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## SECTION II - DISTRICT POLICIES

**This section of the policy manual is composed of district-wide policies. Should any provisions of Section I be in conflict with Section II, district policy prevails.**

### Administration of Student Medications in the Schools

This policy is designed to provide minimum standards for the safe and proper administration of medications to students in the Westfield Public Schools. Except as provided in this policy and its accompanying regulations, the Westfield School Committee prohibits the administration of any medication by school personnel, or the self-administration of any medication by any student.

#### General Policies

The school nurse shall supervise and provide for the safe administration and documentation of all medications dispensed in schools. All medication will be administered by a school nurse whenever possible. The School Committee may approve a proposal by the school nurse to delegate the administration of medication to designated, unlicensed school personnel in accordance with the procedures outlined in the regulations.

No medication may be administered by any school personnel without proper procedures as set forth in the Regulations accompanying this policy.

- A. The Westfield Public Schools encourages collaboration between parents/guardians and the school so that students requiring medication administration during the school day may be able to attend school and medications may be safely handled and administered. Parents/guardians of students requiring medication while at school must assume responsibility for informing appropriate school personnel of any change in their child's health or medication requirements.
- B. A copy of this policy and its accompanying regulations will be provided to parents/guardians upon their request for administration of medication to their child.
- C. In accordance with standard nursing practice, the school nurse may refuse to administer, or to allow to be administered, any medication which, based on his/her individual assessment and professional judgment, has the potential to be harmful, dangerous or inappropriate. In such cases, the school nurse will immediately notify the parents/guardians and licensed prescriber of this decision.
- D. In the event that a parent/guardian disagrees with any decision by the school with regard to the administration of medication to his/her child, the parent/guardian may appeal the decision in writing to the school principal. A meeting will be held with the Appeals Team and the parent/guardian to review the decision.
- E. Regulations shall be developed outlining the procedures to be followed regarding the administration of medication, the documentation of medication administration, the storage and safe handling of medication, the response to medication emergencies and the reporting of medication errors.

Policy File: JHCD

### Administrative Regulations Regarding Physical Examinations/Health Assessments/Screenings

The Westfield School Committee requires each student enrolled in the Westfield Public Schools to have certain physical examinations, health assessments and screenings as mandated by state law. The purpose of such examinations, assessments and screenings shall be to ascertain whether a student has any physical disability tending to prevent him/her from receiving the full benefit of school work, to ascertain whether school work should be modified in order to prevent injury to the student or to secure a suitable program of education for him/her, and to insure that diseases dangerous to the public health and other contagious or communicable diseases are recognized whenever they occur.

The School Committee recognizes that, along with the Board of Health, it may provide for more frequent and more specialized examinations in accordance with state and federal law.

#### Physical Examination:

- A. Every student will be given a general physical examination:
  - (1) before entering school
  - (2) upon admittance to the fourth, seventh, and tenth grades
- B. Physical examinations must be conducted by a physician duly registered in Massachusetts who is licensed under state statute, or by the school physician.
- C. Students entering school must have their physical examination within twelve months prior to their entrance to school or within thirty days after school entry.
- D. A student transferring from another school system shall be examined as an entering child unless school health records are transferred with the child showing that he/she has had an adequate health appraisal in

the school year of transfer.

- E. Physical examination shall also be required under the following circumstances:
  - 1. Children referred because of frequent absences due to unexplained illness.
  - 2. Children referred because of known physical defects that require repeated appraisal.
  - 3. Children referred from teacher-nurse conferences because the child is not making expected progress in school or because of signs of illness noted by the teacher or nurse.
  - 4. Students under 16 and over 14 years of age requesting employment certificates.
  - 5. Children planning to participate in competitive athletics annually, previous to such participation.
- F. The School Committee shall regularly make provision that each child may meet with the school physician in conference, with or without the presence of a third person, at the discretion of the physician.

#### Vision and Hearing Screenings

- A. The Westfield Public Schools shall provide vision and hearing screenings annually to each student:
  - 1. a hearing screening using some form of discrete frequency hearing test such as the Massachusetts Hearing Test; and
  - 2. a vision screening using the Massachusetts Vision Test or other similar method approved by the Massachusetts Department of Public Health.
- B. Tests of sight and hearing shall be performed by teachers, physicians, optometrists, nurses or others who are approved by the Massachusetts Department of Public Health for this purpose and in accordance with instructions set up by the Department. (The Department's instructions regarding vision and hearing testing may be procured from the Division of Family Health Services, 39 Boylston Street, Boston.)
- C. Any student failing the screenings shall be retested at a later date.

#### Postural Screenings

Postural (scoliosis) screening will be done annually in grades 5 (five) through 9 (nine). Postural screening will also be done by the physical education department on all 10<sup>th</sup> graders with follow-up provided by the school nurse.

#### Assessment of Physical Growth and Development

The Westfield Public Schools shall provide annually to each student a measurement of the student's weight and height.

#### Examination of Students of Communicable or Contagious Disease

In addition to the above physicals, assessments and screenings, the school physician shall examine at any time, including the required intervals, and previous to participation in competitive athletics, any student to determine the presence or absence of communicable or contagious diseases.

#### Procedures for Health Appraisals

- A. Since family physicians have a comprehensive knowledge of the health status of their student patients, the Westfield Public Schools encourages parents to have their child's physician perform any required health appraisals, including physical examinations, assessments or screenings. Verification of such out of school examinations must be received by the school nurse.
- B. The family physician performing any required health appraisal of a school child shall be furnished with a copy of the record of screening tests performed in the school.
- C. The Westfield Public Schools or the board of health shall provide the services of a school physician to carry out health appraisals on such children as do not have this service performed by the family physician. The following procedures shall apply to health appraisals conducted by a school physician:
  - 1. The health appraisal shall be done with such care and detail as to command medical respect and be a desirable educational experience for the child. Rectal and vaginal examinations shall not be done by the school physician.
  - 2. The appraisal shall be done in the presence of a third person and in a reasonable degree of privacy. The child shall be undressed sufficiently to permit an adequate appraisal.
  - 3. Sufficient time shall be allotted for an adequate appraisal of each child.
  - 4. The appraisal shall include time for a conference with the parent or child concerning the child's growth and development and the findings of the health appraisal.
  - 5. The school authorities shall invite the parent or parents of a child entering the public school, and those of a child in the fourth grade, to be present during the appraisal by the physician.
  - 6. The appraisal should include a careful examination of the child's feet.

#### Health Record Forms

Results of any health appraisals, including physical examinations, assessments and screenings, shall be recorded in detail on health record forms provided by, or approved by, the Massachusetts Department of Public Health.

### Follow-up After Appraisals

Disabilities and defects found on health appraisal of an individual child shall be brought to the attention of the family. The school or health department shall encourage the family to take the child with physical defects to the child's health care provider or other source of care.

### Exemptions

Any child shall be exempt on religious grounds from the examination requirements, including assessments and screenings, upon written request of his/her parent or legal guardian, provided that such exemption would not violate any law or regulation relating to communicable diseases.

Policy File: JHCA-R

## **Administrative Regulations Regarding Immunization of Students**

In accordance with state law, the Westfield Public Schools requires that, prior to being admitted to school, each child must present a physician's certificate that the child has been successfully immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and such other communicable diseases as may be specified from time to time by the Department of Public Health.

### Definitions

For purposes of this policy, the following definitions apply:

- A. Certification of Immunization is either:
  1. a form or letter signed and dated by a physician or designee; or
  2. a dated report from the Massachusetts Immunization Information system which specifies the month and year of administration and the type/name of the vaccine(s) administered to the student.
- B. Preschool is a program offered by a public school system on a regular basis, whether known as day care, pre-school or other term, which provides care and custody during all or part of the day, separate from parents, for pre-kindergarten children and which is not regulated by the Department of Early Education and Care.
- C. Student is any individual attending, or enrolled or registered to attend, a pre-school program as defined in 105 CMR 220.400, or kindergarten through 12<sup>th</sup> grade in a public or private school. The term student shall also include any individual from another country attending or visiting classes or educational programs as part of a formal academic visitation or exchange program.

### Required Immunizations

#### A. Preschool Students

In accordance with state law, no student shall attend a preschool program in the Westfield Public Schools without a certificate of immunization documenting that the child has been successfully immunized in accordance with current Department of Public Health (DPH) recommended schedules against diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles, mumps, rubella, Haemophilus influenza, type b (Hib) hepatitis B, varicella and other communicable diseases as specified from time to time by the Department, in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control, or any successor committee serving a comparable function.

#### B. Kindergarten through Grade 12

In accordance with state law, no student shall attend kindergarten through 12th grade without a certificate of immunization or a copy of a school immunization record that the student has received at least the following immunizations:

1. five doses of diphtheria, tetanus, pertussis (DTP), or diphtheria, tetanus, acellular pertussis (DTaP) vaccines; unless the fourth dose has been administered after the fourth birthday, in which case only four doses are required:
  - a. where pertussis vaccine is medically contraindicated diphtheria-tetanus toxoid (DT) is to be substituted for DTP vaccine;
  - b. where the student is seven or more years of age and requires additional immunizations to satisfy 105 CMR 220.500(B)(1) (described in Part B(1) above), tetanus-diphtheria toxoid (Td) is to be substituted for DTP/DTaP or DT vaccine;
2. four doses of trivalent polio vaccine (unless the third dose of an all oral polio vaccine (OPV) or all inactivated polio vaccine (IPV) series has been administered after the fourth birthday, in which case only three doses are required);
3. one dose of measles (live), mumps, rubella (MMR) vaccine given at or after 12 months of age. In addition, a second dose of a live, measles containing a vaccine is required for all students attending grades K through 12 and all students in ungraded classrooms. Both doses of measles vaccine must be given at least one month apart beginning at or after 12 months of age.

4. Three doses of hepatitis B vaccine for students attending kindergarten. Beginning on September 1, 1999, this requirement shall apply to all students attending grade seven (or in the case of an ungraded classroom, students 12 years of age or older). Beginning on September 1, 2005, this requirement shall apply to all students attending grades K through 12 and all students in ungraded classrooms;
5. Varicella vaccine for students attending kindergarten and grade seven (or in the case of an ungraded classroom, students 12 years of age or older), as follows:
  - (a) one dose is required for all students receiving vaccine at less than 13 years of age; and
  - (b) two doses are required for students receiving their first dose of vaccine at 13 years of age or older.

After September 1, 2005, the varicella vaccination requirement shall apply to all students attending grades kindergarten through 12 and all students in ungraded classrooms; and

6. a booster of Td vaccine for student attending grades seven (or in the case of an ungraded classroom, for students 12 years of age or older), if it is five years or more since the last dose.

### Exemptions

- A. Exemption from the pertinent requirements of these administrative regulations shall be granted to any student who:
  1. presents written documentation that he/she meets the standards for medical or religious exemption set forth in M.G.L. c. 76, § 15 (described below);
  2. presents appropriate documentation, including a copy of a school immunization record, indicating receipt of the required immunizations;
  3. in the case of measles, mumps, rubella and hepatitis B, presents laboratory evidence of immunity; or
  4. in the case of varicella, presents laboratory evidence of immunity or a statement signed by a physician that the student has a history of chickenpox disease.
- B. Enrollment of homeless children and youth may not be denied or delayed due to the lack of any document normally required for enrollment. If a homeless student cannot produce sufficient documentation regarding immunizations, the student and/or the student's parents or guardians shall be referred to the school district's Homeless Liaison who will assist in obtaining the necessary immunizations or immunization/medical records.
- C. Medical exemptions:
  1. To qualify for a medical exemption, a student must present certification from a physician that he/she has personally examined such student and that in his/her opinion, the physical condition of the student is such that the student's health would be endangered by the required vaccination or immunization.
  2. Such certification must be submitted at the beginning of each school year to the physician in charge of the school health program.
  3. If the school physician disagrees with the opinion of the student's physician, the matter shall be referred to the DPH.
- D. Religious exemptions:
  1. To qualify for a religious exemption, the parent and/or guardian of a student must present in writing a statement that the required vaccination or immunization conflicts with his/her sincere religious beliefs.
  2. No religious exemption shall be granted in the event of an emergency or epidemic of disease declared by the DPH.

Policy File: JHCB-R

### **Administrative Regulations Regarding Contagious Diseases**

- A. The Westfield Public Schools may exclude any student infected, or in a household where a person is infected, with a disease dangerous to the public health (as determined by the Department of Public Health), or in a household exposed to contagion from any such disease. A student returning to school after having been absent due to such infection or exposure shall present a certificate from the Board of Health, or its representative, that the student no longer presents a danger of conveying such disease.
- B. If a student returns without such a certificate, the student shall immediately be referred to a school physician for examination to determine whether the student may remain at school .
- C. If any student is found to be suffering from any disease, or if the student is found to have an injury or disability requiring treatment, the Westfield Public Schools shall promptly notify the parent or guardian of such student regarding the student's illness or injury.
- D. The Westfield Public Schools shall comply with the quarantine requirements issued by the Department of Public Health with respect to contagious diseases, including, but not limited to measles, mumps,

rubella, and varicella (chickenpox).  
Policy File: JHCC-R

### **Life Threatening Allergies (LTA)**

The Westfield Public Schools (WPS) understand that some students have life-threatening allergies and the WPS are committed to minimizing the incidence of life-threatening allergic reactions. In order for the WPS to appropriately assist student, parent/guardians must notify school administration (including the school nurse) about allergies and health issues with their children. Once the school administration has been alerted to a student with a life-threatening allergy by the parent/guardian and with complete documentation from the child's physician, the school will develop a plan of care. In order to help students with LTA develop lifelong skills in maintaining individual safety, the WPS guidelines pertaining to LTA will shift as children advance through the primary, middle and high schools.

Policy File: JHE

### **English Language Learners**

The District shall provide suitable research-based language instructional programs for all identified English language learners in grades Kindergarten through 12 in accordance with the requirements of state and federal statutes and Massachusetts Department of Elementary and Secondary Education regulations and guidelines.

The District shall identify students whose dominant language may not be English through home language surveys that identify a primary home language is other than English (PHLOTE), observations, intake assessments, and recommendations of parents, teachers and other persons. Identified students shall be assessed annually to determine their level of proficiency in the English language.

The District shall certify to the Massachusetts Department of Elementary and Secondary Education each year those students whose dominant language is not English, including specification of the number of non-English languages identified as dominant languages and the number and percent of students who speak each non-English language as their dominant language.

The District shall provide additional information as required by the Massachusetts Department of Elementary and Secondary Education to comply with the No Child Left Behind Act.

Policy File: IHBEA

### **Student Attendance, Absences and Excuses**

The Westfield Public School System recognizes that excessive absenteeism from school is potentially detrimental to students' ability to perform successfully in school. It is expected that students should be absent from school only when conditions or circumstances render them otherwise unable to attend. In the event a student is absent in excess of 10% of the membership days official written verification, documenting the need for absence, must be submitted. Students who have undocumented absences in excess of 10% may be subject to denial of course credit or promotion. The following are legitimate reasons for absence:

1. Illness
2. Bereavement
3. Family or catastrophic emergency
4. Observation of major religious holidays or participation in required religious instruction
5. Necessary court appearance
6. DYS confinement
7. DCF commitment
8. Suspension
9. Weather related conditions so serious as to pose a threat to health or safety
10. Approval of the Superintendent of Schools

Students in attendance at school sponsored activities (i.e., field trips) or in attendance in approved alternative educational programs (i.e., tutoring) are considered present at their school of enrollment.

The Westfield schools encourage open channels of communication between the home and school as the key to understanding and resolving problems that may occur regarding attendance.

Policy File: JH

### **Procedures for Attendance, Absences, and Excuses**

#### **General**

1. When a student returns from an absence, the parent/guardian must provide the school with a signed, written excuse citing the date(s) and reason(s) for absence. This written excuse must be submitted even if prior notification of intended absences was provided. Parents are requested to notify the school in

advance of planned absence and to make phone contact on the morning of an illness or other reasons for absence.

2. Following an absence of three consecutive days without notification from home, or anytime a questionable situation or pattern of absenteeism occurs, the principal or designee will contact the parent/guardian informing him/her of the student's absence. Parents/guardians are required by law to provide the school with a phone number at which they can be contacted or accessed during school hours.
3. Beginning with the end of the first marking period, written professional and/or verifiable documentation will be required whenever a student's absenteeism exceeds 10% of the membership days. For example, in case of illness, a physician's statement will be mandated, noting that absence was medically necessary for the dates the student was out; diagnostic information need not be provided at the discretion of the parent/student. For all other absences, written verification such as a court summons, letter from DSS or official documentation of catastrophic event will be required. When a student reaches 10% absenteeism, no reasons for absence beyond those previously listed as legitimate will be considered acceptable.
4. Parents and/or guardians of students whose absenteeism exceeds 10% will be notified in writing of the need to supply appropriate documentation. Such documentation will continue to be mandated for all absences until the rate of absenteeism falls below 10%.
5. Should the parent/guardian fail to provide the necessary verifications or should the student subsequently be absent for a reason not listed as legitimate, the principal or designee will contact the parent/guardian to address the situation. When deemed necessary by the school personnel, a parent/guardian will be notified of the need for a conference to discuss, and mutually plan for, the resolution of an attendance problem. Upon notification, it is expected that a parent/guardian will appear for the appointed conference or contact the school to reschedule. It must be understood that participation in such conferences is viewed as a parent/guardian's responsibility. While the district will make every reasonable effort to accommodate the needs of parents who are working or facing other difficulties, we will expect parents to play an active role in problem solving both to benefit the student and to comply with the law regarding parental responsibility for regular school attendance.
6. If the problem remains unresolved, a referral will be made to the building administrator or designee who serves as attendance officer, who will assess the situation and decide on the need for formal intervention and on-going attendance related services
  - a. In situations in which non-compliance continues, the building administrator will make a determination regarding agency or court action.
  - b. Court action may include truancy proceedings against a willfully absent student or the filing of charges against a parent/guardian for failure to provide for the educational needs of his/her child.
7. Referrals to the building administrator will also be made when any acute or chronic absenteeism involving students of mandatory school age cannot be resolved at the building level. The building administrator will assess each referral and implement appropriate intervention efforts which could include court or DSS action in situations involving lack of cooperation or compliance.

#### Credit/Promotion Implications

When a student's absenteeism exceeds 10% of the membership days (9 absences in a semester or 18 in a full year) the school may act to deny credit or promotion:

- a. When a decision to deny credit or promotion is made, the school will notify the parents of the intended action.
- b. The parent/guardian and/or student have the right to appeal loss of credit/promotion decisions. The appeal must be in writing and submitted to the school within the timeframe noted on the loss of credit notification.
- c. A hearing by the school's review committee will be scheduled, at which point the parent and/or student will have the opportunity to provide documentation for the absences under discussion or to explain extraordinary circumstances.
- d. A letter stating the decision of the review committee will be sent to the parent/guardian within 5 school days of the review committee meeting.
- e. The parent/guardian and/or student may appeal the decision to the superintendent. The appeal must be in writing and sent within 5 school days of receipt of the review committee letter. A hearing will be conducted by the superintendent or his/her designee and a written decision provided. The decision of the superintendent will be the final decision of the district.

Policy File: JR-R

## **Bullying and Cyberbullying**

Bullying of any type is prohibited in the school setting or connected with the school setting as provided below. The Westfield Public Schools will endeavor to maintain a learning and working environment free of bullying. Bullying can take many forms and can occur in virtually any setting. It is unacceptable in a school or work environment. As a result, no student or employee shall be subjected to harassment, intimidation, bullying or cyberbullying in any public educational institute. It can create unnecessary and unwarranted anxiety that may affect attending school, walking in corridors, eating in cafeterias, playing in the school yard or recreation areas, participating in or attending special and extra-curricular activities, or riding on the bus to and from school each day.

### ***Definitions:***

**“Bullying”** means the repeated use of a written, verbal or electronic communication, or a physical act or gesture, or any combination thereof, by one or more students directed at another student that has the effect of: means unwelcome written, electronic, verbal or physical acts or gestures where a student or employee feels coerced, intimidated, harassed or threatened and under the circumstances (1) causing physical or emotional harm to the other student or damage to his or her property; a reasonable person to suffer physical or emotional harm to a student or employee, (2) placing the other student in reasonable fear of harm to him or herself or of damage to his or her property; (3) creating a hostile environment at school for the bullied student; (4) infringing on the rights of the other student at school; or (5) materially and substantially disrupting the education process or the orderly operation of a school.

**“Cyberbullying”** is bullying through the use of technology or any electronic communication which shall include but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic, or photo optical system, including but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include small i) the creation of a webpage or blog in which the creator assumes the identity of another person or ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses inclusive of the definition of bullying. Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the conditions inclusive of the definition of bullying. The use of bullying throughout this policy shall include cyberbullying.

**“Aggressor”** means the student who engages in bullying or retaliation.

**“Target”** means a student against whom bullying or retaliation has been perpetrated. **“Hostile environment”** a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student’s education.

**“School grounds”** property on which a school building or facility is located or property owned, leased or used by a school district for a school sponsored activity, function, program, instruction or training.

Bullying is prohibited:

1. On school grounds, property immediately adjacent to school grounds
2. At school sponsored or school related activity, function or program, whether on or off school grounds
3. On school buses or other vehicles owned, leased or used by a school district or school or at school bus stops;
4. Through the use of technology or an electronic device owned, leased or used by a school or school district;
5. At a location, activity, function or program that is not school related non-school related locations and through the use of technology or electronic devices that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the educational process or the orderly operation of the school.

Nothing contained herein shall require schools to staff any non-school related activities, functions or programs.

Retaliation against a person who reports bullying, who provides information during an investigation of bullying or who is a witness to or has reliable information about bullying is prohibited.

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. This policy is not designed or intended to limit the school's authority to take disciplinary action or take remedial action when such harassment occurs out of school but has a connection to school, or is disruptive to an employee's or student's work or participation in school related activities.

Reports of bullying or retaliation may be made anonymously, provided that no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

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

### ***Procedure***

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.

1. Annually, principals will review with staff and students the Bullying Policy in the Westfield Public Schools.
2. Reporting obligations of staff: Staff members are required to promptly report any violations of the Bullying Policy to the principal or designee. It is a violation of this policy for any administrator, teacher or other employee or any student to engage in or condone harassment in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of bullying or harassment. The principal or designee will fully and immediately investigate the complaint, including interviewing the violator, the target and any witnesses to the violation.
3. If the principal or designee determines that there is reasonable cause to believe that a violation of this policy has occurred:
  - a. The parent/guardian of the target and aggressor will be contacted, if possible.
  - b. The police will be notified in certain cases, at the discretion of the principal or his/her designee.
  - c. The student(s) may be referred to counseling, up to and including peer mediation and/or conflict resolution programs and/or support staff may be informed
  - d. The principal or principal's designee may issue disciplinary measures up to and including expulsion.
  - e. The principal or designee will notify the superintendent.

Policy File: JBA

### **Student Dress**

It is largely the responsibility of the student, with the guidance of parents, to determine what is appropriate dress for school or school related activities, however, the Westfield Public School system reserves the right to prohibit clothing or manner of dress which constitutes a health or safety concern or is so unusual as to be disruptive or distracting to the educational process. This includes but is not limited to, clothing that:

- has wording, pictures or designs of a graphic sexual nature
- is vulgar or plainly offense
- displays, advertises or promotes the use of tobacco products, alcoholic beverages, or illegal substances
- displays, promotes or encourages overt violence or other illegal activity
- see-through clothing, barebacks or midriffs, short shorts or skirts, exceptionally soiled or torn clothing, bandannas.

If such clothing is worn to school, students will be required to change or cover the clothing before returning to class or school activity.

Policy File: JICA

### **Bus Transportation**

The Westfield Public Schools provides free bus transportation for all eligible students in accordance with applicable laws. The authority of the school begins and ends at the bus stops, both in the morning and in the afternoon. As such, all school rules apply to student activity during these times. Students who violate school rules may have their privilege to ride the school bus revoked in addition to any standard disciplinary action. If a student is suspended from riding the bus, it becomes the responsibility of the student and his/her parents to provide transportation to and from school. Additional rules that apply specifically to riding the school bus are:

1. Abusive language is prohibited on school buses.
2. No smoking will be permitted on a school bus.
3. Horseplay of any kind will not be allowed on the bus regardless of whether the bus is standing or moving. This means that all students will:
  - a. not kneel on bus seats and talk to persons on seats behind them;

- b. not tamper with the bus and its equipment, especially the windows.
  - c. not put arms, legs, head or any part of their body out of the window;
  - d. not move around or change seats in the bus once it is in motion.
4. No throwing of objects, regardless of whether the bus is standing still or moving.
  5. No rough or disorderly physical misbehavior will be permitted on the bus.
  6. Chewing gum, eating food or drinking beverages is not allowed on the bus.
  7. No items may be carried on the bus except materials that will be held by the student or placed on the floor under the seat directly in front of the student.
  8. The emergency doors of school buses are for emergency use only.
  9. Students, when getting on and off the bus, shall cross in front of the bus and only upon the receiving of a signal to cross from the bus driver.

Students being transported are under the authority of the bus driver. The bus driver is required to report rule violations. Continued disorderly conduct or refusal to submit to the authority of the bus driver is sufficient cause for a student to be refused transportation on school buses. A pupil may be suspended from bus transportation upon the principal's receipt of the pupil's third Bus Conduct Report and the receipt of any subsequent Bus Conduct Report could result in a subsequent suspension. BUS CONDUCT REPORTS and recommendations made with respect to students for the last day of the school year will be implemented in the following school year. Unfulfilled disciplinary assignments will be carried forward and continued in September of the following school year.

ALTERNATE BUSES: On occasion and with prior approval of the transportation company and the principal, a bus student may be eligible to ride an alternate bus.

1. No bus will be rerouted to provide transportation for any individual or group without directions from the transportation office.
2. Buses will only stop to discharge students at regularly scheduled stops. No additional stops will be scheduled without directions from the Transportation Office.
3. The principal should receive a written request from the parent for any alternative transportation. If, in the bus company's judgment, the request is valid and there is adequate room on the bus, and items #1 and #2 above are observed, the bus company may grant this request.

Policy File: JICC

### **Drug & Alcohol use by Students**

The Westfield Public School System believes controlled substance use is a community issue necessitating the commitment of a broad range of individuals, organizations, departments and the business sector a collaborative effort at education, assistance and interdiction. Our district is committed to playing a significant role in meaningful endeavors to address substance use issues. The school system also believes that a student's involvement with drugs or alcohol constitutes a family, individual and school problem. Given that position, we commit our support and assistance to students and families whenever possible. We expect parents/guardians to cooperate with our efforts and, should a problem arise, act appropriately in a mutual effort to secure resolution that will ensure the well-being of the student.

The Westfield Public School System is dedicated to providing a tobacco, alcohol and drug free educational environment. To that end:

1. The district will not tolerate any tobacco, alcohol, or other drug related offense in school buildings, on school grounds, on school transportation or at school related events. All legal means will be utilized, as appropriate, to identify and discipline offenders.
2. The district believes that prevention is a key to ensuring substance free attitudes and behaviors. Education therefore plays a critical role in establishing lifelong health habits for its students. Major goals of the district include a comprehensive K-12 curriculum emphasizing the effects and dangers of drug and alcohol use, annual parent awareness seminars, and periodic in-service training for staff in identifying symptoms and implementing district policies and procedures.
3. The district will attempt to assist students in accessing appropriate treatment as needed. The district will also encourage and support efforts within the community to provide healthy and legal alternatives to substance use.

### **Substance Related Offenses**

Such behaviors include, but are not limited to:

- Consuming or having consumed
- Under the influence of
- Use
- Possession

- Transfer
- Having domain over
- Sale
- Intent to sell
- Distribution
- Growing or manufacturing
- Misuse of prescription drugs or violation of the district's medication policy
- Any violation of state or federal law relating to drugs or alcohol.

Policy File: JICH

### **Procedures – Drug and Alcohol use by Students**

#### **General Procedures**

1. The secondary school principals will hold assemblies for students during the fall of each school year. Presentations will include comprehensive overviews of the Drug and Alcohol and Student Discipline policies.
2. All school principals will provide students and families with information regarding educational and assistance efforts available through their school. Each building will maintain, or have access to, a substance related resource guide inclusive of early warning signs and community resources.
3. Staff are required to report any suspected violations of the Drug and Alcohol policy to the principal or designee. The principal or designee will investigate the suspicions/allegations. To do so, he/she may interview the potential offender, consult with appropriate staff, interview students or staff, interview any potential witnesses, conduct searches and utilize any measures allowable by law. If the principal or designee determines that there is reasonable cause to believe that a violation has occurred:
  - a. The student will be informed.
  - b. The parent/guardian will be notified.
  - c. The police will be notified.
  - d. Counseling, medical or support staff may be informed as needed.
  - e. The student will be subject to disciplinary action.
  - f. The principal or designee will notify the superintendent who will inform the school committee.
4. The superintendent will establish an internal drug and alcohol team of staff to document and report on substance related activity within the system, act as consultants to other school staff on substance use issues, meet quarterly with the Westfield Police Department for purposes of joint planning, work with the Westfield District Court regarding commission of substance related felonies, develop or secure a resource directory, and provide the superintendent with information and recommendations regarding on-going issues related to substance use.

Policy File: JICH-R

#### **Emergency Evacuation Procedures**

The Westfield Fire Department requires a standard evacuation procedure for all Westfield Public Schools. This procedure allows students to learn the evacuation procedure when they first enter the school and follow the same instructions until they leave the Westfield Public Schools. Each room will have a sign at the primary exit door to be used during an emergency. The sign will instruct students to leave the room and follow the arrows to the nearest exit. The standard procedure is as follows: **IN CASE OF EMERGENCY: EXIT ROOM THROUGH THIS DOOR AND FOLLOW RED ARROWS TO NEAREST EXIT. STAY TOGETHER AND WITH YOUR TEACHER. IF EXIT IS BLOCKED REVERSE DIRECTION AND PROCEED TO EXIT IN OPPOSITE DIRECTION. STAY IN SAFE LOCATION OUTSIDE THE BUILDING AND AWAIT FURTHER INSTRUCTIONS.**

#### **Nondiscrimination**

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals

and groups.

5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer (Director of Human Resources, 1029 North Road, Westfield, MA, 413-572-6550).

Policy File: AC

### **Interim Alternative Educational Setting (IAES)**

Students may be assigned to an Interim Alternative Educational Setting (I.A.E.S.) in accordance with the policy of the Westfield School Committee.

### **Student Acceptable Use of Technology Agreement**

The Westfield Public School District believes technology, including computers, electronic devices and the Internet, provides access to vast, diverse and unique resources in a global community. Our goal in providing electronic tools, a computer network and Internet access to teachers, staff and students is to promote educational excellence by facilitating resource sharing, communication and enabling new types of educational pursuits. All users are encouraged to use technology to pursue intellectual activities, seek resources, access libraries, collaborate and engage in learning activities however, it is important to remember that access is a privilege, not a right, and the user is responsible at all times for its proper use.

#### **Access to Online Materials**

**Educational Purpose:** The materials accessed by students through the district's Internet system should be for class assignments or for personal research on subjects similar to that studied in a class or in the school library. A student may not attempt to access any Internet resource without the prior consent of the teacher. The Internet is an extension of the classroom and teachers are responsible for and must be aware of where his/her student goes on the Internet. Use for entertainment purposes is not allowed.

**Content Filtering:** In order to be in compliance with the Children's Internet Protection Act (CIPA), filtering software has been installed throughout the City of Westfield's Wide Area Network. This software blocks access to visual depictions of material that is obscene or otherwise considered harmful to minors. Realizing that no filtering software is perfect, we cannot however guarantee that users will not encounter text, pictures or references that are objectionable. Students who try to access appropriate sites which are blocked, should report this to a school librarian, computer lab coordinator, principal, or teacher. Proxy sites or other technologies cannot be used to bypass the filtering software.

Students are responsible for avoiding access to inappropriate material and reporting incidents should they occur.

#### **Prohibited Internet uses include, but are not limited to:**

- a) Any violation of federal, state and local law.
- b) Accessing threatening, offensive or profane material. Offensive content includes, but is not limited to sexual comments or images, racial slurs or other comments that may offend someone on the basis of his/her age, gender, race, sexual orientation, ethnic background, religious beliefs, national origin or disability.
- c) Using a computer to provide services to others for profit.
- d) Committing plagiarism by taking the ideas or writings of others and presenting them as if they are your own.
- e) Committing copyright infringement by inappropriately reproducing a piece of work that is protected by a copyright.
- f) Committing vandalism by attempting to harm or destroy network resources, data of another user, the Internet, or other networks, including the creation of, or uploading of, computer viruses on the Internet or host site.
- g) Using another individual's network access including use of another individual's network username and

password without authorization.

- h) Consuming large amounts of bandwidth, resulting in disruption of the network, including but not limited to:
- Network/Internet games
  - Streaming video and audio for non-educational purposes
  - Non-educational teleconferencing
  - Downloading very large files without prior approval of technology staff

### **Electronic Communication**

As part of 21<sup>st</sup> century learning, teachers and students will be using Web tools including, but not limited to email, blogs, wikis, podcasts, videocasts and virtual classrooms. These technologies improve student communication and collaboration skills, provide a real audience and extend learning beyond the classroom walls while building digital citizenship skills. The following terms and conditions relate to these New Web Tools.

### **Privacy and Communication Safety Requirements:**

- Most electronic communication is a matter of public record and should never be considered private or secure
- Students will act safely by keeping personal information about themselves or others out of Web projects. This information includes last names, personal email addresses, home addresses, phone numbers, school names or other information that could help locate someone in person. No identifying photos or videos can be posted without proper permission.
- Students will treat blog and wiki spaces as they would a classroom space, and use appropriate and respectful language. Posts, including pictures and videos, must be school-appropriate.
- When posting a link in a blog, podcast, videocast or wiki, students must first read the information carefully to be certain that it is appropriate for the school community.
- Students will promptly disclose to a teacher or other school staff member, any form of electronic communication that is inappropriate or makes them feel uncomfortable. Students should not delete such messages until instructed to do so by a staff member.

### **Publishing of Photos and Student Work:**

- Parental permission **must** be obtained for the publishing of student work at each grade level.
- **Unidentifiable** photos of K-12 students and teachers may be published on school websites, illustrating school projects and achievements.
- **Unidentified** photos (face clearly visible, no name) of K-12 students may be published on school websites, illustrating school projects and achievements, with parent permission.
- **Unidentified** photos (face clearly visible, no name) of district teachers and staff may be published on school websites, illustrating school projects and achievements, only with their permission.
- Student work in grades K-5 is published with student first initials only.
- Student work in grades 8-12 is published with first name only.
- Published documents cannot include any personal information of staff or students.

### **Unauthorized use of electronic communication includes, but is not limited to:**

- a. Accessing social media or blogging sites, without prior approval of a teacher.
- b. Creating and exchanging offensive, harassing, obscene, or threatening messages.
- c. Creating and exchanging communications that use impolite, abusive, or objectionable language.
- d. Impersonating any other person, entity, or organization.
- e. Posting information that could cause damage or a danger of disruption to the student's school or any other organization or person.

### **Security and Safety**

#### **Privacy**

All student use of the Internet will be supervised and monitored. The district's monitoring of Internet usage can reveal all activities students engage in using the district Internet system. Network and Internet access is provided as a tool for education. The District reserves the right to monitor, inspect, copy, review and store at any time and without prior notice any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage. All such information files shall be and remain the property of the District and no user shall have any expectation of privacy regarding such materials.

#### **Password Protection:**

Students are responsible for their individual accounts and should take all reasonable precautions to prevent

others from being able to use their account. Students must not compromise the privacy of their password by giving it to another student or exposing it to public view.

**Personally-owned devices:**

Users should not connect or install any personally owned computer hardware or hardware components to or in the district’s technology resources without the prior approval of the appropriate school/district technology personnel.

Personally-owned devices that are connected to the network must be used in compliance with this Acceptable Use Policy.

The District is not responsible or liable for issues and/or damages caused by the connection of personal devices to the District’s network.

**Limitation of Liability:**

The district will not guarantee that the functions or services provided through the district Internet service will be without error. The district will not be responsible for any damages suffered, including but not limited to loss of data, interruptions of service, or exposure to inappropriate material or people. The district will not be responsible for the accuracy or quality of the information obtained through the system. The district will not be responsible for financial obligations arising through the unauthorized use of the system. Parents can be held financially responsible for any harm that may result from their child’s intentional misuse of the system.

**Behaviors and Consequences**

Appropriate Codes of Conduct and Disciplinary Measures are outlined in school handbooks and the Westfield School District Policy Manual. Any violation of the agreement may result in a cancellation of network privileges and/or disciplinary action. The network administrators may deny access at any time as required. The administration, faculty and staff of the Westfield Public Schools may request the network administrators to deny, revoke, or suspend specific student privileges. Any student identified as a security risk or having a history of problems with other computer systems may be denied access to the Westfield Wide Area Network/Internet.

The District has no duty to regulate or review off-campus Internet messages, statements, postings, or acts but adds that when those acts threaten violence against another student or otherwise disrupts the learning environment or orderly conduct of the school, the school can take action.

**Student and Parental Consent**

Student use of telecommunications and electronic information resources will be permitted upon submission of consent forms, signed by students and by parents/guardians of minor students.

Policy File: EHAA (student)

**Parental Notification Law**

The Westfield Public Schools will ensure that parents and/or guardians are afforded the flexibility to exempt their children from any portion of the human sexual education or human sexuality issues curriculum that is taught within the PReK-12 grade levels. Parents and/or guardians who wish to avail themselves of this flexibility shall do so through written notification to their child’s school principal. No child so exempted shall be penalized by reason of such exemption.

Program instructional materials for this curriculum shall be made reasonably accessible to parents, guardians, educators, school administrators, and others for inspection and review in accordance with School Committee policies.

This policy will be distributed to all building principals prior to September 1 each year. Upon receipt of said policy building principals are responsible for notification to parents of their rights.

Parents will be notified of this policy on an annual basis.

A parent/guardian who is dissatisfied with a decision of the principal concerning notice, access to instructional materials, exemption for the student under this policy, or any other issue pertaining to the policy, may send a written request to the Superintendent for review of the issue. The Superintendent or designee will review the issue and give the parent/guardian who is dissatisfied with the Superintendent’s decision may send a written request to the School Committee for review of the issue. The School Committee will review the issue and give the parent/guardian a timely written decision within thirty (30) days of the request. A parent/guardian who is still dissatisfied after this process may send a written request to the Commission of Educaiton for review of the issue in dispute.

Policy File: IGAI

### **Policy Regarding Sex Discrimination and Sexual Harassment (students)**

It is the policy of the Westfield Public Schools that any form of sex discrimination or sexual harassment is forbidden, whether by students, school employees or third parties subject to the control of the board. Students, school employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by this policy shall be subject to disciplinary action. The Superintendent of Schools shall develop Administrative Regulations implementing this Policy.

#### ***Definitions***

**Sex discrimination** occurs when a person, because of his or her gender, is denied participation in or the benefits of any education program receiving federal financial assistance. **Sexual harassment** is a form of sex discrimination. Sexual harassment in the education environment and retaliation for reporting or cooperating with a sexual harassment investigation are unlawful under both state and federal law and will not be tolerated. In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or education or a basis for employment or educational decisions; or
- 2) Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

Be advised that our policy prohibits conduct or behavior of an offensive or sexual nature including that which may go beyond what is prohibited by law. The Administrative Regulations implementing this Policy provide more specific examples of conduct that is prohibited by this Policy.

#### ***Procedure***

It is the express policy of the Westfield Public Schools to encourage victims of sex discrimination or sexual harassment to report such claims. Students are encouraged to promptly report complaints of sex discrimination or sexual harassment to the appropriate personnel, as set forth in the Administrative Regulations implementing this Policy. The school district will investigate such complaints promptly and will take corrective action where appropriate. The district will maintain confidentiality to the extent possible. The school district will not tolerate any reprisals or retaliation that occurs as a result of the good faith reporting of charges of sexual harassment or sex discrimination. Any such reprisals or retaliation will result in disciplinary action against the retaliator. The school district will periodically provide staff development for district administrators and periodically distribute this Policy and the implementing Administrative Regulations to staff and students in an effort to maintain an environment free of sexual harassment and sex discrimination.

Policy File: ACAC

### **Administrative Regulations Regarding Sex Discrimination & Sexual Harassment**

It is the policy of the Westfield Public Schools that any form of sex discrimination or sexual harassment is forbidden, whether by students, school employees or third parties subject to the control of the board. Students, school employees and third parties are expected to adhere to a standard of conduct that is respectful of the rights of students. Any student or employee who engages in conduct prohibited by the Westfield Public Schools sex discrimination and sexual harassment policy shall be subject to disciplinary action.

#### ***Definitions***

**Sex discrimination** occurs when a person, because of his or her gender, is denied participation in or the benefits of any education program receiving federal financial assistance. **Sexual harassment** is a form of sex discrimination. Sexual harassment in the education environment and retaliation for reporting or cooperating with a sexual harassment investigation are unlawful under both state and federal law and will not be tolerated. In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or education or a basis for employment or educational decisions; or
2. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work or educational performance by creating an intimidating, hostile, humiliating or sexually offensive environment.

Although not an exhaustive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Statements or other conduct indicating that a student's submission to, or rejection of, sexual overtures or advances will affect the student's grades and/or other academic progress.
2. Unwelcome attention and/or advances of a sexual nature, including verbal comments, sexual invitations,

leering and physical touching.

3. Display of sexually suggestive objects, or use of sexually suggestive or obscene comments, invitations, letters, notes, slurs, jokes, pictures, cartoons, epithets or gestures.

\* Sexual harassment is not limited to conduct by a male towards a female. The victim of sexual harassment, or likewise, the harasser, may be either male or female.

The Westfield Public Schools Policy regarding sex discrimination and sexual harassment prohibits conduct or behavior of an offensive or sexual nature including that which may go beyond what is prohibited by law. While it is not possible to list all the additional circumstances that may constitute sexual harassment, the following are some examples of conduct which violate our policy and may also constitute sexual harassment under the law, depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness.

- Linking a student's academic or athletic progress to the student's submission to or participation in certain sexual activities.
- Making continued unwelcome sexual advances - whether they involve physical touch or not.
- Communicating sexual epithets, jokes, making written or oral references to sexual conduct, gossip regarding one's sex life, or commenting on an individual's body, or about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexual suggestive objects or materials, including photographs, drawings, cartoons, post cards, calendars and tapes.
- Leering, whistling and brushing against another person's body.
- Inquiring about another person's sexual experiences.
- Discussing one's own sexual activities.
- Making sexual gestures or body motions.
- Transmitting or accessing sexually explicit materials by computerized or other means.
- Making sexual comments or telling sexual jokes or stories.
- Touching, pinching, groping, kissing or patting the body of another person.
- Repeatedly asking a person for a date or to socialize outside of work after being informed such conduct is unwelcome.
- Exerting pressure on another person for sexual or a romantic relationship.
- Following, "shadowing" or stalking a person.

### ***Complaint Procedure***

1. It is the express policy of the Westfield Public Schools to encourage victims of sex discrimination or sexual harassment to promptly report such claims. Timely reporting of complaints facilitates the investigation and resolution of such complaints.
2. As soon as a student feels that he or she has been subjected to sex discrimination or sexual harassment, he/she should make a written complaint to the principal, or his/her designee. The student will be provided a copy of this Policy and Regulation and made aware of his or her rights when he/she files the complaint.
3. The complaint should state the:
  - a. Name of the complainant,
  - b. Date of the complaint,
  - c. Date(s) of the alleged harassment/discrimination,
  - d. Name(s) of the harasser(s) or discriminator(s),
  - e. Location where such harassment/discrimination occurred,
  - f. Names of any witness(es) to the harassment/discrimination, and
  - g. Detailed statement of the circumstances constituting the alleged harassment/discrimination.

\*Students who have a complaint of sexual harassment or who wish to learn more about the subject may contact either one of the following persons:

Human Resources  
1029 North Road  
(413) 572-6550

Administrator of Special Services & Student Services  
1029 North Road  
(413) 572-6556

Student complaints of sexual harassment should be filed in the following manner:

**LEVEL ONE:** Report the alleged charge immediately to the principal of the building or, if the principal is the subject of the alleged charge, to the superintendent or his/her designee. If the Superintendent is the subject of the alleged charge the complaint should be filed with the Title IX Coordinator and the Administrator of Student Services.



All complaints will be reduced to writing following an informal discussion of the allegation in order for the matter to proceed further. The principal (or superintendent) will investigate and will try to render a decision regarding the complaint and any action or recommended action to be taken within ten (10) calendar days. The building principal or designee shall make a written report summarizing the results of the investigation and proposed disposition of the matter. Consistent with state and federal law and as deemed appropriate by the Title IX Coordinator or designee, the findings of the investigation shall be shared with persons involved in the investigation.

**LEVEL TWO:** If the student wishes to carry the complaint beyond the decision reached at Level One, he/she may, within five (5) days of the decision, file his/her complaint with the Superintendent. The Superintendent will evaluate the evidence and will try to render his/her decision within (10) days after receiving the appeal. If after a thorough investigation, there is reasonable cause to believe that sexual harassment or sex discrimination has occurred, the school district shall take appropriate corrective action in an effort to ensure that the harassment/discrimination ceases and will not recur.

### ***Confidentiality***

Investigations of sexual harassment complaints shall be conducted in such a manner as to disclose information only to those with a need to know or those who may have information pertinent to the investigation. The Westfield Public Schools shall endeavor to keep such information as confidential as it can without compromising the thoroughness of the investigation. No retaliation for filing a complaint or cooperating with an investigation: No employee or student shall be retaliated or discriminated against in any way for making a complaint of sexual harassment or for cooperating in the investigation of such a complaint.

### ***Discipline***

Any student who violates the Westfield Public Schools Sexual Harassment Policy will be subject to disciplinary action that may range from detention, suspension from schools, up to and including expulsion from Westfield Public Schools. In appropriate circumstances, the Administration may also refer the matter to law enforcement officials for possible prosecution.

### ***Identity of State and Federal Authorities***

The Massachusetts Commission Against Discrimination (MCAD) enforces the state law prohibiting sexual harassment. The MCAD can be reached as follows, if you wish to file a formal complaint with them:

Massachusetts Commission Against Discrimination 436 Dwight Street, Suite 220 Springfield, MA 01103 Telephone (413) 739-2145	Massachusetts Commission Against Discrimination One Ashburton Place, Room 601 Boston, MA 02108-1532 Telephone (617) 727-3990
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The Equal Opportunity Commission (EEOC) enforces the federal law prohibiting sexual harassment. The EEOC can be reached as follows if you wish to file a formal complaint with them:

Equal Employment Opportunity Commission One Congress Street, Room 1001 Boston, MA 02114 Telephone (617) 565-3200	Equal Employment Opportunity Commission 1801 L St. N.W. Washington, DC 20507 Telephone (202) 663-4900
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Policy File: ACAC-R

### **Student Progress Reports to Parents**

The Westfield School Committee regards the following principals as the key to an effective system of student progress reporting.

1. Parents are entitled to a maximum amount of information concerning the progress of their child.
2. The information shall emphasize the positive aspects of a child's progress in school indicating, therefore, what he has accomplished. Every effort shall be made to prevent progress reporting from being punitive in nature.
3. Parent-teacher conferences are considered extremely important to both the teacher and the parent and must take place on a regularly scheduled basis. Special additional parent-teacher conferences should be scheduled, as the need exists.
4. Parents shall, upon request, be provided with an explanation of the source of difficulties and level of achievements of their child in school.
5. Progress reporting must be based upon a child's placement in relation to an established set of educational objectives.

6. In addition to the quarterly marking periods already in place, the committee also recognizes the need for academic updates within each marking period. These updates will be used as a means of notifying parents of difficulties and/or achievements.

Policy File: IKAB

### **Student Interrogations, Searches, and Arrests**

#### **Searches**

The storage, on one's person, in one's belongings or in school property, of contraband such as, but not limited to, illegal substances or articles or any item prohibited by district policy or building rules, is strictly forbidden. Violations will result in confiscation of such materials. The student in violation will be subject to disciplinary action.

#### **School Property**

Lockers, desks, computers, books and other items issued to students by the district for their temporary use, remain the property of the school. As such, students should have no expectation of privacy as it relates to their use. School property may be randomly inspected without notice by school administrators or designees to insure cleanliness, safety and adherence to federal, state and local laws and regulations. School property may also be searched when an administrator or designee has reason to believe that contraband, as described above, may be stored within. Trained dogs accompanied by experienced handlers, may be used in conducting periodic sweeps of the campus including but not limited to parking areas and lockers.

#### **Person/Personal Possessions**

When an administrator or designee has reasons to believe that contraband as described above is being stored on one's person or in one's possessions, he/she may conduct a personal search appropriate to the nature of the potential violation.

#### **Interrogations, Investigations and Arrests**

It is the policy of the Westfield Public Schools to cooperate with law enforcement and social service agencies in the interest of the larger welfare of all citizens. At the same time, schools have responsibility to parents for the welfare of the students while they are in the care of the school. To carry out this responsibility school officials shall observe the following:

1. A student in school may not be interrogated by authorities without permission of the superintendent or his/her designee.
2. Any interrogation by authorities must be done in private with an official school representative present.
3. A student may not be released to the custody of persons other than the parent/legal guardian or legal authority. The district is obligated by law to release students to the custody of law enforcement officials when placed under arrest and to the custody of DCF when presented with a court order or when informed that the agency is acting upon its powers of presumptive custody.
4. When a student is removed from the school by legal authority, school officials should make every reasonable attempt to notify parents as soon as possible.

Policy File: JIH

### **Student Assistance Program**

The goal of the district is to provide students needing educational supports with the opportunity to receive educational assistance within the general education program whenever possible. The first level of intervention for students who may require such educational supports will typically be referred to the Student Assistance Team. The purpose of Student Assistance Team is to assess the needs of any student who is having academic difficulty and to provide educational supports and/or develop appropriate accommodations for the student. Such efforts to meet the student's needs in the regular education classroom may include, but are not limited to: curriculum accommodations, alternative teaching strategies, adaptations of teaching environments or materials, support services, consultation services and building-based teams. All accommodations and their results will be documented and placed in the student's records. Those students who are clearly in need of additional services will be efficiently and effectively identified. A student with a disability may also be provided with accommodations in accordance with Section 504 of the Rehabilitation act of 1973. Section 504 is a federal law that provides for appropriate accommodations that enable students to meet with success within the general education program. Eligibility for support under Section 504 is determined through a Team process. Should a student be eligible under Section 504, the Team will develop an appropriate Section 504 Plan for the student. If the Student Assistant Team determines that a student may be in need of special education services, the student may be referred for further evaluation and consideration of eligibility under federal and state special education laws. If a student is identified as a student in need of special education, an appropriate IEP (Individualized Education Program) will be developed.

Special Services has as its aim the provision of programs which meet the needs, interests and abilities of each student, focusing on the individual's talents rather than on limitations. Whether these needs are academic, physical, emotional, psychological or sociological, all children shall be provided with an equal educational opportunity. The school district adheres to all state and federal laws with respect to the education of students with disabilities.

Policy File: IGB

### **GRIEVANCE PROCEDURE**

#### **Section 504 of the Rehabilitation Act of 1973**

Under Section 504, a person with a disability is anyone who (a) has, (b) has a record of having or (c) is regarded as having, a physical or mental impairment which substantially limits a major life activity such as learning, self-care, walking, seeing hearing, speaking, breathing, working and performing manual tasks and includes major bodily functions .

A complaint alleging discrimination on the basis of disability/impairment in admission, access to services, or treatment in programs and activities shall be filed in the following manner:

#### **I. Procedures**

- A. It is the express policy of the district to provide for the prompt and equitable resolution of complaints alleging any violation of Section 504. In order to facilitate the timely resolution of such complaints, any eligible person, including any student, parent/guardian, staff member or other employee who feels that discrimination has occurred on the basis of disability should contact the district's designated Section 504 Coordinator within thirty (30) calendar days of the alleged occurrence. The complainant should provide the Section 504 Coordinator the following information:
  1. The name of the complainant;
  2. The date of the complaint;
  3. The date(s) of the alleged discrimination;
  4. The names of any witness(es) or individuals relevant to the complaint; and
  5. A detailed statement describing the circumstances in which the alleged discrimination occurred.
- B. If the Section 504 Coordinator is the subject of the complaint, the complaint should be submitted directly to the Superintendent, who shall investigate or appoint a designee to do so.
- C. Complaints will be investigated promptly and corrective action will be taken when allegations are verified. Confidentiality will be maintained by all persons involved in the investigation to the extent possible.
- D. Upon receipt of the complaint, the Section 504 Coordinator (or Superintendent, as outlined above), shall:
  1. Provide a copy of the written complaint to the Superintendent of Schools;
  2. Meet with the complainant within 14 calendar days of receiving the complaint, to discuss the nature of the complaint;
  3. Provide the complainant with a copy of the district's Section 504 Policy and applicable administrative regulations within 14 calendar days of receiving the complaint;
  4. Investigate the factual basis for the complaint, including interviews with individuals with information relevant to the complaint;
  5. Attempt to resolve the complainant's concerns, whenever possible;
  6. Maintain confidentiality to the extent practicable throughout the investigative process, in accordance with state and federal law;
  7. Regularly update the complainant on the investigation;
  8. Communicate the findings of the investigation to the complainant, along with the intended remedial actions, whenever appropriate, while keeping in mind confidentiality obligations; and
  9. Ensure that appropriate remedial and/or disciplinary action is taken whenever allegations are verified.
- E. If, following the investigation by the Section 504 Coordinator, the complainant is not satisfied with the results of the investigation or the proposed resolution, the complainant may request, in writing, that the Superintendent reviews the findings of the Section 504 Coordinator. Upon receipt of a written request from the complainant, the Superintendent shall review the investigative results of the Section 504 Coordinator and determine if further action and/or investigation is warranted.

## II. Complaints to the District

Title: Superintendent of Schools, Westfield Public Schools  
Address: 1029 North Road  
Tel #: (413) 572-6403

Title: Director of Curriculum and Instruction, 504 Coordinator  
Address: 1029 North Road  
Tel #: (413) 562-2298

## III. Complaints to State and Federal Agencies

The complainant has the right to file a formal complaint with the U.S. Department of Education, Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02100-4557 (Phone Number 617-289-0111). Any such complaints must be filed within one hundred and eighty (180) days of the date of the alleged violation of Section 504, or within sixty (60) days of the completion of the district's internal grievance procedures or including the district's impartial hearing process.

Any employee who believes that he or she has been discriminated against on the basis of disability may also file a complaint with the Massachusetts Department of Elementary and Secondary Education (Phone Number: 617-338-3700), the Massachusetts Commission Against Discrimination (Phone Number: 617-994-6000) and/or the Equal Employment Opportunity Commission (EEOC), Boston Area Office, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02114 (Phone Number: 617-565-3200).

Massachusetts law requires that a formal written complaint be filed with the EEOC within one hundred and eighty (180) days of the date when the alleged discrimination occurred. Remedies for discrimination include cease and desist orders, back pay, compensatory damages, hiring, promotion or reinstatement.

Policy File: ACC

## **SPECIAL EDUCATION SERVICES**

### ***Requirements***

The requirements regarding special education are based upon state and federal law. The relevant laws are as follows:

- A. State Law: The state special education law, Section 28, 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.
- B. The regulations implementing the statute are found in the Code of Massachusetts Regulations (CMR), 603 CMR, Section 28.00.
- C. 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 (USC) at 20 U.S.C. §1400. In 1997, Congress re-authorized the IDEA and the amended statute is popularly known as "IDEA-2004".

In Massachusetts, in order to be found eligible for special education, a student must demonstrate the presence of a 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. Examples of a disability include autism; developmental delay; an intellectual, sensory, neurological, emotional, communication, physical, or health impairment; or specific learning disability. An initial evaluation to determine eligibility will seek sufficient evaluative information to make a fair determination that considers all of these factors. A parent, teacher, guidance counselor, administrator, or doctor may recommend a student be referred for special education evaluation. The parent must sign permission for the district to provide an evaluation of the student. The district has 45 days to complete assessments and to make a determination of eligibility. Any parent with questions or concerns should contact the Director of Special Services at (413) 572-6556.

### ***Discipline***

The Westfield Public Schools recognizes its responsibility to educate all special education eligible students from the ages of 3 through 21. All students are expected to meet the requirements for behavior as set forth in this handbook and to abide by Westfield's Code of Conduct. Chapter 71B of the Massachusetts General Laws and 20 U.S.C. §1415 et. seq. requires that certain due process discipline procedures be implemented for students who have been identified as having special needs.

Westfield will adhere to and implement the various provisions of state and federal law regarding the disciplining of students who have been identified as having special needs. Under certain circumstances disciplinary actions for special needs students may include suspension, expulsion, placement in an Alternative Interim Educational Setting (IAES), and/or notification to law enforcement officials. A student with special needs who violates disciplinary standards may be subject to suspension in excess of ten (10) days (which constitutes a change in placement) or expulsion, provided certain additional procedures are met. An Individual

Education Program (IEP) for a student with special needs must indicate whether or not the student is able to follow the regular discipline code, or if required, it will be written into the IEP.

At the time of any suspension that exceeds ten (10) days in any school year the following procedures apply:

- a. A procedural due process hearing provided to a student without a disability;
- b. A review of whether a relationship exists between the child's disability and the behavior that is the subject of the disciplinary action, ("manifestation determination") which the parent has the right to participate in, the appropriateness of the current plan, and whether or not the current plan is fully implemented; and
- c. A functional behavior assessment, if one was not previously conducted, and if one was conducted, a review of that assessment to determine its adequacy.

If a finding is made that no relationship exists between the behavior and disability, relevant disciplinary procedures applicable to children without disabilities may be applied to students with disabilities. Services will be provided to identified special education students suspended for more than 10 (ten) cumulative days during any school year, or expelled, that will enable the special education student to make appropriate educational progress in the general curriculum and toward the goals of the child's IEP. A child with special needs who is suspended for less than ten (10) cumulative days will not be provided services if services are not provided to a student without disabilities similarly removed. If a parent disagrees with any of the findings of the IEP team, the parent may request a due process hearing before the Bureau of Special Education Appeals. In addition, a student with special needs may be placed unilaterally by the school district in an Interim Alternative Educational Setting for up to forty-five (45) days if the child possesses, uses, sells or solicits illegal drugs on school premises or at school events, or possesses a weapon on the school premises or at a school-sponsored event or causes serious bodily injury.

#### **Student Discipline – Suspension and Expulsion**

The purpose of the public schools is to enable students to become educated to their potential and to prepare them to become contributing and responsible members of their community. Rules that govern the behavioral limits of a student body and authorize teachers and administrators to enforce these rules are a necessary component of a system intent on accomplishing these goals. Each student will be responsible for providing a positive and healthy environment for others by maintaining order, self-discipline, and having consideration for the rights and property of others. Each student will bear responsibility for his or her own conduct. Expectations for student behavior in the Westfield Public Schools are based on a belief in self-discipline and the need for respect and consideration for the rights and safety of oneself and others. To that end, each student will:

1. Respect students, teachers, administrators, and other school personnel and visitors as human beings and fellow citizens of the school community. Individual differences, perceived by a student in others, will be treated with respect and not made the subject of teasing, horseplay or harassment.
2. Be responsible for appropriateness and cleanliness of personal attire and hygiene.
3. Respect the personal property of others and refrain from causing damage or unnecessary wear and tear to books, facilities, school materials, school buildings and furnishings, and the personal property of others.
4. Be responsible for using the learning environment appropriately and refrain from cheating, plagiarism, habitual tardiness, cutting classes, or unexcused absences.
5. Refrain from excessive noisiness, rudeness, using profanity or foul language, creating disturbances, denying others the use of school facilities or buildings, engaging in gambling, extortion, theft, or any other activity which is disruptive, unsafe, in violation of district policy, or illegal under state or federal law.
6. Refrain from fighting, assault, intentionally injuring another person or acting in such a manner as to expose others to risk or danger of harm or injury. A student will not use threats, intimidation or harassment against any other person. A student will not coerce another student or other individual into any disruptive or illegal activity. A student will not use or be in possession of any weapon.
7. Respect the health and safety of oneself and others and will refrain from using tobacco; or using, possessing, transmitting, selling or being under the influence of any alcoholic beverage, narcotic substance, illegal or prohibited drug or substance.
8. Respect the educational process and learning environment by refraining from activities which diminish the rights of, and the opportunity for, students to receive an education and obtain the maximum benefit from a public education.

While it is the goal of the Westfield Public Schools to employ methods of progressive and positive discipline, the district supports the need to suspend and/or expel students when behaviors of an acute or chronic nature

cause disruption, destruction or pose a threat to the safety of others. Restrictions on student behavior shall be concerned with speech or action that disrupts the work of the school or interferes with the rights or safety of others. Students and parents/guardians have a responsibility to know and respect the rules and regulations of the district and individual schools within the district. These rules, based on district policies, shall be developed by the building principal in consultation with the school council, approved by the administration and adopted by the school committee. Principals, in consultation with their staff and school councils, will establish specific practices relative to the needs of their buildings. These practices will be reviewed annually by the school committee to ensure compliance with overall district policy.

### **I. Definitions**

Suspension - the removal of a student from his/her educational program for a specified period of time.

- a. Short term suspension - the removal of a student from his/her educational program for up to, but not more than, ten (10) consecutive school days in any one suspension.

External suspension - a student is suspended from school and required to remain off school grounds.

Internal suspension - a student is suspended from attending classes and required to report and remain at an assigned location in a particular school building.

- b. Long term suspension - the removal of a student from his/her educational program for more than ten (10) consecutive school days but no more than forty-five (45) consecutive school days. Removal of a student from his/her educational program for more than forty-five (45) days shall be considered an expulsion except under the provisions of M.G.L. 71:37H ½.
- c. Expulsion - the exclusion of a student from school either permanently or for the remainder of the school year.

### **II. Scope of the Student Discipline Policy**

- a. Conduct on School Grounds or at a School-Sponsored Activity

Students may be disciplined for behavior(s) in the school building, on school property, on the bus or school sanctioned transportation, or at school sponsored functions when such behavior(s) cause disruption, destruction or pose a threat to the health or safety of others. Students may also be suspended or expelled when other methods or progressive discipline have proven unsuccessful in resolving behaviors detrimental to the student or the general welfare of the school.

- b. Conduct off School Grounds:

Students may be disciplined for behavior(s) off school grounds, including being charged with or convicted of a felony, when their presence would have a substantial detrimental effect on the general welfare of the school or, when such behavior(s) would present a danger or health hazard within the school setting.

### **III. Summary of Offenses that Could Lead to Suspension or Expulsion**

Conduct which may lead to disciplinary action (including, but not limited to, removal from class, suspension and/or expulsion) includes conduct on school grounds or at a school-sponsored activity, and conduct off school grounds, as set forth above. Such conduct includes, but is not limited to, the following:

1. Any organized or individual acts of intimidation or hazing by students, including but not limited to, conduct surrounding initiation of others into any student organization.
2. Bullying.
3. Extortion, coercion, or intimidation of other students or school employees.
4. Possession and/or use of tobacco and/or tobacco products.
5. The carrying, possession, having domain over or use of a gun, knife or another object or facsimile which may be considered a weapon.
6. The use, possession of, or domain over, a dangerous weapon.
7. The possession, carrying or use of beepers. Exceptions for unusual circumstances, such as medical considerations, must be approved at the superintendent level.
8. Possession, use or distribution of illegal or controlled substances and/or alcohol.
9. Assault of a staff member.
10. Conduct that constitutes a continual, material and substantial disruption of the educational process.
11. Circumstances under which continued presence of student in school represents a danger to the physical safety of others.
12. Gambling.
13. Altering of school records or documents and/or forging parents' or staffs' signature on passes or notes.
14. Possession of Lasers, Cell Phones, Beepers, Headphones, Walkmans & other electronic devices.
15. Possession and/or use of explosive materials and objects, including firecrackers and smoke "bombs."
16. Intentionally plagiarizing material, cheating on school work or tests, omitting to give proper information for the purposes of personal gain and/or dishonesty.

17. Use of obscene, profane, defamatory or inciteful statements or expressions which are disruptive to the educational setting or any other educationally disruptive statements or expressions.
18. Possession of personal video or audio recorders. Video or audio taping of individuals without their knowledge and express consent.

#### **IV. Procedures Governing Suspension**

The principal of a school, or designee on the administrative staff of the school, shall have the right to suspend any student for breach of conduct as noted in Sections II and III of this policy. In such cases the following procedures shall be followed.

##### **A. Procedures for Short Term Suspension**

The building principal, or designee, is responsible for providing the student the following:

1. Notice of the charges;
2. Explanation of the evidence;
3. Opportunity to present his/her version of the facts;
4. Notice of the decision to suspend;
5. Reasonable efforts to notify the parent or guardian by telephone prior to effecting the suspension; and
6. Written notice of the suspension decision, sent within 24 hours to the parent or guardian informing him/her of the grounds, duration, type of suspension and any requirements related to the student's return.
7. The principal will notify the Superintendent in writing.

Students under internal or external suspension remain responsible for completion of all school work and will be given credit accordingly. All suspended students shall have the opportunity to take and receive a grade for tests and examinations which were given during the period of suspension. It is the students' responsibility to take the tests and examinations within five school days after return from suspension unless this period is extended by the school principal. Students who are suspended from school for disciplinary reasons who miss labs may be given readings as a substitute for the learning related to the labs. Work that is unique to the classroom experience and cannot be replicated in another form cannot be made up. While students are on suspension, teachers are under no obligation to provide extra help other than listing assignments to be completed and stating the date(s) when assignments are due.

At the determination of the principal or designee, a parent conference may be convened. The student, parent and a representative of the administration will be in attendance. In some cases of suspension, the student may not be allowed to return to school until the conference has been held. In all cases where a conference is required the conference shall take place within ten (10) days of the suspension. Within this time period, every effort will be made to schedule the conference at the mutual convenience of the parent/guardian and the school.

Individual schools may establish programs, such as after-school service, in which students have the opportunity to voluntarily participate in activities as an alternative to short term suspension except in situations involving offenses of an illegal or injurious nature.

##### **B. Procedures for Long Term Suspension**

The building principal is responsible for providing the student/parent:

1. Written notice, in the dominant language of the home, of the charges and the right to a formal hearing before the principal prior to effecting suspension and the right to be represented by counsel or other advocate of choice (at the student's expense);
2. Adequate time to prepare for the hearing;
3. Access to documented evidence before the hearing;
4. The right to present evidence and/or witnesses;
5. The right to question the district's witnesses except when there is information indicating that doing so may put said witnesses at risk of harm; and
6. A prompt decision, written in the dominant language of the home, including specific grounds for the decision and any reasonable conditions which must be met to ensure the student's return. The letter will include student's right to appeal to the Superintendent within ten (10) days from the date of receipt of notification of suspension.
7. The principal will notify the Superintendent in writing.

##### **C. Appeal of Long Term Suspension to Superintendent**

1. Upon receiving written notice of a request for an appeal within ten (10) days of the notification of suspension, the superintendent shall schedule a hearing at which time the student may be represented by

counsel (at the student's expense) and present oral and written testimony on his/her behalf. 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 long-term suspension of a student on a case-by-case basis.

2. The Superintendent shall render a written decision in the dominant language of the home. Such ruling will be the final decision of the school district.

#### **D. Conditions for Long Term Suspensions**

Students under long-term suspension continue to be responsible for completion of school work as stated in situations involving short term suspension. Depending upon the individual circumstances, a principal may opt to suspend with services, in which case a tutor or other approved program alternative would be implemented.

Return of a student from long term suspension must be preceded by a parent conference. The student, parent/guardian, representative of the administration and other relevant staff will be present. Every effort will be made to schedule the conference at the mutual convenience of the parent/guardian and the school.

Reasonable conditions for a student's return from long term suspension may be imposed by the building principal. Failure of a student to meet such conditions may be grounds for a decision to effect expulsion proceedings.

#### **V. Procedures Governing Expulsion**

##### **A. Initial Hearings in Expulsions by School Principal (MGL c. 71, §37H)**

School principals are authorized to expel students in certain situations occurring within the jurisdiction of the school. These situations include the following student conduct on school premises or at school sponsored or school-related events, including athletic games:

1. Possession, use or distribution of illegal or controlled substances, including but not limited to marijuana, cocaine and heroin;
2. Use, possession of, or domain over, a dangerous weapon, including but not limited to a gun or a knife;
3. Assault of a staff member of the Westfield Public Schools.

The principal is responsible for providing the student/parent:

1. Written notice, in the dominant language of the home, of the charges and the right to a formal hearing before the principal prior to effecting expulsion and the right to be represented by counsel or other advocate of choice (at the student's expense);
2. Adequate time to prepare for the hearing;
3. Access to documented evidence before the hearing;
4. The right to present evidence and/or witnesses;
5. The right to question the district's witnesses except when there is information indicating that doing so \ may put said witnesses at risk of harm;
6. A prompt decision, written in the dominant language of the home, including specific grounds for the decision and any reasonable conditions which must be met to ensure the student's return. The letter will include the student's right to appeal to the Superintendent within ten (10) days from the date of receipt of the notification of the expulsion; and
7. The principal will notify the Superintendent in writing of the expulsion. The Superintendent will in turn inform the school committee, without identifying the student, of the facts and circumstances surrounding the expulsion.

##### **B. Appeal to Superintendent in Expulsions by School Principal (MGL c. 71, § 37H)**

1. Upon receiving written notice of a request for an appeal within ten (10) days of the notification of expulsion, the superintendent shall schedule a hearing at which time the student may be represented by counsel (at the student's expense) and present oral and written testimony on his/her behalf. 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.
2. The Superintendent shall render a written decision in the dominant language of the home. Such ruling will be the final decision of the school district.

##### **C. Admission of Students Expelled by School Principal (MGL c. 71, §37H)**

When a student is expelled under the provisions of these sections, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If said student does apply for admission to another school or school district, the superintendent of school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.



#### **D. Expulsions by the School Committee (MGL c. 71, §§ 16, 17)**

Upon the recommendation of the building principal and the superintendent, the School Committee may act to expel students for behavior not addressed by Massachusetts General Laws, Chapter 71, Sections 37H (See (V) (A-C) above) and 37H1/2 (See Policy JKF).

The School Committee, through the Superintendent's office, is responsible for providing the student/parent:

1. Written notice, in the dominant language of the home, of the charges and the right to a formal hearing before the principal prior to effecting expulsion and the right to be represented by counselor or other advocate of choice (at the student's expense);
2. Adequate time to prepare for the hearing;
3. Access to documented evidence before the hearing;
4. The right to present evidence and/or witnesses;
5. The right to question the district's witnesses except when there is information indicating that doing so may put said witnesses at risk of harm; and
6. A prompt decision, written in the dominant language of the home, including specific grounds for the decision and any reasonable conditions which must be met to ensure the student's return. This letter shall be the final decision of the School Committee.

#### **VI. Procedures Governing Suspension and Expulsion of Students Identified as Eligible for Services under the Individuals with Disabilities Education Act (IDEA)**

##### **A. Suspension of IDEA Students where Suspension Does not Constitute a Change in Placement**

Notwithstanding the foregoing, if the administration suspends a student identified as eligible for services under the IDEA (an "IDEA student") who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The administration shall make reasonable attempts to immediately notify the parents of the student of the decision to suspend on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to suspend was made.
2. During the period of suspension, the school district is not required to provide educational services to the IDEA student beyond that which is provided to all students suspended by the school district.

##### **B. Expulsion and Suspensions that Constitute Changes in Placement for IDEA Students**

Notwithstanding any provision to the contrary, if the administration recommends for expulsion an IDEA student who has violated any rule or code of conduct of the school district that applies to all students, the procedures described in this section shall apply. The procedures described in this section shall also apply for students whom the administration has suspended in a manner that is considered under the IDEA, as it may be amended from time to time, to be a change in placement:

1. The parents of the student must be notified of the decision to recommend for expulsion (or to suspend if a change in placement) on the date on which the decision to suspend was made, and a copy of the special education procedural safeguards must either be hand-delivered or sent by mail to the parents on the date that the decision to recommend for expulsion (or to suspend if a change in placement) was made.
2. The school district shall immediately convene the IEP team, but in no case later than ten (10) school days after the recommendation for expulsion or the suspension that constitutes a change in placement was made. The student's IEP team shall consider the relationship between the student's disability and the behavior that led to the recommendation for expulsion or the suspension which constitutes a change in placement, in order to determine whether the student's behavior was a manifestation of his/her disability.
3. If the IEP team finds that the behavior was a manifestation of the student's disability, the administration shall not proceed with the recommendation for expulsion or the suspension that constitutes a change in placement. The IEP team shall consider the student's misconduct and revise the IEP to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the IEP team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion or suspension that constitutes a change in placement. The expulsion or suspension shall then proceed in accordance with the procedures set forth above for suspension and/or expulsion of all students.
5. During any period of expulsion, or suspension of greater than ten (10) days per school year, the administration shall provide the student with an alternative education program in accordance with the provisions of the IDEA.
6. The special education records and disciplinary records of the student must be transmitted to the individual(s) who will make the final determination regarding a recommendation for expulsion or a

suspension that results in a change in placement.

### **C. Transfer of IDEA Students for Certain Offenses**

School personnel may transfer an IDEA student to an appropriate interim alternative educational setting for not more than forty-five (45) calendar days if the student:

1. Was in possession of a dangerous weapon, as defined in 18 U.S.C. 930(g)(2), as amended from time to time, on school grounds or at a school-sponsored activity, or
2. Knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or at a school-sponsored activity, or
  - a. Causing serious bodily injury.

As used in this subsection VI.(C.), the term “dangerous weapon” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length. The term “controlled substance” means a drug or other substance identified under schedules I, II, III, IV, or V in section 202(c) of the Controlled Substances Act, 21 U.S.C. 812(c). The term “illegal drug” means a controlled substance but does not include a substance that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

### **VII. Procedures Governing Expulsions and Long Term for Students Identified as Eligible for Educational Accommodations under section 504 of the Rehabilitation Act of 1973 (Section 504)**

Notwithstanding any provision to the contrary, if the administration recommends an expulsion, or a long term suspension that meets the definition of change in placement under federal law, for a student identified as eligible for educational accommodations under Section 504 who has violated any rule or code of conduct of the school district that applies to all students, the following procedures shall apply:

1. The parents of the student must be notified of the decision to recommend the student for expulsion.
2. The district shall immediately convene the student’s Section 504 team (“504 team”) for the purpose of reviewing the relationship between the student’s disability and the behavior that led to the recommendation for expulsion. The 504 team will determine whether the student’s behavior was a manifestation of his/her disability.
3. If the 504 team finds that the behavior was a manifestation of the student’s disability, the administration shall not proceed with the recommended expulsion. The 504 team shall consider the student’s misconduct and revise the 504 plan to prevent a recurrence of the misconduct and to provide for the safety of other students and staff.
4. If the 504 team finds that the behavior was not a manifestation of the student's disability, the administration may proceed with the recommended expulsion.

### **VIII. Dissemination of Policy**

The School Committee shall, at the beginning of each school year and at such other times as it may deem appropriate, provide for an effective means of informing all students, parent(s) and/or guardian(s) of this policy.

Policy File: JK

#### **Suspension or Expulsion Related to Felony or Felony Delinquency Proceeding**

Upon the issuance of a criminal complaint charging a student with a felony or the issuance of a felony delinquency complaint, a principal may suspend the student for a period of time determined by the principal, based upon the principal’s judgment that the continued presence of the student would have a substantial detrimental effect on the general welfare of the school. Prior to such action by the principal, the student shall receive written notification of the charges and the reasons for such contemplated suspension. The student shall also receive written notification of right to appeal before the superintendent of schools; however, such appeal does not stay the suspension from going into effect.

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal may expel the student if the principal determines that the student’s continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of right to appeal before the superintendent of schools; however, such appeal does not stay the expulsion from going into effect.

The student shall have the right to appeal any suspension or expulsion under this section to the superintendent of schools. The student shall notify the superintendent in writing of his/her request for hearing no later than five (5) calendar days following the effective date of the action. The superintendent shall hold a hearing with the student and the student’s parent or guardian within three (3) calendar days of the appeal. At the hearing,

the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall render a decision within five (5) calendar days of the hearing. The superintendent shall have the right to overturn or alter the decision of the principal, including recommending an alternate education program for the student.

Upon expulsion of such student, the school district shall not be required to provide educational services to the student.

Policy File: JKF

### **Physical Restraint Procedures**

The use of physical restraint as a behavior management technique will be utilized only with extreme caution in emergency situations, after other less intrusive alternatives have either failed or been deemed inappropriate. In the event that physical restraint is required to protect the safety of school community members, the Westfield School District has enacted the following policies and procedures to ensure the proper use of restraint and to prevent or minimize any harm to the student as a result of the use of restraint.

The policies and procedures shall be annually reviewed, provided to school staff, and made available to parent upon request. None of the foregoing paragraph or the policies and procedures which follow, precludes any teacher, employee or agent of the Westfield School District from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

#### 1. When Restraint May Be Used:

The use of physical restraint is proper only in the following circumstances:

- a. Non-physical interventions were not effective; and
- b. The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.

Physical restraint is prohibited in the following circumstances:

- a. As a means of punishment; or
- b. As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious or physical harm.

#### 2. Staff Training:

All program staff will receive training regarding the school district's physical restraint policy within the first month of each school year, and for employees hired after the school year begins, within one month of their employment.

Required training for all staff will include review of the following:

- a. The District's Restraint Policy;
- b. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- c. Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint (a physical restraint for more than twenty minutes) is used;
- d. Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and
- e. The identity of staff members who have received in-depth training (as set forth below) in the use of physical restraint.

The principal or other administrator will designate certain staff members to participate in at least sixteen hours of in-depth training in the use of physical restraint. These designated staff members will be authorized to administer physical restraint when needed to protect a student and/or a member of the school community from imminent, serious physical harm and will serve as a school wide resource to assist in ensuring proper administration of physical restraint.

In-depth training in the proper administration of physical restraint will include, by may not be limited to:

- a. Appropriate procedures for preventing the need for physical restraint, including the de escalation of problematic behavior, relationship building, and the use of alternatives to restraint;
- b. A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- c. The simulated experience of administering and receiving physical restraint; instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

- d. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- e. Demonstration of proficiency in administering physical restraint.

Only school personnel who have received required training or in-depth training pursuant to this policy shall administer physical restraint on students with, whenever possible, one adult witness who does not participate in the restraint. The training requirements, however, shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

3. Administration of Physical Restraint:

When dealing with a potentially volatile student, faculty/staff will use a gradient system of de-escalation in an attempt to diffuse the situation before resorting to physical restraint. All professional staff will be properly trained in de-escalation. Staff will not physically intervene unless the student is at risk and/or is hurting self or others.

De-escalation system includes, but is not limited to:

- a) Observation and communication;
- b) Non-verbal skills;
- c) Verbal skills;
- d) Separation; and
- e) Time out

De-escalation techniques may include, but are not limited to:

- a) Time-out/Separation

Time out is a separation of a student from the mainstream environment to a controlled supervised setting, not to be secluded but monitored by faculty for up to 15 minutes with an opportunity to proceed and return to the mainstream.

Sometimes student behavior may be so inappropriate that time away from the group is necessary. Using staff supervision in a controlled setting is an effective way to avoid more serious behavior while the student regains control. The goal is to be able to make better choices by thinking before acting. Safety for the student and other students is vital, while rejoining the group is the intended outcome.

- b) Self time-out-This is a time when a student who is aware that he/she is having a difficult time needs to “cool off” may ask for a time out. The student and a staff person will go to a designated area for up to 15 minutes of quiet controlled time. The student can process with the staff member by discussing what happened and what plan can be put in place to manage the behavior in the future. Rejoining the class will follow.
- c) Staff time-out-Sometimes a student may lose control of his/her temper and his/her anger may escalate to present a safety threat to self or others. If this occurs, staff members will intervene and, if necessary, physically escort the student to a designated area for up to 15 minutes. During that time the student is expected to regain control of his/her anger and process in a controlled and reasonable calm manner so that they may return to the instructional setting. Should it be necessary, this time out can be extended an additional 15 minutes with supervision.
- d) Physical Escort- Students will be escorted from one area to another if they are non-compliant, disruptive to the school, and have been asked to take a time-out and have refused to do so. They will also be escorted from a potentially aggressive or unsafe situation if unable to follow verbal directives.

Children’s Control Transport: Transporting individual to “safe area” by slowly escorting individual from this position.

Team Control Transport: Will assist you in safely moving an individual who is beginning to regain control.

--Prior to moving an individual, assist the person into a more upright position and remove your hand from the individual’s shoulder. Reach under the individual’s arm to grab your own wrist. This “cross-grain grip” better secures the individual between staff during transport. Remove your leg from directly in front of the individual prior to transport while maintaining close body contact.

--It is not recommended to transport an individual who is struggling. If necessary, return to the CPI Team Control Position, if the individual’s and/or staff’s safety is at risk.

A student will never be escorted up or down stairs. If, alternatively, it is safer for the rest of the students to be moved from the area, staff will do so to avoid the escort.

A physical escort is not a physical restraint. A physical escort is touching or holding a student without the use of force for the purpose of directing the student.

#### 4. Safety Requirements

If a student's behavior continues to escalate and the potential for imminent serious physical harm to self or others increases and the danger is unlikely, or has been unable, to be averted by alternatives to restraint, then a staff/faculty person may physically intervene using the least amount of force necessary to stop the aggression and to keep the student and/or others safe.

- a) If the physical restraint lasts longer than 15 minutes, approval of the administrator or his/her designee shall be obtained. Such approval will be based on the continued behavior justifying the need for continued restraint.
  - b) If a student is being restrained, staff/faculty will monitor the restrained student for any signs of distress.
  - c) If the student exhibits any signs of distress, the student will be released immediately, and medical attention will be provided.
  - d) To the extent that the student is able to communicate, he/she should be offered the opportunity to have a restraint removed at any time that he/she agrees to cease the dangerous or violent behavior. Such offer should be made periodically throughout the restraint.
  - e) The restrained student will be released at the first sign that it is safe to do so.
  - f) A person administering physical restraint shall use the safest method available and appropriate to the situation.
  - g) Additional safety requirements include:
    - 1) A restrained student shall not be prevented from breathing or speaking. A staff member will continuously monitor the physical status of the student, including skin color and respiration, during the restraint.
    - 2) If at any time during a physical restraint the student demonstrates significant physical distress, as determined by the staff member, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
    - 3) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
  - h) At an appropriate time after release of a student from physical restraint, a school administrator or other appropriate school staff shall:
    - 1) Review the incident with the student to address the behavior that precipitated the restraint;
    - 2) Review the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed; and
    - 3) Consider whether any follow-up is appropriate for students who witnessed the incident; and
    - 4) Notify parent/guardian of incident
5. Types of physical restraints may include, but are not limited to:
- A) Child Control Position: You should consider using this position only with individuals considerably smaller than yourself. Done only if child's shoulders are at staff's hip level...If higher... Team control position should be used.  
--The auxiliary team member(s) will monitor for safety and assist, if needed.
- B) Modified Children's Control Position: To be used only when individual's (acting out individual) head is up to staff's knee/mid thigh.
- C) Team Control Position: Used to manage individuals who have become dangerous to themselves or others. Two staff members hold the individual as the auxiliary team members(s) continually assess the safety of all involved and assist, if needed.
- D) Interim Control Position: A temporary control position that allows you to maintain control of both of the individual's arms, if necessary, for a short time.
6. Chemical/Mechanical/Seclusion Restraints Prohibited
- a) **Chemical Restraint** – the administration of medication for the purpose of restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent(s) guardian(s).

- b) **Mechanical Restraint** – the use of a physical device to restrict the movements of a student or the movement or normal function of a portion of his/her body is prohibited unless explicitly authorized by a physician and approved in writing by the parent(s)/guardian(s).
  - 1) A protective or stabilizing device, such as a harness, lap or other belts for securing a child in a chair, ordered by a physician or a therapist shall not be considered mechanical restraint.
- c) **Seclusion Restraint** – physically confining a student alone in a room or limited space without access to school staff is prohibited.
  - 1) The use of “time out” procedures during which a staff member remains accessible to the student, although not necessarily present, shall not be considered seclusion restraint.

7. **Students with Disabilities**

Restraints may be administered to a student with a disability pursuant to the student’s Individual Education Plan or other written and agreed upon plan developed in accordance with state and federal law, subject to the following exceptions:

- a) The limitations on chemical, mechanical, and seclusion restraint as stated above shall apply;
- b) The training and reporting requirements described in this policy shall apply.

8. **Reporting Requirements**

Program staff shall report the use of physical restraint after administration of a physical restraint that:

- a) Results in injury to a student or staff member; or
- b) Last longer than five minutes.

The staff member who administers such a restraint shall verbally inform the principal (or program administrator) of the restraint as soon as possible and by written report no later than the next school working day.

- a) The written report shall be provided to the principal or his/her designee, except the principal shall prepare the report if the principal administered the restraint;
- b) The principal or his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which shall be made available for review by the Department of Education, upon request.

The principal or his/her designee shall verbally inform the student’s parent(s)/guardian(s) of such restraint as soon as possible, and by written report postmarked no later than three school working days following the use of such restraint. If the school customarily provides school related information to the parent(s)/guardian(s) in a language other than English, the written restraint report shall be provided in that language.

The written report required above shall include:

- a) Names and job title of the staff who administered the restraint, and observers, if any;
- b) Date of restraint and time restraint began and ended;
- c) Name of administrator who was verbally informed following the restraint;
- d) Description of the activity the student, other students, and staff in the area were engaged in immediately preceding the use of physical restraint;
- e) Student’s behavior that prompted the restraint;
- f) Efforts made to de-escalate the situation and alternatives that were attempted;
- g) Justification for initiating physical restraint;
- h) Description of administration of restraint including:
  - 1) The holds used and reasons such holds were necessary
  - 2) The student’s behavior and reactions during the restraint
  - 3) How the restraint ended; and
  - 4) Documentation of injury to the student and/or staff, in any, during the restraint and any medical care provided.
- i) For extended restraints (restraints lasting more than twenty minutes), description of the alternatives to extended restraint that were attempted, the outcome of those efforts, and the justification for administering the extended restraint.
- j) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student, and
- k) Information regarding opportunities for the student’s parent(s)/guardian(s) to discuss with school officials the administration of the restraint, any disciplinary sanctions, and/or other related matters.

The school will, within five school working days of the reported restraint, provide to the Department of Education a copy of the written report as described above and a copy of the record of physical restraints maintained by the program administrator for the thirty day period prior to the date of the reported restraint when:

- a) A restraint has resulted in a serious injury to a student or program staff member; or
- b) When an extended restraint has been administered.

Parent(s)/Guardian(s) may voluntarily waive the reporting requirements as stated above for restraints that do not result in serious injury to the student or a program staff member and do not constitute an extended restraint.

- a) The district may seek such individual waiver for students who present a high risk of frequent, dangerous behavior that may require the frequent use of restraint.
- b) The district shall not require parental consent to such a waiver as a condition of admission or provision of services.

Policy File: JKAA-R

### **Procedures Student Complaints and Grievances**

#### **A. Applicability**

The procedures herein apply only to those situations not otherwise specifically provided by other district policy or procedure.

#### **B. Rights of a Student**

Nothing in these procedures shall be construed as limiting the rights of any student having a complaint to discuss the matter with an appropriate school administrator. No reprisals of any kind shall be taken by anyone against any student as a result of a complaint or appeal.

#### **C. Staff**

Contractual and collective bargaining provisions and procedures will not be superseded by these procedures or any process to affect them.

#### **D. Local School Level**

In implementing the policy statement at the local school level, the principal is responsible for:

1. Ensuring that procedures for considering student problems and processing complaints and appeals are cooperatively developed by students, faculty, School Council and building administrators.
2. Determining that the procedures are precise and clearly stated, afford due process and include provisions for appeal.
3. Forwarding an informational copy of the procedures to the superintendent.
4. Making such procedures available to each student.
5. Performing an annual review and revision, if appropriate, of the procedures at the local school level.

#### **E. Appeal of the Decision of the Principal**

If a student is dissatisfied with the decision rendered at the local school level, he / she may appeal the decision to the superintendent.

1. **Submitting an Appeal:** If the student is requesting an appeal, he/she must do so in writing within ten (10) school days to the superintendent. The statement should include all pertinent factual information, the remedy requested, and a request for either (a) an informal review of the principal's decision by the superintendent or (b) a hearing before the superintendent.
2. **Informal Review of an Appeal:** Upon receipt of a request for a review, the superintendent acknowledges receipt of the request and makes a decision based on the information submitted by the student, school administration and other relevant sources. Within ten (10) school days of the date the appeal is received, the superintendent notifies the student and principal, in writing, of the decision concerning the appeal.
3. **Hearing Before the Superintendent:** Upon receipt of a request for a hearing, the superintendent, (1) schedules a hearing date which must be within ten (10) school days from the date the request was received, (2) informs all individuals concerned, in writing, of the time, date, and place of the hearing, and (3) notifies the student of his right to present information, evidence, and to have witnesses. The superintendent or designee is responsible for conducting the hearing, questioning parties to the hearing, and providing an opportunity for the student to question parties to the hearing (note: a student's opportunity to question witnesses may be negated in situations in which a potential threat to health or safety is deemed to exist). Within five (5) school days after the hearing, the superintendent reviews all data and information presented at the hearing, renders a decision, and notifies the student and principal, in writing, of the finding. This is the final decision of the school district.

Policy File: JII-R

## Student Privacy

In accordance with federal law, the Westfield Public Schools adopts, in consultation with parents, the following provisions related to student privacy.

### **I. Definitions**

- a. "Invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.
- b. "Parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).
- c. "Personally identifiable information" includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.
- d. "Personal information" means individually identifiable information including-
  1. a student's or parent's first and last name;
  2. a home or other physical address (including a street name and the name of a city or town);
  3. a telephone number; or
  4. a Social Security identification number.
- e. "Survey" includes an evaluation, but does not include a survey or evaluation administered to a student in accordance with the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.).

### **II. Student Surveys**

- a. Surveys Funded in Whole or in Part by the U.S. Department of Education:
  1. The administration shall make available for inspection by parents all instructional materials, including teacher's manuals, films, tapes or other supplementary material which will be used in connection with any survey, analysis, or evaluation funded in whole or in part by the U.S. Department of Education.
  2. The administration shall obtain the prior written consent of the parent or student (if the student is an adult or an emancipated minor), prior to requiring a student to submit to a survey, analysis, or evaluation funded in whole or part by the U.S. Department of Education that reveals information concerning any of the following topics:
    - a. political affiliations or beliefs of the student or the student's parent;
    - b. mental or psychological problems of the student or the student's parent;
    - c. sex behavior or attitudes;
    - d. illegal, anti-social, self-incriminating, or demeaning behavior;
    - e. critical appraisals of other individuals with whom respondents have close family relationships;
    - f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;
    - g. religious practices, affiliations, or beliefs of the student or of the student's parent; or
    - h. income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
- b. Surveys Funded by Sources Other than the U.S. Department of Education:
  1. Third Party Surveys
    - i. Prior to distributing any third party survey, the administration shall give notice to parents of the district's intent to distribute a survey on behalf of a third party.
    - ii. Upon request, the administration shall permit parents to inspect any third party survey before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the survey within a reasonable period of time after a parental request is received.
    - iii. Student responses to third party surveys that contain personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records.
  2. Confidential Topic Surveys
    - i. The provisions of this subsection apply to any survey (sponsored by the school district or a third party) which contains questions pertaining to one or more of the following items ("Confidential Topic Surveys"):
      - political affiliations or beliefs of the student or the student's parent,



- mental or psychological problems of the student or the student's parent, sex behavior or attitudes,
  - illegal, anti-social, self-incriminating, or demeaning behavior,
  - critical appraisals of other individuals with whom respondents have close family relationships,
  - legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
  - religious practices, affiliations, or beliefs of the student or of the student's parent,
  - income (other than that required by law to determine eligibility in a program or for receiving financial assistance under such program).
- ii At the beginning of the school year, the administration shall give direct notice to parents of affected students of the district's intent to distribute a Confidential Topic Survey(s). Such notice shall include the specific or approximate dates during the school year of such distribution.
  - iii Upon request, the administration shall permit parents to inspect any Confidential Topic Survey before it is administered, distributed or used by a school to or with a student. The administration shall grant reasonable access to the Confidential Topic Survey within a reasonable period of time after a parental request is received.
  - iv Student responses to any Confidential Topic Survey that contains personally identifiable information shall be considered student records, and shall be subject to the district's Confidentiality and Access to Student Records Policy and any administrative regulations or procedures governing the confidentiality of student records. Upon written request, the administration shall permit the parent or student (if an adult or emancipated minor) to opt out of participation in any Confidential Topic Survey described in this subparagraph.

### **III. Collection of Personal Information**

- a. The provisions of this subsection apply to any instrument designed to collect personal information from a student for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose.
- b. At the beginning of the school year, the administration shall give direct notice to parents of affected students (or to the students aged eighteen or older or emancipated minors) of the district's intent to collect, disclose or use personal information collected from students for the purpose of marketing, selling or otherwise distributing such information or providing that information to others for that purpose. Such notice shall include the specific or approximate dates during the school year of such collection, disclosure or use of personal information.
- c. Upon written request, the administration shall permit parents to inspect an instrument designed to collect personal information of students before it is administered or distributed by a school to a student. The administration shall grant reasonable access to the instrument within a reasonable period of time after a parental request is received.
- d. Upon written request, the administration shall permit parents (or students aged eighteen or older or emancipated minors) to opt out of participation in the collection, disclosure or use of personal information obtained from students for the purposes of marketing, selling or otherwise distributing the personal information to others.
- e. The provisions regarding the collection, disclosure and/or use of personal information do not apply to personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:
  - 1. college or other post-secondary education recruitment, or military recruitment\*;
  - 2. book clubs, magazines, and programs providing access to low-cost literary products;
  - 3. curriculum and instructional materials used by elementary schools and secondary schools;
  - 4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students;
  - 5. the sale by students of products or services to raise funds for school-related or education-related activities;
  - 6. student recognition programs.

\*Note: Notwithstanding the foregoing, the district will permit parents and students over the age of eighteen or emancipated minors to prevent disclosure of secondary school students' names, addresses and telephone numbers to military recruiters and institutions of higher education, in accordance with the district's Confidentiality and Access to Student Records Policy.

### **IV. Non-Emergency Invasive Physical Examinations and Screenings**

A. The provisions described in this subparagraph shall apply to any non-emergency, invasive physical examinations/screenings conducted by the school district, when such examinations/ screenings meet the following conditions:

- a. they are required as a condition of attendance;
- b. they are administered by the school and scheduled by the school in advance;
- c. they are not necessary to protect the immediate health and safety of the students; and
- d. they are not required by state law.

B. At the beginning of the school year the administration shall give direct notice to parents of affected students (or the affected student if eighteen or older or an emancipated minor) of the district's intent to conduct non-emergency invasive physical examination(s) /screening(s) described above except for hearing, vision or scoliosis screenings. Such notice shall include specific or approximate dates during the school year of the administration of such non-emergency invasive physical examination(s)/screening(s).

C. Upon written request the administration shall permit parents of affected students or the affected students (if adults or emancipated minors) to opt out of participation in the non-emergency invasive physical examination(s)/screening(s) described in this subparagraph.

## **V. Complaint Procedure**

Parents or students (if adults or emancipated minors) who believe that their rights under this policy have been violated may file a complaint with: Family Policy Compliance Office, United States Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-4605  
Policy File: JS

### **NON-CUSTODIAL PARENTS RIGHTS**

As required by Massachusetts General Law Chapter 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Department of Education Regulations. The school district will follow the law and the regulations developed by the Massachusetts Department of Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non custodial parents").

As required by M.G.L. c. 71, §34H, a non-custodial parent may have access to the student record in accordance with the following provisions:

- (a) A non-custodial parent is eligible to obtain access to the student record unless the school or district has been given documentation that:
  1. The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
  2. The parent has been denied visitation, or
  3. The parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
  4. There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5) (a).
- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
- (d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with the documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07(5) (a).
- (e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
- (f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

## Student Records

In order to provide students with appropriate instruction and educational services, it is necessary for the Westfield Public Schools to maintain personally identifiable information about its students. It is essential that personally identifiable information contained in student records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian and/or the student in accordance with law, and yet be guarded as confidential information.

The Westfield Public Schools complies with the state and federal regulations regarding confidentiality and access to and amendment of student records. The Committee shall implement procedures that protect the privacy of parents and students while providing proper access to records. Availability of these procedures shall be made known annually to parents of students currently in attendance and eligible students currently in attendance.

The School Committee shall adopt regulations relative to the maintenance of student records, the retention, duplication and storage of student records, and except as otherwise required by law, may authorize the periodic destruction of any such records at reasonable times.

Policy File: JRA

## Student Records - Regulations

Westfield's Student Records Regulations are designed to ensure parents' and students' rights of confidentiality, inspection, amendment, and destruction of students' records and to assist local school systems in adhering to the law. These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student's parents. If a student is from 14 through 17 years or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights. If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school principal or superintendent of schools who shall honor such request and retain a copy of it in the student record. Pursuant to federal and state law, the parent of a student may inspect the student record regardless of student's age.

### **I. Definitions**

Access shall mean inspection or copying of a student record, in whole or in part. Authorized school personnel shall consist of the following:

1. School administrations, teachers, counselors and other professionals who are employed by the Westfield Public Schools or who are providing services to the student under an agreement between the Westfield Public Schools and a service provider, and who are working directly with the student in an administrative, teaching, counseling and/or diagnostic capacity. Any such personnel who are not employed directly by the Westfield Public Schools shall have access only to the student record information that is required for them to perform their duties
2. Administrators, teachers and counselors employed by an educational collaborative who are working directly with students in an administrative, teaching, counseling or diagnostic capacity are considered authorized school personnel.
3. Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the Westfield Public Schools or are employed under a Westfield Public Schools service contract and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.
4. The evaluation team which evaluates a student.

Directory information includes information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: a parent's name and/or email address, a student's name, address, telephone number, email address, photographic, computer and/or video images, date and place of birth, major field(s) of study, grade level, dates of attendance, weight and height of members of athletic teams, participation in school-sponsored activities and sports, degrees, honors and awards, the most recent previous school attended, and post-high school plans.

Eligible student shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the Westfield Public Schools acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team shall mean the team which evaluates school-age children pursuant to MGL c. 71B (St. 1972, c.766) and 603 CMR 28.00.

Parent shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the child in place of or in conjunction with the father, mother or guardian. Any parent, who by court order does not have physical custody of the student, is considered a non-custodial parent for the purposes of this policy.

This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Personally identifiable information includes, but is not limited to, the name and address of the student, student's parent, or other family member, the student's personal identifier, such as social security number or student identification number, or a list of characteristics or other information that would make the student's identity easily traceable.

Release shall mean written disclosure, in whole or in part, of information in a student record.

Student shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom the Westfield Public Schools maintains information. The term shall not include a person about whom the Westfield Public Schools maintains information relative only to the person's employment by the Westfield Public Schools.

The student record (or a student's educational record) includes any information directly relating to a student that is recorded in any manner (e.g., in writing, on film, on a tape or disk) and maintained by the public schools of the Commonwealth, or any person acting on behalf of the public schools. The student record shall consist of the transcript and the temporary record, including all information, regardless of physical form or that is organized in a way that such student may be individually identified. Student record shall not include:

1. private, personal, or working notes are the sole possession of the maker thereof, and which are not accessible or revealed to any other individual except a "substitute";
2. employment records used only in relation to the student's employment by the school district;
3. alumni records that contain information about the student after he/she is no longer in attendance at the school;
4. records on an eligible student maintained by a physician, psychologist, professional or paraprofessional, made in connection with the treatment of the student and disclosed only to individuals providing such treatment; and
5. records maintained by a law enforcement unit of an educational agency or institution that were created by that unit for the purpose of law enforcement. The temporary record shall consist of all the information in the student record which is not contained in the transcript.

This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff. Third party shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

## **II. Directory Information**

The school district will notify parents (of students currently enrolled within the district) or eligible students (currently enrolled in the district) annually of any categories of information designated as directory information. Unless notified in writing by a parent or eligible student to the contrary within two weeks of the date of this notice, the school district will be permitted to disclose "Directory Information" concerning a student. Directory Information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the parent's name and/or email address, the student's name, address, telephone number, email address, photographic and video images, data and place of birth, major field(s) of study, grade level, participation in school-sponsored activities or athletics, weight and height (if the student is a member of an athletic team), dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. The written objection to the disclosure of directory information shall be good for only one year. School districts are legally obligated to provide military recruiters and institutions of higher learning,

upon request, with the names, addresses, and telephone numbers of secondary school students, unless a parent or eligible student objects to such disclosure in writing. Such information shall be in writing and shall be effective for one year. In all other circumstances, information designated as directory information will not be released when requested by a third party unless the release of such information is determined by the administration to be in the educational interest of the school district and is consistent with the district's obligations under both state and federal law.

### **III. Collection of Student Data**

All information and data contained in or added to the student record shall be limited to information relevant to the educational needs of the student. Information and data added to the temporary record shall include the name, signature and position of the person who is the source of the information and the date of entry into the record. Standardized group test results that are added to the temporary record need only include the name of the test and/or publisher, and the date of testing. Specific procedures governing the administration of surveys or evaluations concerning certain confidential survey topics (i.e. religious practices, political beliefs, and income) as well as procedures governing the collection, disclosure or use of personal information for marketing purposes are contained within the Westfield Public Schools Student Privacy Policy.

### **IV. Confidentiality of Education Records**

All school staff must understand that personally identifiable information in student records is confidential. Each person who has access to student records is responsible for ensuring personally identifiable information is protected from disclosure at collection, storage, disclosure, and destruction stages. Student records are not public records and any disclosure other than to persons authorized to receive the records without prior parent consent violates the law and Westfield Public Schools policy, except as provided in federal and state statutes. The school principal or his/her designee shall be responsible for the privacy and security of all student records maintained in the school. The Superintendent or his/her designee shall be responsible for the privacy and security of all student records that are not under the supervision of a school principal. Both the school principal and Superintendent shall insure that student records are kept physically secure, that authorized school personnel are informed of the procedures governing student records and the importance of information confidentiality and that any computerized systems are electronically secure. No health care provider, including the school nurse, shall disclose any information about a student's HIV/AIDS status without the written informed consent of the student and/or his parent or guardian.

### **V. Accessibility to Student Records**

**Log of Access:** A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

1. authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
2. administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
3. school nurses who inspect the student health record.

**Access of Eligible Students and Parents:** The eligible student or the parent, subject to the provisions of 603CMR 23.07(5), shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07(5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available. Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records. Any student, regardless of age, shall have the right pursuant to M.G.L. c.71, section 34A to receive a copy of his/ her transcript. The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted. The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

**Access of Authorized School Personnel:** Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties.

The consent of the eligible student or parent shall not be necessary. Access of Third Parties: Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent. A school may release the following directory information: a student's name, address, telephone listing, date and place of birth, major field of study, grade level, email address, photographic and video images, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards and post-high school plans without consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10. Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance. A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c.119, sections 51B, 57, 69, and 69A respectively. Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health and safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c.71, section 37L and M.G.L. c.119, section 51A. Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c.22A, section 9. Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it intends to forward student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10. School health personnel and local and state health department personnel shall have access to student records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

## **VII. Notification of Rights Under Ferpa**

The following information will be disclosed on an annual basis to parents of students currently in attendance, or eligible students currently in attendance. The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, et seq., affords parents and eligible students (i.e. students over 18, emancipated minors, and those attending post-secondary educational institutions) certain rights with respect to the student's education records. They are:

1. The right to inspect and review the student's education records within forty-five (45) calendar days of the day the District receives a request for access. Parents or eligible students should submit to the school principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The principal (or appropriate school official) will make arrangements for access and notify the parents or eligible student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the parent or eligible student believe are inaccurate or misleading, or otherwise violates the student's privacy rights. Parents or eligible students may ask the District to amend a record that they believe is inaccurate, misleading, or otherwise violates the student's privacy rights. Parents or an eligible student should write the school principal (or appropriate school official), clearly identifying the part of the record that the parents or

- eligible student want changed, and specify why it is inaccurate or misleading, or otherwise violates the student's privacy rights. If the District decides not to amend the record as requested by the parents or eligible student, the District will notify the parents or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding hearing procedures will be provided to the parents or eligible student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to a school official with legitimate interests. A school official is a person employed by the District as an administrator, supervisor, instructor or support staff member (including health or medical staff and law enforcement personnel); a person serving on the Board of Education; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the District will disclose a student's education record without consent to officials of another public school, including a public charter school, in which the student seeks or intends to enroll.
  4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:  
Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W.,  
Washington, DC 20202-4605

### **VIII. Hearing Rights and Procedures**

1. If a parent or eligible student is dissatisfied with the decision of the school principal regarding a request to amend a student's educational record, the parent or eligible student may make a written request to the Superintendent for a hearing to challenge the content of a student's education records on the grounds that information contained in the education records is inaccurate, misleading, or otherwise in violation of the privacy rights of the student.
2. The Superintendent or his/her designee shall within two weeks after being notified of such request for appeal (longer should the appellant request a delay) review the issues presented and render a written decision to the appellant, stating the reason(s) for the decision.
3. If, as a result of the hearing, the Superintendent or his/her designee decides in favor of the appellant, the school district shall promptly take such steps as may be necessary to put the decision into effect.
4. If, as a result of the hearing, the Superintendent or his/her designee decides that information contained in the education records of a student is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the appellant shall have the right of appeal to the School Committee. Request for such appeal shall be in writing to the chairperson of the School Committee.
5. The School Committee shall within four weeks after being notified of such appeal (longer should the appellant request delay) conduct a fair hearing to decide the issues presented by the appellant. School officials shall have the burden of proof on issues presented by the appellant. The appellant shall have the right to be represented by an advocate of his/her choosing, to cross-examine witnesses, to present evidence, to make a tape or other recording of the proceedings, and to receive a written decision within two weeks after the hearing. If the appeal concerns statements by an employee of the Westfield Public Schools, such person(s) shall have the right to be present and to have an advocate of his/her choosing.
6. If the decision by the School Committee is not satisfactory to the appellant in whole or in part, the appellant shall be informed of the right to place in the student's records a statement setting forth the reasons for disagreement with the decision.
  - a. Any explanation placed in the records of the student shall be maintained by the school system as part of the records of the student as long as the record or contested portion is maintained by the school system.
  - b. If the records of the student or the contested portion are disclosed by the school system, the statement of disagreement by the parents and/or eligible student shall also be disclosed.

### **IX. Waiver of Rights**

A student, who is an applicant for admission to an institution of post-secondary education or is in attendance at an institution of post-secondary education, may waive his or her right to inspect and review confidential letters and confidential statements of recommendations with the following limitations:

1. The student is notified, upon request, of the names of all individuals providing the letters or statements.
2. The letters or statements are used only for the purpose for which they were originally intended.
3. The waiver is not required by the agency as a condition of admission to or receipt of any other service or benefit from the agency.
4. The waiver is in writing and executed by the student, regardless of age, rather than by the parent.

A waiver may be revoked with respect to any actions occurring after the revocation. Revocation of a waiver must be in writing. If a parent of a student executes a waiver, that waiver may be revoked by the student at any time after he/she reaches the age of 18. The school district may not require the waiver as a condition for providing the necessary recommendations for college application.

#### **X. Amendment of Student Records**

- A. If a parent or an eligible student believes that information in the student's records is inaccurate, misleading or in violation the student's right to privacy, he/she is entitled to request in writing that the school district amend the student's records by adding relevant written material to the student record or requesting deletion of information contained in the record. Information inserted into the record by an Evaluation Team shall not be subject to a request to amend until after the acceptance of the Evaluation Team Educational Plan, or, if the Plan is rejected, after the completion of the special education appeal process.
- B. If a parent or an eligible student believes that adding information is insufficient to explain, clarify or correct objectionable material in the student record, either the parent or student shall present the objection in writing and/or have the right to a conference with the principal or his/her designee to make the objection known.
- C. The principal or his/her designee shall, within one week after the conference or receipt of the objection if no conference was requested, render a decision in writing to the parent or student, stating the reason(s) for the decision.
- D. If the principal or his/her designee decides to amend the records, the school district shall promptly take such steps as may be necessary to put the decision into effect with respect to the requested amendments.
- E. If the school district decides that an amendment of the records in accordance with the request is not warranted, it shall so inform the parent or eligible student and advise him/her of the right to a hearing. The hearing shall be held in accordance with the procedures set forth in Section VIII, above.

#### **XI. Destruction of Student Records**

The student's transcript shall be maintained by the school district and may only be destroyed 60 years following the student's graduation, transfer, or withdrawal from the school system. During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated, or irrelevant information contained in the temporary record provided that the eligible student and his/her parent are notified in writing and are given opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice shall be placed in the temporary record. The temporary record of any student shall be destroyed no later than seven years after the student transfers, graduates, or withdraws from the school system. Written notice to the eligible student and his/her parent(s) of the approximate date of destruction of the record and their right to receive the information in whole or in part shall be made at the time of the transfer, graduation, or withdrawal. Such notice shall be in addition to the routine annual notice regarding student records. School registers, pupil census, IEPs and other documentation used to support data reported to the Department of Education on the annual End of Year Pupil and Financial Report must be maintained for seven years after its submission, in accordance with 603 CMR § 10.21(9). Any records that are the subject of an audit or investigation should be maintained until the audit or investigation is complete. Documentation of immunizations must be maintained for at least 10 years following the end of the calendar year in which the vaccine was administered. The score of any group intelligence test administered to a student shall be removed from the record at the end of the school year in which such test was administered.

Policy File: JRA-R

#### **Parental Access to Instructional Material**

In accordance with federal law, regulations of 34 CFR §99.37, rights under FERPA, and the policy of Westfield Public Schools, parents shall be permitted access to instructional material used as part of the educational curriculum for any student.

“Instructional Material” means any instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet).



Academic tests or academic assessments may be reviewed on site and in the presence of teachers, counselors or administrators but may not be removed, duplicated or copied. No notes may be taken when tests or assessments are being reviewed. Distribution and/or dissemination of any academic tests or assessments are strictly prohibited.

Upon request, the district shall permit parents to review any instructional material. The district shall grant reasonable period of time after a parental request is received.

Policy File: IIA- 1

### **Summary of Westfield Public Schools Safety Policies**

**Criminal Offender Registration (CORI):** The Human Resources Office processes all required information in this area. The CORI will be utilized only for employment purposes and not disseminated to any other party. (Contact Human Resources Office)

**Emergency Procedures:** Advance planning for emergencies and disasters is essential to provide for the safety of students and staff. Schools must be prepared to respond immediately and responsibly to any combination of events which threaten to result in an emergency and/or disaster. (Policy Files: EBC, EBC-R, EBCB-R, EBCD)

**Fire Safety:** 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. (Policy Files: EBC, EBC-R, EBCB-R)

**Identification of Students and Staff:** An effective picture identification system enhances the control and management of the school system.

**Injury Reports:** All injuries must be reported to the classroom teacher/school nurse as soon as possible. The injury report is to be filled out on the appropriate form.

**Inspections (Playgrounds, Buildings, Buses, Etc.):** Regular inspection of buildings, grounds, facilities, equipment and buses to uncover hazards and/or dangerous conditions in an ongoing effort to address any safety concerns.

**Locker and Student Search:** Lockers issued to students by the school system for their temporary use remains the property of the school. The storage, on one's person, in one's belongings or in school property, of contraband such as, but not limited to, illegal substances or articles or any item prohibited by district policy or building rules, is strictly forbidden. (Policy File: JIH)

**Memorandum of Understanding (MOU):** The Westfield Police Department and the Westfield Public Schools are committed to safe schools. The parties agree to meet to collaborate on the implementation of the MOU and establish lines of communication to support a safe, secure school and community.

**Reporting Requirements to DCF:** Section 51A of the General Laws of the Commonwealth of Massachusetts, Chapter 119, Child Welfare Statutes, requires that certain identified professionals, among them school personnel, report suspected instances of child abuse/neglect, including sexual abuse and domestic violence, to the appropriate staff of the Massachusetts Department of Social Services. (Policy Files: JLF, JLF-R)

**Reporting Requirements to Law Enforcement:** Cooperation with law enforcement agencies is essential for the protection of students, for maintaining a safe environment in the schools, and for safeguarding all school property. The Westfield Public Schools will comply with all Federal, State and Local mandates with respect to reporting requirements. (Policy Files: JICH-R, JIH)

**Student Interrogation:** It is the policy of the Westfield Public Schools to cooperate with law enforcement and social service agencies in the interest of the larger welfare of all citizens. At the same time, schools have responsibility to parents for the welfare of the students while they are in the care of the school. (Policy File: JIH)

Additional information regarding any of the information outlined in this handbook may be obtained by contacting the office of the Superintendent of Schools, 1029 North Road, Westfield, or any building principal at their respective school.

### **Summer Reading Program**

Westfield Public School's remain committed to the improvement of reading and writing, the primary components of the learning process. As the district continues to improve literacy programs, it has turned attention to summer reading through the creation of *Reading Around Westfield*, a district-wide summer reading program. The goals of the program are to reinforce the habit of reading for pleasure, enrichment and

information, and encourage continuous reading during the summer months. Research indicates that the more students read or listen to books read aloud the better they will read. Research also indicates that students who do not read regularly throughout the summer lose reading skills that must be rebuilt once school begins again. Our expectation is that every student will read over the summer. A list of recommended authors and/or titles may be found on the Westfield Public Schools Website ([www.schoolsofwestfield.org](http://www.schoolsofwestfield.org)) and the Westfield Athenaeum Website ([www.westath.org](http://www.westath.org)). Students' reading choice(s) may be made from the list provided for the grade the student will enter in the fall or may be any other book suitable for the reading level of the student. It is important to select books that are neither too easy nor too hard and to select books of interest. Books may be obtained from a variety of local bookstores, the Westfield Athenaeum, and the Boys and Girls Club. Every student will receive a booklet containing a list of recommended authors/titles, a log to record books read and a contract. It is expected that all students will read at least one book appropriate for their grade/reading level. The contract should be signed by a parent and/or guardian at the end of summer to indicate the fulfillment of the Reading requirement. Students should return the contract to their home-room teacher during the first week of school. Participation in the Summer Reading Program will be recorded on the students' report card.

#### **Teacher Mailboxes**

Teacher mailboxes are private and under no circumstances are students or visitors to REMOVE OR PUT ANYTHING in a teacher's mailbox.

#### **Visitors and Parking**

**VISITORS:** The school's policy is to accept visitors who have legitimate business at school. Visitors and guests must register in the school office immediately upon entering the building. All visitors and guests must display, at all times, an appropriate identification badge assigned by the school office. Upon completion of their business all visitors and guests must sign out in the school office, return their badge and promptly leave the building.

**PARKING REGULATIONS:** Parents/guardians, students, and visitors should familiarize themselves with the parking regulations of the school and park in a legal parking space only. Violators will be subject to fines or towing of their vehicles. This applies to morning drop-off and after school pick-up as well as evening programs, workshops and conferences.

#### **Policy Regarding Wellness**

The Westfield Public Schools promotes healthy schools by supporting wellness, good nutrition, health education, and regular physical activity as part of the total learning environment. The District supports a healthy school environment for staff and students through policies and procedures that promote safety and wellness, and encourages children to participate in positive dietary and lifestyle practices. The basic health status of children is facilitated by schools through the support and promotion of good nutrition, positive mental health, physical education, and nursing and related health office services. The Westfield Public Schools also fosters public awareness of the positive relationship between physical and mental wellbeing and the capacity of students to develop and learn.

Policy File: ADF

#### **Free Speech Policy (High Schools)**

The Westfield Public Schools recognize the free speech rights of high school students in the public schools. In order to protect the valid exercise of those rights as well as the maintenance of a sound educational process and a constructive school environment in which to conduct the goals of teaching and learning, this policy provides guidelines for oral and written speech offered within the confines of the high school campus or its off campus sponsored events and activities. This policy recognizes a distinction between school-sponsored speech, such as posters advertising the election of students to the school sponsored Student Council, which is subject to reasonable control as hereinafter defined, and school tolerated speech which is the private speech of individual students or of voluntary associations of students which is allowed provided that it conforms to the terms of this policy. This policy does not apply to the speech of, or to speech produced by, individuals or organizations that are neither students nor employees of the Westfield Public Schools. The duties and privileges of such unaffiliated individuals, including commercial enterprises, are the subjects of a separate policy.

Students are free to engage in private speech at the high school during non-instructional time so long as their speech:

- (a) is not disruptive to the normal operation of the school; or
- (b) does not infringe on the rights of other students, including the rights to be free of sexual harassment and to be free of bullying in the school, or
- (c) does not constitute an assembly.

For purposes of this policy, the following terms have the following meanings:

**Speech:** The term speech means “pure speech” that is, the act of communicating by unamplified voice. It also includes forms of communication used by the speech or hearing impaired in lieu of communication by voice and communication through written materials such as handbills and posters.

**Non-instructional time:** Before or after class hours, between class & during lunch. Homeroom & study halls are considered “classes.”

**Class hours:** The hours of the day when students are scheduled to be in class at the high school.

**Reasonable control:** In the context of school sponsored speech, reasonable control means restrictions on speech that are rationally related to the goal of teaching students. The goal of teaching students is not limited only to academic subjects but includes the promotion of conduct consistent with the shared values of a civilized social order such as civility, appreciation of different cultures, leadership skills, and the avoidance of such self destructive behaviors as the use of illegal drugs. The exercise of editorial control by the faculty advisor over articles concerning abortion rights submitted by students for publication in the high school newspaper is an example of reasonable control.

**Assembly:** The term “assembly” means a pre-planned gathering of six or more students for the purpose of influencing the behavior, conduct or beliefs of others.

**School hours:** Those hours in which the high school is open for use by high school students.

**Infringes on the rights of other students:** This term includes conduct that is proscribed by the criminal laws and such conduct, as that which could subject the actor of school district to civil liability.

**Disruptive to the normal operation of the school:** This term includes violence, but also includes any speech or associated conduct that is designed to or does unreasonably interfere with the primary goal of the school system which is to provide a positive atmosphere to foster the optimal learning of the students. Examples of speech or associated conduct that would be disruptive to the normal operation of the school are set forth, below. Students may not:

- a) interfere with, impede or cause blockage of the flow of traffic or of passage;
- b) commit any act likely to create an imminent health or safety hazard;
- c) commit any act that is likely to induce immediate breach of the peace;
- d) use sticks or other hard objects to hold up signs inside the school building;
- e) interfere with an event by blocking audience view or orally interrupting a speaker or performance;
- f) use voice amplification systems that interfere with school activities, or make loud or raucous sounds, which disturb others due to the decibel level of the sound.
- g) willfully or recklessly engage in destruction of property;
- h) attempt by force to impair classes, events or normal business operations;
- i) use language commonly understood by a reasonable person to be vulgar or lewd;
- j) use language that includes “fighting words”, which are those words, including racial or ethnic slurs, that by their very utterance inflict injury or tend to incite an immediate breach of the peace.

When engaged in written speech, students and voluntary associations of students who choose to publish, post or otherwise distribute speech shall by name identify on the writing the principal sponsor of the speech, be it an individual student name or the name of the sponsoring student organization or group. Students and voluntary associations of students engaged in private speech (“school tolerated speech” as opposed to “school sponsored speech”) are not authorized to use the words “Westfield Vocational Technical High School” in their written materials nor may they use any similar words that could mislead other high school students into reasonably concluding that the speech was school sponsored.

In the event that students wish to engage in an assembly during school hours, they shall make written request to the principal or his designee specifying the date, time, place and purpose of the assembly. On or before the end of the next school day following receipt of the request, the principal or his designee shall determine whether the assembly would be disruptive to the ordinary operation of the school or would infringe on the rights of other students. If the principal or designee denies the request, he /she will specify his/her reasons in writing. If modifying the time, place or manner of the proposed assembly would eliminate the potential for disruption, the principal or his designee must offer in the written response a reasonable alternative so as to allow the assembly to take place. If the principal or his designee does not act upon the request by the end of the next school day following receipt of the request, the request is deemed approved. Any student aggrieved by the action of a teacher, the principal or the principal’s designee may obtain review by access to the procedures set forth in this handbook under the heading “Equal Opportunity Grievance Procedure”.

Policy File: JFA

### **Student Speech at Elementary and Middle Schools**

The Westfield Public Schools recognizes its responsibility to create an educational environment that encourages appropriate student expression and speech. In order to promote an educational atmosphere conducive to learning, and which balances student rights against the need to maintain an orderly and efficient school environment, the school district reserves the right to regulate student speech during the school day, on school grounds and at school-sponsored activities and events. Any regulation of student speech will be done in accordance with state and federal law. Students who engage in activities that violate any district rule, regulation or policy may be subject appropriate disciplinary consequences.

For purposes of this policy, speech includes any form of expression that communicates a message or idea, whether expressed verbally, symbolically, in writing or by other means.

The school district will not tolerate any speech that is disruptive of the normal operation of the school or that violates any other district policy, rule or regulation. Examples of such speech include, but are not limited to expressions that: 1) contain libelous, vulgar or obscene language; 2) advocate illegal actions; 3) would subject any person to hatred, ridicule, contempt; 4) advocate actions that would threaten the health or safety of others; and 5) encourages the violation of rules.

Policy File: JFAAA

### **Cancellation of School**

There will be days when the Westfield Public Schools will be closed or have a delayed opening due to inclement weather, hazardous traveling conditions and/or other emergencies. We have a telephone notification system called Blackboard Connect that will place calls to parents notifying them of closings, delays, or an early release. In addition, such closings will be broadcast: WHYN (FM-93.1/AM-560), WAQY (FM-102), WRNX (FM-100.9), KIX (FM-97.9), Channel 40 WGGB, Channel 22 WWLP, CBS 3, local Channel 15 or you may call the School Information Line 572-6417. During periods of potential and actual storms the school administration is in contact with all relevant public safety and municipal agencies. The decision to close or not close school is made as early as possible to cancel all school transportation and lunch programs and to notify the media, traffic, and school personnel. On occasion, it may be wiser to have a two-hour delayed opening of school instead of closing for the full day. There may also be weather conditions that would necessitate the closing of school during normal school hours. Every child should know what to do and where to go in case of an early dismissal. If there is school during bad weather, the final decision concerning school attendance must rest with the individual parent.

### **SCHOOL CALENDAR FOR 2013-2014**

August 26	New Teachers Opening Day
August 27	All Teachers Opening Day & Convocation
August 28	Staff Development Day
August 29	1 <sup>st</sup> Day of School Grades 1-12
September 2	Labor Day Holiday, No School
September 5	First Day of Kindergarten
September 25	Early Release Day for Students/District PD
October 14	Columbus Day Holiday
October 24	Early Release Day for Students/Parent Teacher Conferences PM
November 5	Election Day/Staff Development Day/Non Student Day
November 11	Veteran's Day Holiday
November 27-29	Thanksgiving Recess
December 4	Early Release Day for Students/District PD
December 23-31	Holiday Recess (schools reopen January 2)
January 1	New Year's Holiday
January 20	Martin Luther King Day Holiday
January 28	Early Release Day for Students/District PD
February 5	Staff Development Day/Non Student Day
February 17-21	Winter Vacation
April 3	Early Release Day for Students/District PD
April 18	Good Friday - No School
April 21-25	Spring Vacation
May 22	Early Release Day for Students/District PD
May 26	Memorial Day Holiday
June 23, 2014	*Last Day of School/Early Release
	Includes 4 emergency closing days
	June 17 will be last day if no emergency closing days are used

**Support Resources and Hotlines**  
**Domestic Violence and Sexual Assault**

**Donna Suckau**, Police Department: 562-5411 (beeper 263-4384)

**YWCA ARCH Program:** 733-7100 (hotline) Shelter, counseling and information for battered women and their children, sexual assault services

**New Beginnings:** 562-5739 counseling and information

**Safe Link** 24-hours 800-796-8711

**Psychiatric Services**

**Westfield Crisis Intervention Program:** 568-6386

24- hour service for psychiatric crisis and suicidal behavior

**Individual, group and family counseling for youth and families:**

The Carson Center: 572-4132

James Levine and Association: 572-9900

MSPCC, Holyoke: 532-9466

Child and Family Services, West Springfield: 737-4718

Agawam Counseling Center: 786-6410

**Substance Abuse Services**

**Massachusetts Substance Abuse Information Helpline:** 800-327-5050

(information and referral for inpatient and outpatient services in Massachusetts)

**Providence Hospital**, Holyoke

- Clinical Assessment Center for outpatient services: 539-2973
- Clinical Assessment Center for inpatient services: 539-2981

**Baystate Medical Center**, Central Intake for inpatient and outpatient services: 794-5555

**Alcoholics Anonymous** meeting schedule: [www.westernmassaa.org](http://www.westernmassaa.org) or listed in your local paper

**Al-Anon and Alateen:** 782-3406/ 888-425-2666

**Hotlines and Other Support Services**

**United Way:** 737-2691

**AIDS information and support:** 800-235-2331

**Missing children:** 800-843-5678

**National Runaway Switchboard** (24 hours): 800-RUNAWAY

**Department of Children and Families**, Holyoke Office: 493-2600

**Parental Stress Line:** 800-632-8188

**Western Mass Legal Services** (Legal Aid): 781-7814