 below on IEP), you and the other Team members will discuss the best way for your child to participate in the MCAS and note this on your child’s IEP.



4. **IEP** – The law provides that the Team develops an Individualized Education Program (IEP) in written form to describe the programs and services that your child needs that will be provided to your child when he or she is determined to be eligible for special education. Your written permission will always be requested before the school district provides any IEP services to your child.

5. **Least Restrictive Environment** – This principle, known as “LRE”, means that, if possible, a student who needs special education services should receive those services in the general education environment with students who do not have special education needs. Further, LRE means that removal from the general education environment should only occur if the nature or severity of the student’s special education needs are such that education in general education classes with the use of supplementary aids and services cannot be achieved satisfactorily. The federal special education law strengthened this principle even more by saying that no child should be removed from the general education classroom just because of needed modifications in the curriculum. This means that the Team must consider how your child can be supported in the general education classroom before even considering serving your child in any other setting.

6. **Procedural Safeguards** – Finally, the law provides a number of procedural safeguards to ensure that parents’ and students’ rights are preserved, that information is provided on a timely basis, and that services are delivered appropriately. Parents have considerable rights to agree or disagree with proposals of the school district, and also have the right to make proposals themselves.

The remainder of this Notice of Procedural Safeguards is designed to provide specific detail on the various procedural safeguards of the law.

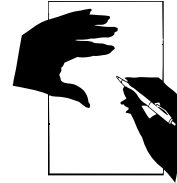
You are not obligated to read this material, nor are you obligated to exercise one or more of these rights. However, it may be helpful for you to understand the scope of the protections available to you under the law. It is our hope that you will use this Notice of Procedural Safeguards to help you understand the law, your rights, your responsibilities, and the responsibilities of the school district. No exercise of procedural safeguards, however, substitutes for a positive partnership with the school district.

Right to Receive Written Notice

You have a right to receive written notice within a reasonable time before the school district proposes or refuses to initiate or change the identification, evaluation or educational placement of your child or the provision of FAPE to your child.

This means that written notice must be provided in the following specific circumstances:

- ◆ When the school district proposes to conduct an initial evaluation or reevaluation.
- ◆ In rare cases, when the school district refuses to conduct an initial evaluation or a reevaluation.
- ◆ When the school district proposes a new or amended IEP.
- ◆ When the school district proposes a change in placement.
- ◆ When a student is suspended for more than ten consecutive days in any school year.
- ◆ When the school district proposes termination of special education services, except if your child is no longer eligible for special education because he or she is graduating with a regular high school diploma or is turning 22 years of age. In those two circumstances, your child is entitled to receive a written summary report of his or her academic achievement and functional performance, which includes recommendations on attaining his or her desired postsecondary goals, such as employment or independent living.
- ◆ When the school district refuses to change a previously accepted IEP or placement.
- ◆ When the school district makes a finding of no eligibility for special education services.
- ◆ When the school district refuses to conduct an assessment at your request.
- ◆ When the school district refuses to provide a service you have requested that is not in your child's IEP, or otherwise refuses a request you have made related to the provision of special education to your child.



The written notice must include:

A description of the action proposed or refused by the school district which includes:

1. an explanation of why the action is proposed or refused;
2. a description of any options the school district considered and an explanation of why those options were rejected;
3. a description of each evaluation procedure, test or record used as a basis for the action proposed or refused; and
4. a description of any other factors relevant to the school district's decision.

The notice must be written in simple and commonly understood words and must be in both English and the primary language of the home. Any interpreter used must be fluent in the primary language of the home. When you or your child are unable to read in any language or are blind or deaf, the notice must be made orally, in Braille, in sign language or in writing, whichever is appropriate. If the school district provides you notice orally or in some other mode of communication that is not written language (such as sign language), the school district must keep written documentation that it has provided you notice in such a manner; of the content of such notice; and of the steps taken to ensure that you understand the content of the notice.

Providing Your Written Consent

The school district must obtain your written consent before evaluating your child or before providing your child with special education and related services according to an IEP. Specifically, this means that your consent is required before the school district may conduct an initial evaluation or reevaluation of your child and prior to the initial provision of special education and related services to your child and for any subsequent IEP and placement. Once you have consented to an initial placement in a special education program, if you refuse to provide consent to any subsequent actions related to special education, the school district cannot use your refusal to consent as a basis to deny you or your child any other service, benefit or activity to which you or your child may be entitled. "Consent" means that:

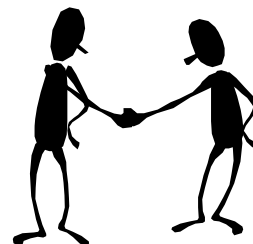
- (a) You have been fully informed of all information relevant to the activity for which consent is sought in your native language or other mode of communication; and
- (b) You understand and agree in writing to the carrying out of the activity for which your consent is sought; and
- (c) The consent form used by the district describes the activity for which consent is sought and lists the records (if any) which will be released and to whom; and
- (d) You understand that it is your voluntary choice to give consent and you may revoke your consent at any time. If you revoke your consent, from that point forward the district must cease the activity to which you had previously consented.

(e) If you refuse your consent:

In most cases your refusal to consent will be fully honored. However, to protect the rights of your child the law requires the school district to consider the effect of your refusal on the education of your child. At any point after your child is first placed in a special education program, if a school district believes your refusal to consent would deny your child a free appropriate public education (FAPE), the school district must take steps to ensure that FAPE is provided. Such steps may include mediation and/or initiation of a due process hearing as described later in this Notice of Procedural Safeguards to resolve the dispute. The school district cannot request a hearing to dispute your refusal to consent to the initial evaluation or initial placement of your child in special education.

Rights associated with consent:

- You have a right to accept or refuse any proposal to evaluate your child. The only exception to this is that the school district is not required to ask for your consent to have your child participate in testing that is not related to your child's special education program, such as the MCAS tests or classroom tests that are part of the general education program.
- You have a right to accept or reject a proposed IEP in whole or in part, or to meet with school representatives to discuss the IEP during a thirty-day period following your receipt of the proposed IEP.
- If you accept part of the proposed IEP, the part you accept must be implemented immediately.
- You have a right to accept or reject the placement proposed to deliver the services on the IEP.
- At least a year in advance of the time when your child would graduate from high school, you have a right to discuss your child's proposed high school graduation and the anticipated termination of your child's special education services with school officials. In addition, you have a right to request mediation or a hearing before the Bureau of Special Education Appeals (BSEA) on the issue of graduation.
- If, at the time that your child is scheduled for a reevaluation (usually every three years), the school district recommends that additional evaluation is unnecessary and asks for your consent to that recommendation, you may refuse that recommendation and request a full or partial reevaluation.
- If the school district recommends that one or more members of the Team be excused from participating in a Team meeting and asks for your written consent to that excusal, you have the right to agree in writing or to disagree and not to provide your written consent. If you do not agree to the excusal, the school district may not excuse the Team member(s).



**Your Responsibility to Provide Notice to the School District
If You Place Your Child in a Private School**

Under some circumstances, you may decide that the public school district is not providing an appropriate education for your child (see organizing principle #2 FAPE, above) and you may decide to remove your child from the public school program and place him or her in a private school. If you choose to do this and want the public school district to pay the private school tuition, you are required to notify the school district before you remove your child. You must give this notice either at a Team meeting or in written form at least 10 business days before you remove your child from the public school program. You must tell the public school why you disagree with the IEP and program that the public school has proposed or provided for your child, and you must state your intention to remove your child and enroll him or her in a private school. If the school asks to evaluate your child prior to removing him or her from the public school program, you must make your child available for such evaluation.

Giving notice to the school district is only the first step in receiving public funding for a private school program if you remove your child from the public school program. Following such removal, you must prove at a due process hearing that the public school district's program failed or is unable to provide your child with FAPE in a timely manner and that the private school can provide your child with an appropriate education. If you complete both steps and are successful in proving your case, the Bureau of Special Education Appeals hearing officer may require the school district to use public funds to pay for your child's private school placement.



When you pay for an IEE:

If you disagree with the school district's evaluation of your child, you have a right to seek an IEE. An IEE is an evaluation conducted by a qualified examiner who is not employed by the school district. Parents may seek an IEE at private expense at any time. Or, the district may be required to pay for an IEE. Upon your request, the

public school district must provide you with a list of persons who conduct IEEs in your area of Massachusetts, although you are not limited to using evaluators from that list.

Circumstances under which the school district is required to pay for some or all of the costs of the evaluation:

The state regulations require school districts to finance IEEs for low-income families and to share the costs of IEEs for middle-income families. If your child is eligible for free or reduced cost lunch, then, at your request, the school district will pay for an IEE that is equivalent to the types of assessments done by the school district. If your child does not qualify for a reduced cost lunch, he or she may still be eligible for school district funding, either in whole or in part, depending on your family income. The school district will ask for income information and some validating documentation. Sharing financial information with the school district is completely voluntary on your part. If you choose to share such information, the school district must tell you promptly whether or not you are eligible for full or partial funding of an IEE. Your right to a publicly funded IEE through this income eligibility process will extend for 16 months from the date of the school district's evaluation with which you disagree.

Circumstances under which the school district may pay for the costs of evaluation:

If you request an IEE paid for by the school district and you are not income eligible or do not wish to use the income-eligibility process, you should notify the school district in writing of your request for public payment of an IEE. The school district must respond to your request without undue delay and either agree to pay for the IEE, or initiate a hearing with the Bureau of Special Education Appeals (BSEA) to show that the school district evaluation was comprehensive and appropriate. If the BSEA agrees with the school district, then the district is not obliged to provide public funds for an IEE. Any IEE that is paid for with public funds must abide by state requirements relating to qualifications of the evaluator and the rates charged for the evaluation.

Consideration of results of IEEs:

If you arrange for an IEE (regardless of whether it is paid for with private funds or public funds) and have the results sent to the school district, the school district must convene a Team meeting within ten school working days of receipt of the evaluation information to consider the evaluation and what, if any, changes should be made to the student's IEP based on the evaluation.

Complaints, Mediations and Due Process Hearings

Complaints or concerns about whether the district is following special education requirements:

The Department of Education encourages you to first attempt to resolve the matter with local school district officials. Contact your school principal, your Administrator of Special Education, or your superintendent to ask for assistance. In some cases, however, you may feel that you need to go outside the district for help to resolve your complaint or to address your concern. The Massachusetts Department of Education has a "Problem Resolution System" where you can file complaints or ask for a resolution of a dispute about compliance with a law or regulation. You can contact the Department directly at (781) 338-3700 for assistance. The Department will send you written information and will request a written statement of the problem if you wish the Department to intervene. If you send written information requesting a resolution of your problem, the Department will ensure it is investigated and will send you a letter of its determination within 60 calendar days of receiving your written request. The address for the Department of Education Problem Resolution System is within the box:

Program Quality Assurance Services
Problem Resolution System
Massachusetts Department of Education
350 Main Street
Malden, MA 02148

Mediation services or hearings:

You have a right to request mediation or a due process hearing conducted by the Bureau of Special Education Appeals (BSEA), whenever there is a dispute between you and your child's school district over the identification, evaluation, placement, proposed IEP, the manner of implementation of the IEP, the provision of a free appropriate public education, or the procedural protections of state or federal law for your child. You may obtain a list of free or low-cost attorneys and advocates to assist you by calling the BSEA at (781) 338-6400.

The school district also has a right to request mediation or a hearing held by the BSEA for the same reasons, except that it cannot request a hearing to dispute your refusal to consent to the initial evaluation or placement of your child in special education.

Information about mediation:

Mediation may be requested by either the parent or the school district. Mediation is a voluntary, informal process, conducted under the direction of a BSEA mediator, which is designed to assist you and your school district in reaching an agreement regarding the issue in dispute. If you reach an agreement, it will be written down as a mediation agreement and will be enforceable in state or district court. If no agreement is reached, you may still request a hearing. If you wish to schedule a mediation, or wish more information about mediation, you may call a BSEA mediator at (781) 338-6400.

Information about requesting hearings:

Bureau of Special Education Appeals
350 Main Street
Malden, MA 02148

A parent or school district may make a written request for a hearing by sending such request to the opposing party(ies) and sending a copy of the request to the BSEA at the same time. The address of the BSEA is within the following box:

A hearing request made by a parent must be sent to the opposing party(ies) and the BSEA no later than two years after the parent knew (or should have known) about the allegations that form the basis of the hearing request. IDEA-2004 requires that the hearing request include the names and addresses of the parents or guardians and child, and the school district's representatives' and any attorneys or advocates involved; a description of the nature of the problem, including all facts and information about the problem; and a proposed resolution of the problem. If the hearing request does not provide all of this information, the opposing party may challenge its sufficiency within 15 days of receiving it. If the BSEA determines that the request doesn't contain sufficient information, the requesting party is allowed to amend the hearing request to include all of the required information. It is important to make sure that the hearing request contains all facts and information about the problem, because the hearing will be limited to those issues identified in the hearing request. No new information or allegations can be introduced during a hearing. Both parties can agree to amend the hearing request to include other issues and information, but then it is treated like a new hearing request and the timelines begin again. In addition, if you have not previously received written notice from the school district explaining its actions in relation to the issue you raise in the hearing request, the school district must provide you with full written notice on the issue for your information and for the information of the hearing officer.

A hearing request form that includes all the required elements will be sent to you if you call the BSEA. The form can also be found on the BSEA website at: <http://www.doe.mass.edu/bsea/>. However, it is not necessary to use this form in order to make your hearing request. Also, when you request a hearing, the BSEA will provide you with a list of free or low-cost attorneys and advocates. The BSEA will also send detailed information about your rights and responsibilities in regard to the requested hearing, including providing a hearing date.

Information about a newly required informal resolution process:

When a parent requests a hearing, the school district must convene a meeting with the parents and relevant Team members within 15 days. The purpose of the meeting, known as a "resolution session," is to try to resolve the matter. If you and the school district reach an agreement on resolving the matter, you and the school district will write down your agreement and sign it. After 3 business days (to allow you or the district to change your mind if you wish to) the written agreement will become binding and can be enforced in state or federal district court. If you decline to participate in the informal resolution session the due process hearing may be delayed. You and the district can agree to waive – or not to have – the resolution session, or you and the school district can agree to go to mediation. If the parties don't resolve the matter within 30 days the due process hearing will move forward.

Information about the conduct of the hearing:

Hearings are more formal than mediations, and the parties are allowed to introduce evidence and to have recorded testimony by witnesses. Following the hearing, the BSEA hearing officer will issue a written decision, determining the appropriate educational program or services for the child. That decision is binding on parents, the student, and the school district, and must be implemented by the school district.

Disagreements with the decision of a hearing officer:

If you or the school district disagrees with the BSEA hearing officer's decision, it may be appealed to state or federal court. Federal law requires a party to file an appeal of a BSEA hearing officer's decision in state or federal court within 90 days from the date of the decision.

The cost of attorneys and other hearing costs:

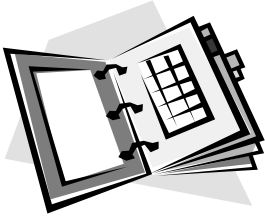
The BSEA does not have authority to reimburse you for attorney's fees and/or costs, even if you prevail at the hearing. However, if you prevail, and the BSEA makes a finding against the school district, a court of competent jurisdiction may subsequently award you attorney's fees and associated costs. The court may also limit or refuse your request for such an award depending on the basis for your claim. IDEA-2004 also authorizes a court to allow a school district to recover attorneys' fees from a parent's attorney who requests a hearing or starts an action in court that is "frivolous, unreasonable, or without foundation," or who continues to litigate after the litigation clearly became "frivolous, unreasonable, or without foundation." Also, the court may allow a school district to recover attorneys' fees from either the parent's attorney or the parent if the parent's request for hearing or later action in court on the same matter "was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation."



The child's placement during an appeal:

During the time that a hearing request is pending before the BSEA or if the decision of the hearing officer has been appealed to court, your child will remain in his or her then current educational placement, unless you are requesting initial placement for your child in the public school, in which case your child will be placed in the public school. This right to remain in the current placement is called "stay put." Any changes to your child's educational placement or program during this time must be fully agreed to by you and the school district or ordered by a court.

Student Records – Access Rights and Confidentiality



General information about the student record:

The student record consists of your child's transcript and temporary record and includes, among other things, records pertaining to your child's special education eligibility or program. You have several rights relating to your child's student record. You and, under certain circumstances your child, have a right to inspect and review any and all records relating to your child which are collected, maintained or used by the school district. If your child's record includes information regarding another child you have a right to inspect and review only the information relating to your child. The school district will only limit your access to the student record if the school district has received a legal document that limits your authority in this regard (for example, a divorce or custody decree that limits your access to information about your child). All of the

rights associated with the student record are contained in the Massachusetts Student Record Regulations. Those regulations can be found at 603 C.M.R. 23.00 or by requesting a copy of the regulations from the Department of Education. The following summary of information is provided to assist you in attaining a general understanding of the Student Record Regulations.

Your child's rights of access:

Students who are 14 years of age or in the ninth grade have all the rights that parents have under the Student Record Regulations. If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his or her parent, or either one acting alone, may exercise these rights. Once a student turns 18 the rights accorded parents under the Student Records Regulations become those of the student. However, the parent may continue to exercise these rights unless the student makes a written request to the school principal or superintendent of schools to prevent the parent from doing so. Should the child make such a request, the parent will still retain the right to examine his or her child's record.

Review of the student record:

If you ask to review your child's records the school must allow you access to those records as soon as practicable, and in any event, within ten days after your request, unless you agree to a longer period of time. Your right to inspect and review your child's student record includes the right to do so before any meeting regarding an IEP or due process hearing relating to the identification, evaluation or placement of your child. Your right to inspect and review your child's student record includes the right to:

- (a) Obtain copies of any information contained in the student record upon request. The school district may charge a reasonable copying fee, not to exceed the costs of reproduction, as long as the fee does not effectively prevent you from exercising your right to inspect and review the record. The school district may not charge a fee to search for or retrieve information relating to special education.
- (b) Meet with professionally qualified school personnel upon request and have any of the contents of the student record interpreted.
- (c) Have your representative inspect, review and interpret your child's record with your specific, written informed consent.

Access to the student record:

The school district is required to keep a record of parties who have obtained access to your child's student record, in whole or in part. You have the right to review this record log. Unless student record information is to be deleted or released, the log requirement does not apply to school personnel whose teaching, counseling, clerical or administrative responsibilities require access to your child's student record. Upon your request, the school district must inform you about the types and locations of student record information for your child.

Changing information in the student record:

You have the right to add information, comments, data or any other relevant written material to the student record. You have the right to make a written request that the school district delete or amend information contained in the student record and/or to have a conference with the principal or designee to make your objection known. You have a right to a written decision on your request within a week of your conference with the principal or from the date the school receives your written objection if there is no conference. You may appeal to the superintendent of schools if the school district does not agree with your position. You also have a right to include in your child's student record a statement commenting on the decision or setting forth your reason for disagreement with the content of the record. Any such statement must be maintained by the school district as part of your child's student record as long as the record or contested portion of the record is kept by the school district.

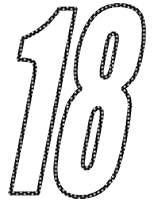
Educational Surrogate Parent Program

If a child is in the custody of a state agency, the Department of Education has a responsibility to ensure there is an adult with no conflicting interests to make special education decisions on behalf of the child. In such circumstances, the Department will determine if it is

appropriate to appoint an educational surrogate parent for the child. If appointed, the educational surrogate parent has the same rights and responsibilities as a parent in special educational matters relating to a student, including the right to represent the student as part of the special education processes of identification, evaluation and educational placement and in the provision of a free appropriate public education. The Department of Education appoints Educational Surrogate Parents through its Educational Surrogate Parent Program (ESPP). To contact the ESPP, please call (508) 792-7679.

Transfer of Responsibility Upon Reaching the Age of Majority

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



Discipline

In general, if your child has violated the school's disciplinary code, the school may suspend or remove your child from his or her current educational placement for no more than 10 consecutive school days in any school year. If your child possesses, uses, sells or solicits illegal drugs on school grounds or at a school-sponsored event; carries a weapon to school or a school function; or inflicts serious bodily injury upon another person at school or a school-sponsored event, the school district may place your child in an interim alternative educational setting for up to 45 school days. If your child has been placed in an interim alternative education setting as a result of a disciplinary action, your child may remain in the interim setting for a period not to exceed 45 school days. Thereafter, your child will return to the previously agreed-upon educational placement unless you or the district have initiated a hearing on the disciplinary action that the district took and a hearing officer orders another placement, or you and the school agree to another placement.

Any time the school wishes to remove your child from his or her current educational placement for more than 10 consecutive school days in any school year, or if a student is removed for disciplinary reasons for more than a total of 10 days in any school year when a pattern of removal is occurring, this is a "change of placement." A change of placement invokes certain procedural protections under federal special education law. These include the following:

- (a) Prior to any removal that constitutes a change in placement, the school district must convene a Team meeting to develop a plan for conducting a functional behavioral assessment that will be used as the basis for developing specific strategies to address your child's the problematic behavior. If a behavioral intervention plan has been previously developed, the Team will review it to make sure it is being implemented appropriately, and will modify it if necessary.
- (b) Prior to any disciplinary removal that constitutes a change in placement, the school district must inform you that the law requires that the school district consider whether or not the behavior that forms the basis for your child's disciplinary removal is related to his or her disability. This is called a "manifestation determination." Remember that you, as the parent, always have the right to participate as a member of the group of people making this determination.

Consideration of whether the behavior is a manifestation of the student's disability:

The law provides that the school district and the parent, along with relevant Team members, must consider all evaluation information, observational information, the student's IEP and placement; and must determine whether your child's behavior that prompted disciplinary removal was a manifestation of his or her disability. The behavior is considered a manifestation of your child's disability if the conduct in question was caused by, or had a direct and substantial relationship to your child's disability, or was a direct result of the school district's failure to implement his or her IEP.

If the manifestation determination decision is that the disciplinary behavior was related to your child's disability then your child may not be removed from the current educational placement (except in the case of weapon or drug possession or use, or serious bodily injury to another) until the IEP Team develops a new IEP and decides upon a new placement and you consent to that new IEP and placement, or a Hearing Officer orders a removal from the current educational placement to another placement.

If the manifestation determination is that the behavior was not related to your child's disability, then the school may suspend or otherwise discipline your child according to the school's code of student conduct, except that for any period of removal exceeding 10 days the school district must provide your child with educational services that allow your child to continue to make educational progress. The school district must determine the educational services necessary and the manner and location for providing those services.

In the case of a disagreement with the Team's determination:

If you disagree with the Team's decision on the "manifestation determination" or with the decision relating to placement of your child in an interim alternative education setting or any other disciplinary action, you have the right to appeal the Team's decision by requesting an expedited due process hearing from the Bureau of Special Education Appeals (BSEA).

OTHER OPPORTUNITIES TO CONSIDER THIS INFORMATION

This Notice of Procedural Safeguards will be made available to parents upon initial referral for evaluation. After your child is receiving special education services, you will receive an additional copy of this Notice once each year, at any time upon request, and whenever you make a hearing request. Additionally, every public school district is required to provide training to parents in the district at least once each year to help parents in understanding the special education requirements. If you have questions about your rights or the rights of your child after reading this Notice of Procedural Safeguards, we encourage you to contact the special education office of your local school district, or the Massachusetts Department of Education or any of the special education related organizations in the state. Special education is a highly complex and regulated area of education law. Do not expect to be an expert. The detail in the law is intended to protect your child and to help ensure that he or she receives the best educational experience. Please work as much as possible in partnership with the public school district that serves your child. We hope this Notice of Procedural Safeguards will be of assistance to you as you take an active role in your child's educational experience.

