

QUINCY PUBLIC SCHOOLS

QUINCY, MASSACHUSETTS

STUDENT/PARENT RIGHTS AND RESPONSIBILITIES HANDBOOK

2009-2010

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STUDENT RIGHTS AND RESPONSIBILITIES

PREAMBLE

As a microcosm of a democratic society, a school system has many responsibilities to a community which provides its support. Not the least of these should be the development of an understanding and appreciation of our rights and responsibilities of the individual, and the procedures whereby necessary changes are brought about.

The school system and the schools which make up that system are a community, and the rules and regulations of the community are the laws by which it is governed. All who enjoy the right of citizenship in that community must also accept the responsibilities of citizenship. A basic responsibility of those who enjoy the rights of citizenship is to respect the laws of the community.

The teacher has the responsibility to maintain a suitable environment for learning, and the administrators have the responsibility for maintaining and facilitating the educational programs.

The principal is authorized by statute to suspend students for cause. The teacher has the authority to send a student to an appropriate school official from a class for cause.

The student must be free to, and should be encouraged to, participate in some form of Student Government that provides all students, through a representative system, a voice in school affairs. All undergraduate registered students shall be eligible to participate, including the holding of office.

In accordance with Massachusetts and Federal law, the Quincy Public Schools is responsible to provide access to all schools and school programs, courses, advantages, and privileges without regard to race, color, sex, sexual orientation, religion, or national origin.

The Quincy Public School System supports and encourages the recognition and appreciation of differences among students and will not tolerate bigoted or discriminatory speech or behavior by staff or students.

Any offenses which violate the civil rights of others, which clearly have affected life, limb, or property, or, which have significant potential to do so, will be treated as very serious offenses.

STUDENTS AND PARENTS SHOULD REFER TO THEIR SCHOOL HANDBOOK FOR STUDENTS FOR MORE DETAILED INFORMATION.

I. RIGHTS, RESPONSIBILITIES, AND LIMITATIONS:

A. Freedom to Publish

1. Students are entitled to write, publish, and disseminate their views. The distribution of such material will be limited and may not interfere with or disrupt the educational process or the rights of others. Such written expression must be signed by the authors. The material is to be shared with the Principal.

2. Students who edit, publish, or distribute handwritten, printed, or Xeroxed material, including non-school sponsored newspapers, among their fellow students within the schools must assume responsibility for the content of such publications.

3. Libel, obscenity, and written materials which materially and substantially interfere with appropriate discipline in the operation of the school or invade the rights of others are prohibited.

4. Unauthorized commercial solicitation will not be allowed on the school property at any time.

5. School officials may exercise editorial control over student speech in school-sponsored activities such as curricular and co-curricular publications and theatrical productions if such control is reasonably related to educational concerns. Such publications may not interfere with the educational process and/or the rights of others or promote illegal activities.

B. Freedom of Speech and Assembly

1. Students are entitled to verbally express their opinions. Students may also express their views through use of symbols. The expression of such opinions, however, shall not interfere with the rights of others, and shall not interfere with the freedom of others to express themselves and shall not materially and substantially interfere with appropriate discipline in the operation of the school. The use of slander, profanity, and obscenity are prohibited.

2. All student meetings in school buildings or on school grounds may function only as part of the formal education process or as authorized by the Principal.

3. Students have the freedom to assemble

peacefully. There is an appropriate time and place for the expression of opinions and beliefs. Conducting demonstrations which interfere with the operation of the school or classroom is inappropriate and prohibited.

II. DISCIPLINARY ACTION

The commission of or participation in any of the activities listed below under OFFENSES, within school buildings, on school grounds, on school buses, or at school sponsored events, is prohibited. In addition, STUDENTS COMING TO AND GOING HOME FROM SCHOOL, who are engaged in conduct which disrupts the educational process or affects the school environment, can be disciplined by school authorities whether civil authorities choose to do so or not. Such disciplinary action, after due process, could result in suspension or expulsion from school under the existing guidelines for such action.

Students charged with a felony, regardless of where the felony occurred, may be suspended from school, and students convicted of or upon adjudication or admission of guilt of a felony, regardless of where the felony occurred, may be expelled from school, under Section 37H 1/2 as amended by Chapter 380 of the Acts of 1993. (See Appendix C.)

No student shall be suspended, expelled, or otherwise disciplined, on account of marriage, pregnancy, or parenthood, however, in the case of a pregnant student, the School Committee may require that the student be under the supervision of a physician.

The following is a list of actions to resolve discipline problems. The level will be determined by the nature and seriousness of the offense. Actions include:

INFORMAL DISCIPLINE - LEVEL I

- Conference with student.
- Conference with teacher.
- Conference with parent.
- Conference with Department Head.
- Conference with Dean, Assistant Principal, Principal and/or Counselor.
- Referral to Student Support Service Team.
- Mediation/Voluntary Conflict Resolution.

FORMAL DISCIPLINE - LEVEL II

- Detention.
- Hearing.
- Suspension (each type counts equally in records):
 - Out-of-School Suspension - Students are to stay at home during out of school suspension, and parents will be so notified.
 - In-Building Suspension.

Exclusion by Principal.
Expulsion* by Principal.
In-Building Board of Review.
System-level Administrative Action.

FORMAL DISCIPLINE - LEVEL III
System-level Administrative Action.
Court Action.
School Committee Action.
Expulsion.* (Expulsion means permanent exclusion.)

III. EXPULSION

A. Students may be expelled from school by the principal for weapon possession, drug possession, assault on educational personnel, or the commission of a felony.

1. WEAPONS: Any student who is found in possession of a dangerous weapon or any other instrumentality which could be or was used to inflict bodily harm on another person, including but not limited to a gun or a knife, on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school by the principal, under + M.G.L., Ch. 71, S. 37H (a). (See Appendix A.)

Effective October 1994, under the FEDERAL GUN-FREE SCHOOLS ACT, a student who is determined to have brought a FIREARM to school shall be expelled from school for a period of not less than one year. (See Appendix F.)

The IDEA allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if that student carries a weapon to school or possesses a weapon in school, on school premises, or at a school function. A weapon may be any instrumentality which could be or was used to inflict bodily harm on another person.

2. CONTROLLED SUBSTANCE: Any student who is found in possession of a controlled substance or a substance purported to be a controlled substance, including but not limited to marijuana, cocaine, and heroin, on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from school by the principal, under M.G.L., Ch. 71, S. 37H (a). (See Appendix A.)

The IDEA allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if that student

knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances at school, on school premises, at school functions, or on the way to or on the way home from school. This also includes a substance purported to be a drug.

3. ASSAULT ON EDUCATIONAL STAFF: Any student who assaults any member of the educational staff on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games, may be subject to expulsion by the principal, under M.G.L., Ch. 71, S. 37H (b). (See Appendix A.)

The IDEA allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if the student has inflicted serious bodily injury upon another person while at school, on school premises, at school functions, or on the way to or on the way home from school. The Act also allows the hearing officer the authority to order the student into an interim setting for 45 school days on a determination that there is substantial likelihood of injury to the student himself/herself or to others.

4. RIGHT OF SCHOOL TO REFUSE ADMITTANCE TO EXPELLED STUDENT: When a student is expelled, under M.G.L., Ch.71, S. 37H (e), no school within Massachusetts shall be required to admit such student. Further, if the expelled student applies to another school, the superintendent of the school 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 the expulsion. (See Appendix A.)

5. FELONY CONVICTION: A student who is convicted of a felony or who is adjudicated or admits in court guilt with respect to such felony or felony delinquency, may be expelled by the principal under Section 37 H 1/2 as amended by Chapter 380 of the Acts of 1993, 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. (See Appendix C.)

B. SUSPENSIONS LEADING TO EXPULSION: In the event that a student commits an offense, such as listed in Appendix A of the Student Rights and Responsibilities brochure, or after the fourth suspension in a particular school year, the student may be brought before the School Committee for an exclusion hearing pursuant to M.G.L., Ch. 76, Sec.17, which may result in permanent exclusion or voluntary withdrawal from school, provided that such action comports with M.G.L.

Ch. 71B, any outstanding CHINS petitions, or court orders, and the Student Rights and Responsibilities Handbook.

C. EXPULSIONS FOR INFRACTIONS OTHER THAN WEAPONS, DRUGS, ASSAULT ON EDUCATIONAL PERSONNEL, FELONY CONVICTION: Expulsion is an extreme measure to be used generally after alternative measures to remedy the behavior have failed. Expulsion will occur only upon the recommendation of the Superintendent and approval of the School Committee.

IV. DUE PROCESS PROCEDURES

A. The issue of SUSPENSION from school shall be covered by the following Due Process Procedures:

1. Suspensions of 1 to 10 days:

a. Hearing and Notification:

i. The student shall be afforded a hearing, at which time the Principal's designee shall give the student oral or written notice of general and specific charge(s) against him/her.

ii. The student shall be given an explanation of the evidence and an opportunity to present his/her side of the matter.

iii. If a decision is made to suspend a student, he/she shall be notified by the Principal or Principal's designee, and the Principal or Principal's designee shall, as soon as possible, notify the parent or guardian by telephone or in writing, explaining the matter and action taken. Whenever a student is suspended in school, the Parent(s)/guardian(s) are to be notified either by phone or letter; if not beforehand then as soon as possible afterwards, the period of notification not to exceed five (5) school days.

iv. A student, whose presence poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process, may be immediately removed from the school by the Principal or Principal's designee. In such case, the necessary notice and hearing must follow as soon as is practical.

b. Right of appeal to the Principal only.

2. Suspensions of more than 10 days:

a. Hearing and Notification as described above.

b. Written notice of the charges in the student's primary language.

c. Right to be represented by a lawyer or advocate at the

student's expense.

- d. Adequate time to prepare for the hearing.
- e. Access to documented evidence prior to the hearing.
- f. Right to cross-examine witnesses.
- g. A reasonably prompt written decision including specific grounds for the decision.
- h. Appeal to the principal.
- i. Further appeals to the superintendent.

B. APPEAL OF SUSPENSION:

1. If the decision to suspend for 1 to 10 days is not acceptable to the student or parent/guardian, and if they wish to appeal, appeal must be made to the Principal or Principal's designee at the time the decision to suspend is rendered or not later than the time of opening of school the following school day.

2. Procedures to be followed when appealing to the Principal:

a. Student/parent/guardian shall be notified of time, date, and place of appeal hearing. Such notice shall also inform the student of the infraction(s), and of the right of the student to be represented by an attorney.

b. The right of the student to have witnesses shall not be denied.

c. The appeal hearing should be conducted by the Principal or Principal's designee, hereinafter called the Hearing Officer. The Hearing Officer sits in the position of judge. He must not allow himself to be prejudiced by any information that may come to him from either party prior to the hearing. As a matter of practice, he should not involve himself in any discussion of the case prior to the hearing.

At the hearing, first, the teacher or administrator bringing the charges for the suspension shall put forth his case. Secondly, the student or his representative shall put forth the student's case.

There shall be no provision for rebuttal or contradiction of statements by either party during these presentations. Following these presentations, the Hearing Officer may ask questions and call for points of clarification. He may then permit opportunity for informal questions and statements of clarification by either party or representative(s).

In considering alternative dispositions, the Hearing Officer may consider the student's past record. In some situations the Hearing Officer may recommend suspension, or that no penalty be imposed. In other situations he may suggest that some alternate clinical approach toward a solution be taken not involving suspension.

The appeal hearing should be conducted according to the rules set out by the American Arbitration Association with the necessary adjustments made to handle this type of case.

Both parties shall have the right to cross-examine the other party through the hearing officer.

Written notes, although stenographic notes are not necessary, should be taken during the hearing.

At the conclusion of the appeal hearing, or as soon as possible thereafter, the Hearing Officer must make a decision/recommendation for the disposition of the matter. (This recommendation should be forwarded to the Principal, or Principal's designee, as appropriate.)

Based on the recommendations and other factors that he might consider, the Principal or Principal's designee makes a decision. If the decision is for the penalty of suspension, the student is suspended.

3. Appeals of suspensions of more than 10 days must be made to the Principal under the guidelines outlined above in "2." Further appeals of suspensions of more than 10 days, should be directed in writing to the Office of the Superintendent of Schools within 24 hours of the hearing, for the possible removal of the offense from the student's record.

C. APPEAL OF SUSPENSION OF STUDENT CHARGED WITH A FELONY:

A student who is suspended from school by the principal, after the issuance of a criminal complaint charging the student with a felony or upon the issuance of a felony delinquency complaint against the student, should refer to Chapter 380 of the Acts of 1993, Section 37H 1/2 (1) found in Appendix C for a description of the process to appeal this suspension.

D. APPEAL OF EXPULSION:

1. Students who have been expelled from school by the principal for possession of a weapon, or any other instrumentality which could be or was used to inflict bodily harm on another person; or a controlled substance; or assault on educational personnel, should refer to M.G.L. CH. 71, S. 37H (c) (d) in Appendix A for a description of the process to appeal an expulsion based on these infractions.

2. Students who have been expelled from school by the principal for conviction of a felony or upon adjudication or admission in court of guilt with respect to such a felony or felony delinquency, should refer to Chapter 380 of the Acts of 1993, Section 37H 1/2 (2) in Appendix C for a description of the process to appeal this expulsion.

3. In those cases where the school committee retains the right to expel, the hearing process shall be as prescribed in Section III, B of this Handbook.

E. DUE PROCESS FOR STUDENTS WITH DISABILITIES:

Students are expected to meet the requirements for behavior as set forth in the Quincy Public Schools Student-Parent Handbook. The regulations in 603, CMR 28.00 pursuant to MGLc.69, Section 1B and Chapter 71B, Section 3 require that additional provisions be made for students who have been found eligible for special education by an evaluation TEAM. Any student may be suspended up to 10 days.

Students on an IEP or a 504 plan may not be removed for more than 10 days without a manifestation determination. The manifestation process includes a review of the student's file, the IEP or 504 plans, teacher observations as well as any information provided by parents. The relevant members of the TEAM must convene prior to a suspension hearing and must consider whether the IEP was being implemented and whether the behavior was the cause of the student's disability. If it is determined the conduct was not caused by, or had a direct and substantial relationship to the student's disability, then a student on a 504 plan or an IEP may receive disciplinary action beyond the 10 days. The student on a 504 plan will then be treated equal to a non-disabled student. From day 11 onward, the IEP student must also receive a Free and Appropriate Public Education (FAPE). FAPE is defined as a provision of educational services that enables a student to participate in the general education curriculum and continue to make progress toward goals on the IEP. Parents must be notified on the day of this action per the procedural safeguards under IDEA.

If the behavior is found to be a manifestation of the student's behavior, the TEAM must convene to conduct a Functional Behavior Assessment and implement a Behavioral Intervention Plan. In a situation where a Behavioral Intervention Plan is in place, the TEAM should review the plan and modify it, as necessary, to address the behavior. The TEAM may need to rewrite the 504 plan or IEP to provide those services to address the targeted behavior. The student must return to the placement he/she was removed from unless the parent and TEAM agree to a change in placement as part of the modification of the Behavior Intervention Plan.

Change in Placement

A change in placement occurs if removal is more than 10 consecutive school days or the student is subjected to series of removals that constitute a pattern.

Special Circumstances

Students may be removed to an Interim Alternative Placement setting for up to 45 school days without regard to whether the behavior was determined to be a manifestation of the student's disability if they are charged with possession of a weapon on the way to or the way home from school, at school, on school premises, or at a school function, under the jurisdiction of a Massachusetts or Quincy Public School District; knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school, on the way to or on the way home from school, on school premises, or at a school function under the jurisdiction of a State or school district. Students may also be removed for causing serious bodily injury. Serious bodily injury is defined as bodily injury that involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental facility.

The Principal shall be deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred, the parent expressed concern in writing to a supervisor or administrator, requested an evaluation or a teacher of the student expressed concern that the student may be in need of special education or related services. This would also be true if a teacher expressed "specific concerns" to the Special Education Director or other "supervisory personnel." Student would the be afforded the same procedural guidelines as a student on an IEP>

The Principal shall not be deemed to have knowledge that a student is a student with a disability if the parent has not allowed an evaluation, has refused services, or if the student was evaluated and found not eligible for special education.

If a parent protests the disciplinary action and requests a special education evaluation, citing that the behavior was a result of the student's "disability," the TEAM must make every effort to expedite the evaluation. If the school district did not have knowledge or suspect the student to be eligible, the disciplinary action may stand as long as the evaluation is expedited.

V. TITLE VI, TITLE IX, CHAPTER 622, SECTION 504, M.G.L. CH.76, S.5

It is the policy of the Quincy School Committee not to discriminate on the basis of sex, race, color, religion, national origin, disability, or sexual orientation in its

educative activities. Any behavior violative of criminal statutes, which impinges upon the civil rights of others or which has affected, or has the potential to affect the life, limb, or property of another, or that represents a significant threat to the safety and well-being of the school community, will be treated as a very serious offense, and could result in maximum suspension, expulsion and/or court action.

A. DEFINITIONS:

Title VI of the Civil Rights Act of 1964: Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, or natural origin.

Title IX of the Education Amendments of 1972: Is federal legislation, which prohibits discrimination, exclusion from participation, and denial of benefits in educational programs on the basis of sex.

Chapter 622 of the Acts of 1971: Is state legislation, which prohibits discrimination on the basis of sex, race, color, national origin, and religion. Chapter 622 deals with students only.

Section 504 of the Rehabilitation Act of 1973: Prohibits discrimination, exclusion from participation, and denial of benefits based on disability.

Massachusetts General Laws, Chapter 76, Section 5: Prohibits discrimination in all public schools on the basis of race, color, sex, national origin, religion, and sexual orientation.

B. CONTACT PERSONS:

Students or parents who wish to discuss issues of possible discrimination and/or limited educational access, should contact their guidance counselor and/or principal of the school. Students or parents may also directly contact the following:

Quincy Public Schools **Title VI** Coordinator for Students
Ms. Maura E. Tenaglia, Director of Student Support
Services
Quincy Public Schools
70 Coddington Street
Quincy MA 02169
1-617-984-8898

Quincy Public Schools **Title IX** and **Chapter 622** Coordinator of
Students
Mr. James E. Rendle, Athletics Director
Quincy Public Schools
70 Coddington Street

Quincy MA 02169
1-617-984-8782

Quincy Public Schools **Section 504** Coordinator of Students
Ms. Judith Todd, Director of Special Education
70 Coddington Street
Quincy MA 02169
1-617-984-8743

C. STUDENT GRIEVANCE PROCEDURE:

Any student and/or parent of a student, who has reason to believe that illegal harassment or discrimination has occurred, should avail themselves of the Grievance Procedure outlined below:

Step 1 The student and/or parent should contact the principal of the school, either orally or in writing, stating the basis for the allegation of illegal harassment or discrimination. The Principal will promptly review all the facts of the case, including interviewing witnesses, and make a determination.

If the principal determines that illegal harassment or discrimination has occurred, he or she will immediately take all steps necessary to eliminate the offending conduct, and where it is appropriate, will impose disciplinary action against the offending party or parties.

Step 2 If the student or parent is dissatisfied with the results of Step 1, he or she may directly contact the appropriate director listed above, who will promptly investigate all aspects of the case and make recommendations for possible further action.

Step 3 If the student or parent is dissatisfied with the results of Step 2, he or she may appeal directly to the Superintendent of the Quincy Public Schools, who, after a prompt and thorough investigation conducted personally or by a designee, will make a final determination as to whether the alleged harassment or discrimination has in fact occurred, and as to what further actions will be taken.

VI. OFFENSES

Commission of any of the offenses or repeated commission as described below in categories A, B, C, D, E, F, or G, may result in a suspension or expulsion. This list should not be considered complete or limited. Any other disruptive conduct which materially and substantially interferes with the educational process can result in disciplinary action as herein described. The level of seriousness of the offense will determine the disciplinary measures applied.

Mediation services are available for all students. The Mediation process may be involved in discipline offenses

which require conflict resolution.

Incident reports will be submitted to the Superintendent's Office regarding serious and very serious offenses.

The levels of offenses are:

Routine Offenses. Offenses internal to school operations which may not affect life, limb, or property.

Serious Offenses. Offenses which do not violate the Civil Rights of others, nor in the level of their magnitude, do not severely affect life, limb, or property. System-level administrators may be involved in disciplinary measures, and court action may result.

Very Serious Offenses. Offenses which do violate the Civil Rights of others, clearly have affected life, limb, or property; or, have significant potential to do so. System-level administrators and School Committee may be involved in disciplinary measures, and court action may result.

A. MISCONDUCT:

1. CARD PLAYING: Card playing during school time is prohibited.

2. CHEATING: The fraudulent acquisition of another's property. Academic dishonesty, including but not limited to giving or receiving unauthorized aid on any assignment, test, lab, or demonstration.

3. DISRESPECT/DISOBEDIENCE: Failure to comply with reasonable directions of teachers, administrators, personnel, staff members, or school employees on school grounds or at school-related activities, or use of abusive/offensive language or action on or off school grounds at all times.

4. DISRUPTIVE CONDUCT: Conduct which materially and substantially interferes with the educational process is prohibited.

5. FORGERY: The production of something forged, counterfeit, or fraudulent.

6. GAMBLING: Gambling of any nature is forbidden in school, on school grounds or property, or at school-sponsored events.

7. GUM: The chewing of gum is prohibited in school buildings.

8. IDENTIFICATION: Failure to identify oneself by producing valid identification upon request.

9. IMPROPER USE OF PASSES: Permission in writing is required by all students moving about the building. Some areas may require permission in advance such as guidance or teacher advisor; and the study teacher gives permission for the study student to go to the media center. Passes are required for the lavatory, locker, and drinking fountain. Students must adhere to the purpose and time limitations of a pass.

10. LEAVING SCHOOL GROUNDS: Leaving school grounds without permission or being in an unauthorized area. Students who leave school grounds without permission or are found in an unauthorized area will be subject to a search.

11. LOITERING: Failure to go to designated areas, i.e., classrooms, study hall, etc., within the time allowed, or lingering in rest rooms.

12. NOT SIGNING INTO SCHOOL: Failure to sign into school when arriving, or not properly reporting to area assigned.

13. OPENED CONTAINERS: No opened containers are allowed in the building, except in the cafeteria at lunchtime, with the exception of water.

14. PLAGIARISM: The use of someone else's words, statements of fact, opinion, or evidence, without proper documentation.

15. TOBACCO PRODUCTS: Students are prohibited from the possession or use of all tobacco products, including but not limited to cigarettes and chewing tobacco, anywhere in school buildings or school facilities, on school grounds, on field trips or on school buses, consistent with Massachusetts General Laws Chapter 71, Sec. 2A, and School Committee Policy. A detention will be issued on the first offense and a suspension hearing will be held for each subsequent offense.

16. TRESPASS: Entering or remaining in an area when forbidden to do so. Any student who is suspended OUT of building is not allowed in the building or on school grounds until his/her suspension is completed. In addition, he/she may not attend school activities or events while on suspension.

Too, male students are prohibited from entering Girls' Rooms and female students are prohibited from entering Boys' Rooms. Also, all students are prohibited from entering faculty rest rooms.

17. UNEXCUSED ABSENCE FROM CLASS: Failure to attend class without proper excuse.

B. DISRUPTION/DANGER:

1. ALCOHOL/ALCOHOL DETECTION SYSTEM: Forbidden is the use of, being under the influence of, being in the presence of, the serving of, or the distribution of, any alcoholic beverage, on school premises, including school parking lots; on the way to or on the way home from school; or at school-sponsored or school-related events, at home or away, including athletic games. The school official in charge shall have the authority to remove from contact with other students anyone suspected of being under the influence of, or in the presence of alcohol, and thereupon shall immediately contact the parent or legal guardian. In addition, police may be notified and students may be placed in protective custody or arrested.

If it is determined that a student is suspected of being under the influence of alcohol, school administrators have the authority to request the student be tested on an alcohol detection system.

2. ARSON: The intentional setting of a fire. See M.G.L. Ch 266, S.2, S.5A, Crimes Against Property, which may be found in Appendix H.

3. ASSAULT: Verbal or written threats involving the safety of another person, as well as actual physical touching or an attempt to commit an offensive contact with another person. In addition, any student who assaults a member of the educational staff on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school by the principal, under M.G.L. CH 71, S. 37H which may be found in Appendix A.

Any student who uses the Internet to threaten a member of the educational staff, if the threat amounts to an assault, will be subject to disciplinary action.

4. BATTERY: Unpermitted application of force to the person of another.

The IDEA allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if the student has inflicted serious bodily injury upon another person while at school, on school premises, at school functions, or on the way to or on the way home from school. The act also allows the hearing officer the authority to order the student into an interim setting for 45 school days on a determination that there is a substantial likelihood of injury to the student himself/herself or to others.

5. BOMB SCARE FALSELY REPORTED: Action taken will include suspension, and notification to police and fire officials. This is a violation of M.G.L. Ch. 269, Sec. 14. It can result in an imprisonment of not more than twenty years in State's Prison, nor more than 2 1/2 years in the House of Correction, or a fine of \$10,000., or both. A reward of \$1,000 will be paid to a person who assists in obtaining a conviction.

6. BULLYING: Any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate, or cause harm to the other person, where the conduct is not related to the person's membership in a protected class, e.g., race sex. Bullying may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through e-mails, instant messages, or websites, pushing, kicking, hitting, spitting, or taking or damaging another's personal property. Bullying behavior may also constitute a crime. Experts have determined that bullying is a form of aggression involving a power imbalance between the bully and the victim, where the bully has actual or perceived physical, social, and/or psychological power over his or her target(s). Bullying generally involves a pattern of conduct that is directed at a victim, rather than a single incident. (See Appendix J.)

7. BURGLARY: Breaking and entering with intent to commit a crime.

8. CIVIL RIGHTS: No person shall interfere with, oppress, or threaten any other person in the free exercise of any right secured by the Constitution or laws of Mass. or the U.S. Any offenses which violate the Civil Rights of others will be treated as very serious offenses.

9. DRUGS OR DRUG PARAPHERNALIA: SALE, DISTRIBUTION, USE, IN THE PRESENCE OF, OR POSSESSION OF ILLEGAL OR NON-PRESCRIBED DRUGS, OR DRUG PARAPHERNALIA: Forbidden on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games. The School Official in charge shall have the authority to remove from contact with other students anyone suspected of being under the influence of, or in the presence of drugs, and thereupon shall immediately contact the parent or legal guardian. In addition, police may be notified and students may be placed in protective custody or arrested. A student may be suspended for the use or possession of illegal or non-prescribed drugs or drug paraphernalia, or a substance purported to be a drug.

A student may be expelled by the principal for possession of a controlled substance as defined in Chapter ninety-four C, including but not limited to marijuana, cocaine, or heroin, or a substance purported to be a controlled substance, M.G.L. CH. 71, S. 37H (a). (See Appendix A.)

The IDEA allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of controlled substances at school, on school premises, at school functions, or on the way home from or on the way to

school. Included also would be a substance purported to be a drug.

Any person convicted of the sale of illegal drugs while in any school building, or school property, or within one thousand feet (1,000 feet) of school grounds, shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under this act shall be less than a mandatory minimum term or imprisonment of two years.

A fine of not less than \$1,000 nor more than \$10,000 may be imposed, but not in lieu of the mandatory two-year term of imprisonment. (Reference: M.G.L. Ch. 94C, all sections, and amendment by M.G.L. Ch. 227, 1989.)

10. EXPLOSIVES: Explosives including fireworks are not permitted on school property or at school-sponsored events.

11. EXTORTION, BLACKMAIL, OR COERCION: Obtaining money or property by violence or threat of violence or forcing someone to do something against his will by force or threat of force.

12. FALSE ALARMS: Sounding false alarms and/or tampering with alarms. Action steps taken will be suspension, and notification to police and fire officials. This is a violation of M.G.L. Ch. 268, Sec. 32. This violation can result in a fine of not more than \$500 or imprisonment in jail for two years or both.

13. FELONY:

a. Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal if said principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, Chapter 380 of the Acts of 1993, Section 37H 1/2 (1), which may be found in Appendix C.

b. Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, Chapter 380 of the Acts of 1993, Section 37H 1/2 (2), which may be found in Appendix C.

14. FIGHTING: An encounter with blows or other personal violence between two or more persons.

15. HARASSMENT: Conduct or speech which is unwelcome, intimidating, derogatory, hostile and/or offensive; and has the purpose, or effect, of unreasonably interfering with a student's ability to learn or a staff member's ability to work, by creating a hostile environment.

Conduct includes, but is not limited to: gestures, "body language," speech, or physical contact; it also includes writing, displaying pictures, or making drawings.

Sexual harassment may include, but is not limited to: unwelcome sexual advances, requests for sexual favors, and other offensive, verbal, visual, or physical conduct of a sexual nature. Sexual harassment may encompass a range of behaviors, including sexual insults and name calling, off color jokes, intimidation by word or action, threatening telephone calls, stalking, and offensive touching.

Harassment may be student-to-student, student-to-staff, staff-to-student, or staff-to-staff. By law, sexual harassment is conduct which is deemed harassing by a reasonable person. False accusations of sexual harassment can have serious detrimental effects on innocent parties. The Quincy Public Schools' Harassment Policy may be found in Appendix G.

16. HAZING: Any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. This is a violation of M.G.L. Ch. 269, Sec. 17-19, which is included in Appendix D.

17. INSTIGATING A FIGHT/RIOT: Instigating and/or participation in a riot.

18. INTIMIDATION OF OR INTERFERING WITH SCHOOL AUTHORITIES: Intimidating or interfering with administrators, teachers, or staff by force or violence or threat of force or violence. Police will be involved.

19. LARCENY: Theft.

20. LASER POINTERS are prohibited on school grounds and at school sponsored events. They will be confiscated and will not be returned to students. A laser pointer may be considered a weapon if used to inflict bodily harm on another person.

21. LIGHTERS: Cigarette lighters are prohibited on school grounds and at school sponsored events.

22. MACE AND PEPPER SPRAY: Mace and pepper spray are prohibited on school grounds and at school sponsored events. Mace and pepper spray may be considered weapons if used to inflict bodily harm on another person.

23. MISSILES: Throwing missiles and/or objects.

24. PROPERTY DAMAGE: Willful destruction, damage to, or defacement of school property or the property of another person. Students must make restitution for damage caused to school property.

25. ROBBERY: Stealing from an individual by force or threat of force.

26. UNAUTHORIZED DEMONSTRATION/ASSEMBLY: Unauthorized demonstration/assembly on school ground, which disrupts the educational process.

27. WATER GUNS are prohibited on school grounds and at school sponsored events. They will be confiscated and will not be returned to students.

28. WEAPONS: Firearms, knives, and ammunition are prohibited; martial arts weapons are prohibited; and any other instrumentalities which could be or were used to inflict bodily harm on another person, are prohibited on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games. Police will be notified.

Any student who is found on school premises, on the way to or on the way home from school, or at school-sponsored or school related events, including athletic games, in possession of a dangerous weapon or any other instrumentality which could be or was used to inflict bodily harm on another person, including, but not limited to, a gun or a knife, may be subject to expulsion from the school by the principal, M.G.L. CH 71, S. 37H (a). (See Appendix A.)

The IDEA allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if that student carries a weapon to school or possesses a weapon in school, on school premises, or at a school function. A weapon may be any instrumentality which could be or was used to inflict bodily harm on another person.

Effective October 1994, under the FEDERAL GUN-FREE SCHOOLS ACT, a student who is determined to have brought a FIREARM to school shall be expelled from school for a period of not less than one year. (See Appendix F.)

M.G.L. Ch. 269, Sec 10. Dangerous Weapons Unlawfully Carried:

(a) Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a firearm, loaded or unloaded, as defined in section one hundred and twenty-one of chapter one hundred and forty without either:... (4) Having complied as to possession of an air rifle or BB gun; shall be punished by imprisonment in the state prison for not less than two and one-half nor more than

five years in a jail or house of correction."

...(h) Whoever owns, possesses, or transfers possession of a firearm, rifle, shotgun or ammunition...shall be punished by imprisonment in a jail or house of correction for not more than one year or by a fine of not more than five hundred dollars...

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

C. MOTOR VEHICLES:

Unauthorized use or misuse of motor vehicle during school hours is prohibited. Also, student parking on school grounds in faculty and staff spaces is prohibited. Illegally parked vehicles **will** be ticketed and/or towed at owner's expense; and students who park their cars illegally, will face disciplinary action.

1. BUS RULES: Violation of bus rules to and from school, on field trips, on physical education trips, and on athletic buses, may result in loss of privilege to ride, as well as additional disciplinary action.

a. Prior to loading:

- Students must be on time.
- Students must wait until the bus comes to a complete stop before attempting to enter.
- Bus riders should not move toward the bus until the bus has come to a complete stop.
- Riders will not crowd and push getting on the bus.

b. While on the bus:

- Students must keep hands and head inside the bus. They must not extend any part of their body out of the windows or doors while bus is in motion.
- Opening and closing windows is not permitted except by the driver.
- Students must assist in keeping the bus safe and sound. They must not throw things in the bus.
- There must be no shouting or unnecessary confusion.

- Students must treat bus equipment well. Damage to equipment will be paid for by the offender.
- Riders should never tamper with the bus or any of its equipment.
- Students must not leave books, lunches, or other articles on the bus.
- Students must keep books, packages, coats, and all other objects out of the aisle.
- Students must not leave or change seats while the bus is in motion.
- Students must not throw anything out of the bus window.
- Riders are expected to be courteous to fellow pupils, the bus driver, and passersby.
- There must be absolute quiet when approaching a railroad crossing stop.
- In case of a road emergency, students are to remain on the bus unless requested to leave by the bus driver.
- Smoking, or use of tobacco products is NOT allowed on the bus.
- Pupils shall have written permission to leave the bus at other than designated stops.
- Students must sit where they are told.
- Pupils who refuse to obey promptly the directions of the driver or refuse to obey regulations, forfeit their privilege to ride on the bus.
- No passenger is to block or use the rear (emergency) door unless instructed to do so.
- No unauthorized student will be allowed to ride a school bus without written permission from a principal or the Quincy Public Schools' transportation department.
- Use, influence, possession, or sale of alcoholic beverages or illegal or non-prescribed drugs or drug paraphernalia on school buses is forbidden.

2. BOOSTER BUSES: Misconduct of a student or students on booster buses will be reported to school administration by chaperones and addressed as would any violation of school rules as addressed herein, and in the Quincy Public Schools "Student Rights and Responsibilities" brochure. Additional rules pertaining to booster buses are as follows:

- a. A minimum of two (2) parent chaperones is needed to properly proctor one booster bus. In addition it is recommended that two (2) student leaders be assigned to each bus to assist parents in the identification of passengers.
- b. To insure that sufficient parent chaperones are committed to a given trip, and to insure said chaperones properly understand their responsibilities, a "pre-trip", meeting will be held with all chaperons, and school administrators (any combination of principal, assistant principal,

faculty manager coach, dean, etc,). At this meeting the names of all chaperones will be submitted and at least two chaperones per bus will be present, or no tickets will be sold.

- c. Students will be assigned to a specific booster bus when they buy their respective tickets. Rosters will be developed reflective of such assignments and given to respective chaperones/student leaders.
- d. No tickets will be sold after 2:30 p.m. on the day of (or preceding) the tournament game in question.
- e. All "boosters" will be addressed/admonished before the trip by representatives of school administration.
- f. No student will board a bus before he/she is inspected for contraband by a chaperone. Such circumstances will be enforced prior to the trip to the game site and again prior to the trip home.

D. ATTENDANCE: It is vital that each student develop habits of being present for school and being in school on time. Students must abide by the attendance policy established by the School Committee at each level.

1. TRUANCY: Truancy is defined as staying away from school without the permission of parent or guardian, or students who are of the age of eighteen (18) or older and who stay away deliberately. The principal or his/her designee has the authority to determine the validity of the attendance notes from a parent or guardian, or from students who are above the age of eighteen (18). Validated attendance notes serve to explain a student's absence from school. Otherwise, an absence will be regarded as unexcused and the student will be designated truant. Truancy is a suspension offense.

2. SKIP DAYS: Attendance to school and to class is mandatory. Skip days are not sanctioned by the school system. Students who skip school will be considered truant from school.

3. PARENTAL RESPONSIBILITY: M.G.L. Ch. 76, Sec. 2: "Every person in control of a child described in the preceding section shall cause him/her to attend school as therein required, and, if he fails to do so for seven day sessions or fourteen half-day sessions within any period of six months, he shall, on complaint by a supervisor of attendance, be punished by a fine of not more than \$20."

4. M.G.L. Ch. 76, Sec. 4: "Whoever induces or attempts to induce a minor to absent himself unlawfully from school, or unlawfully employs him or harbors a minor who, while in

session, is absent unlawfully therefrom, shall be punished by a fine of not more than \$20.

5. ABSENCE NOTES: Failure to provide a written explanation from parent/guardian for absence from school may be a suspension offense. Students must bring their homeroom teacher absence notes from parents/guardians for absence during any given week, within two school days following the absence. In addition to giving the student a note, parents are also requested to call their child's absence in to the Attendance Office on the day of the absence.

6. TARDINESS TO SCHOOL: Tardiness is defined as late or delayed arrival to school. Students must abide by the tardiness policy established at each level.

7. RESIDENCY AND VIOLATION OR RESIDENCY: M.G.L. Ch.76, S.5 states, "Every person shall have the right to attend the public schools of the town where he actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly-attended public schools."

All attendance and tardy policies and penalties are subject to specific provisions in the Individual Educational Plan (IEP) approved for any student under the Individual Disability Education Act (IDEA).

E. CAFETERIA REGULATIONS:

Since the cafeteria is the dining area and all lunches must be eaten there, it is essential that everyone contribute to the care and neatness of this area. Unruly conduct or other failure to observe the directions for the use of the cafeteria may result in suspension or other disciplinary action. Students are expected to comply with all recycling procedures established in response to environmental concerns.

Your dining area should be a pleasant and clean place for everyone, and the following student standards should be observed:

1. Be courteous and orderly going to and from the cafeteria, waiting in line, and dining.
2. Remain in the cafeteria, or other designated areas during your lunch period.
3. Keep all food in the cafeteria.
4. Clean up after yourself. Proper rules of cleanliness and good conduct should be observed at

all times. Dining room manners are expected of all students.

5. No student may leave school during the school day, buy food, and then return to the cafeteria to eat the food. This policy includes those students who have been legally dismissed and then returned to school.
6. No student may have food delivered to the school.

F. BEHAVIOR AT ALL SCHOOL SPONSORED EVENTS:

1. The use of drugs, alcohol, or tobacco is prohibited.
2. Behavior and attendance at all school-sponsored events will be determined by the administration, advisors, and chaperones.
3. Students will be asked to leave any school-sponsored event when their behavior is unacceptable. School disciplinary action will follow.
4. Failure to obey the instructions of school officials and/or to comply with school rules during on-campus or off-campus events, may result in the loss of eligibility to attend other school sponsored events both on-campus and off-campus.

G. PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES:

A student who is on any type of suspension shall not participate in any extra-curricular or athletic activity on the day(s) of suspension. A student whose suspension includes a Friday or the last school day prior to a holiday or vacation, shall not participate in any extra-curricular or athletic activity over the weekend, holiday, or vacation period.

A student who is in any manner suspended twice during a quarter shall be dropped for the quarter from any and all extra-curricular and/or athletic program(s) in which he/she was participating during the quarter. Activity advisors and coaches shall be notified of such suspensions on that day.

Student-athletes should be in school a full day and are expected to attend all scheduled periods during the school day in order to practice or play that day.

Student-athletes are subject to the rules and regulations as set out by the Massachusetts Interscholastic Athletic Association (the MIAA).

VII. SCHOOL RECORDS:

A. Students who are 14 years of age or in the ninth grade, as well as their parents, have access to their Student Records consistent with the "Regulations Pertaining to Student Records" issued by the State Department of Education. If the student is under the age of 14 and has not yet entered the ninth grade, the rights of access belong to his/her parents.

Requests to inspect Student Records shall be directed to the Principal who will designate a staff member to meet with the student and/or parents.

The student and/or parents shall have the right to add information or to request deletion of information in the Student Record.

The Massachusetts Student Records Regulations require school authorities to destroy a student's temporary record within seven (7) years after the student transfers, graduates, or withdraws from the school system. The temporary records may include the following: Health, Testing, Guidance, Due Process, Special Needs, Pre-school/Kindergarten, and Supplementary. If an eligible parent or eligible student wishes to receive these records, at the end of the seven year period and prior to their destruction date, they should so notify the school.

B. Directory Information.

The school system may, under 603 CMR 23.07 (4) (A), release the following information on students: name; address; telephone listing; date and place of birth; major field of study; dates of attendance; weight and height of members of athletic teams; class; participation in officially recognized activities and sports; degrees; honors and awards; and post-high school plans.

The school system may release pictures of students, including but not limited to: promotional materials, videotapes and yearbook photographs.

The school system may release student names and addresses to: county agricultural schools; post-secondary schools, college, and universities; recruiters for the Armed Forces; and school alumni organizations.

The school system may, on occasion, publish/display student work, with the student's name on it, which will be seen by other parents/individuals, including but not limited to: science fair, art fair, and web sites.

If the student, or his or her parent or guardian, however, does not wish the Quincy Public Schools to publish

the above-referenced information, they must so notify the Quincy Public Schools of this fact, in writing, within thirty (30) days of the beginning of the academic year.

C. Surveys. The Family Educational Rights and Privacy Act (FERPA) allows parents to opt out of student surveys, analysis, or evaluations that concern one of the following eight areas: political affiliations or beliefs; mental or psychological problems; sex behavior or attitudes; illegal, antisocial, self-incriminating or demeaning behavior; critical appraisals of individuals with whom the student has close family relationships; legally recognized privilege relationships; religious practices affiliation or beliefs; and income. If the parent, guardian, or student does not wish to participate in any of the surveys described above, please so notify the Quincy Public Schools of this fact, in writing, within thirty (30) days of the beginning of the academic year.

D. While Massachusetts Student Records Regulations generally prohibit school officials from disclosing student records to third parties without the consent of the eligible student or parent, there are exceptions:

1. The federal Family Educational Rights and Privacy Act (FERPA) and its implementing regulations (34 CFR Part 99) allow release of personally identifiable information from the student's education records without consent "in connection with a health or safety emergency, 34 CFR S99.31 (a) (10), provided that "knowledge of the information is necessary to protect the health or safety of the student or other individuals," 34 CFR S99.36 (a).
2. M.G.L., CH. 71, S. 37L requires school department personnel to report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon, or any other instrumentality which can be and was used to inflict bodily harm on another person, on school premises at any time. Supervisors who receive such a weapon report must file it with the superintendent of the school, who must file copies of said report with the local chief of police, the department of social services, the office of student services or its equivalent in the school district, and the local school committee. (See Appendix B.)

E. When a student has been expelled for possession of a dangerous weapon, or any other instrumentality which could be or was used to inflict bodily harm on another person, or a controlled substance, or assault on school staff, and the student applies for admission to another school, the superintendent of the 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. When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. (See M.G.L. CH. 71, S.37H (e) in Appendix A.)

F. Transfer Students. When a student transfers from the Quincy Public Schools to a new school system, the Quincy Public Schools will automatically provide the new school system with the entering student's complete school record, including his discipline record. This record will include, but is not limited to "any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act." (See M.G.L. Ch. 71, S.37L in appendix B.) A student transferring into the Quincy Public Schools must provide the school system with the student's complete school record, including the discipline record, as described above.

G. Homeless Students. Homeless students, under the McKinney-Vento Act, who move and wish to enroll in a new school where they are situated while homeless may attend classes immediately, without proof of residency, immunizations, school records or other papers, and without a uniform.

H. Non-custodial Parents: As of July 12, 2006 changes were made in the regulations dealing with student records. Where parents have divorced or separated, there are different rules set by the state by which a parent can see and obtain copies of his/her child's student records. The parent who has physical custody, as identified in the custody agreement or order, has the right to see and obtain copies of his/her child's student records with no limitation. However, the parent who does not have physical custody of the child (the non-custodial parent), even if he/she has legal custody or visitation rights, may or may not have access to his/her child's student records.

A non-custodial parent is eligible to see and obtain copies of his/her child's student records unless the school 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 the custody or supervised visitation, or
2. the parent has been denied visitation, or
3. the parent's access to the student or to the custodial parent 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.

It is necessary for divorced or separated parents to submit a copy of the custody agreement or order so that the school system may identify which of the parents has physical custody of the child, and then to determine if one of the conditions above exists. The non-custodial parent must request in writing that he/she be permitted to look at or copy his/her child's student records. However, the school can allow the non-custodial parent to have access to the child's records only after the school has notified the custodial parent and twenty-one (21) days has elapsed from this notification. During that twenty-one day period, the custodial parent can obtain a court order restricting access to the child's records or can submit a copy of any outstanding protective orders; if such orders are provided to the school system, then the school cannot release records.

M.G.L. Ch. 71, S.34H is attached as Appendix I.

N.B., It is also possible for the custodial parent to shorten this process by signing a statement that the non-custodial parent may have access to the student's records.

VIII. LIMITATIONS ON STUDENT RIGHTS - SEARCH AND SEIZURE

A. Lockers and desks are the property of the school and the school reserves the right to limit any items which a student may place in a locker. Under no circumstances may a student place anything on the outside of a locker, including writing of any kind. In addition, lockers are subject to periodic inspection under the authorization of the Principal or his designee and at any time the health, safety, and compliance with school rules by students are in question.

The following rules shall apply to the search of school property assigned to a specific student (locker, desk, etc.) and the seizure of any illegal items found therein:

1. There should be reasonable cause for school authorities to believe that the possession of such items constitutes a crime or rule violation.
2. When reasonable cause exists, a student search may be conducted under the authorization of the Principal or his designee. A student search is reasonable if:
 - a. There are reasonable grounds for suspecting that he student has violated or is violating either the law or the rules of the school. Included are students who leave the schoolhouse without permission; leave school grounds without permission; or are found in an unauthorized area.

b. The search itself is conducted in a manner reasonably related to its objectives, and limited to areas and objects that reasonably could be expected to contain the items being sought and the nature of the infraction, and if the age and sex of the student are considered. Also:

i. Search of an area assigned to a student should be made in the presence of a witness and when reasonably possible, in the presence of the student.

ii. Illegal items (weapons, illegal drugs, alcoholic beverages, stolen property, etc.) or other items reasonably determined to be a threat to the health and safety or security of the student, and/or others, may be seized by the school authorities.

iii. Items which are used to disrupt or interfere with the educational process may be temporarily removed from student possession.

iv. A student search, including desks and lockers, may be done by police or other law enforcement officials if there is a valid search warrant, or in certain cases, if there is a valid arrest. Such searches must be carried out in the presence of a school official.

B. Cars located on school property may be subject to search if reasonable cause exists.

C. Computer network storage areas are subject to limitations as set forth in the Quincy Public Schools' Internet/Technology Acceptable Use Policy.

IX. BUILDING MANAGEMENT

A. DRESS CODE: Each student's hairstyle, appearance, and manner of dress, are determined by the student and his/her parents, unless these present a danger to the student's health or safety, interfere with school work, or create a classroom or school disruption. Students may be sent home to change clothes.

Students are prohibited from wearing short shorts and midriff tops. Hats, headgear, and coats may neither be worn nor carried in the building. Chains or jewelry, which have the potential to be used as a weapon, may neither be worn nor carried in school.

Sunglasses may not be worn in the building.

T shirts may not have messages advocating illegal activities, such as, but not limited to, weapons, drugs, alcohol, or violence.

B. ELECTRONIC DEVICES: Students are not permitted to use electronic devices such as radios, tape or disc players, pagers, beepers, cellular phones, or other electronic communication devices, etc., during school hours without permission of the administration, which will determine the guidelines for responsible use. Such devices may be confiscated and returned. Students who violate this rule may be referred for disciplinary action.

C. SKATEBOARDS AND ROLLER BLADES: Skateboards are forbidden in the school buildings. Students may not enter the building wearing roller blades, nor wear them inside the building.

D. NO SCHOOL ANNOUNCEMENTS: "No School" information is broadcast over the following Radio/TV stations at approximately 7:00 a.m.: WJDA, WHDH, WEEI, WCVB-TV (Channel 5), WBZ, and WBZ-TV (Channel 4). (Check cable TV channels.)

E. DISTRIBUTION OF LITERATURE BY OUTSIDE GROUPS: The school, on occasion, may allow certain groups, such as nonprofit charitable or civic groups that provide programs or services for young people, to distribute literature in the school, creating a "limited public forum." While the school is allowing its facilities to be used by outside groups in this manner, any literature disseminated by an outside group in the school is not school-sponsored or endorsed.

The school alone will determine the time and place of distribution. No literature will be distributed, which causes a disruption of the educational environment; and no literature will be distributed during class time.

X. CLASS ASSIGNMENT INFORMATION

A. GUIDELINES FOR HOMEWORK/SCHOOL COMMITTEE REGULATIONS, 4.7

"The term 'homework' refers to assignments which will achieve their purpose best when prepared during a period of independent study, study hall, or at home. The purpose of homework is to improve the learning processes, to aid in the mastery of skills, and to stimulate interest on the part of the pupil. The amount of homework considered reasonable varies with the age and grade of the pupil."

B. GUIDELINES FOR HOMEWORK AS DEFINED BY THE QUINCY PUBLIC SCHOOLS

1. Assignments should be developed by a diagnostic and prescriptive approach.

2. Homework should be assigned on the basis of individual student needs and in recognition of individual progress.
3. Homework should not be given for punishment.
4. It is expected that where appropriate, teachers will give assigned homework to meet the needs of learners in such areas as research, enrichment, extra practice when needed, student initiated work, self-motivation, and make-up work under certain conditions. Such assignments to be completed away from school might include the following:
 - a. Visiting libraries or enrichment reading.
 - b. Practicing exercises in the basic skills.
 - c. Finding information for and preparing special reports.
 - d. Watching special programs on television, with specific plans for reporting back, and keeping current on events through newspapers, magazines, and electronic media.
 - e. Making collections of pictures, objects, specimens, etc., for school-related activities.
5. Vacations provide an important break in the school year for students, families, teachers, and staff. Homework assignments, including test preparation, given prior to an officially scheduled vacation period should allow students sufficient time to accomplish their assignments while allowing quality vacation time with family. Similarly, assignments that require a group of students to work together on a project should not be assigned to be completed over a vacation.

C. TIME GUIDELINES BY GRADE LEVEL

<u>Grade Level</u>	<u>Time</u>									
Kindergarten	Based on teacher and parent judgment of the student's needs. Some examples include: <ul style="list-style-type: none"> - reading aloud to the child approximately 10 minutes each day; - discussing the school day; - planning involvement in projects initiated at school or home; - encouraging "reading" picture books, signs, and labels. 									
Grades 1 - 3	15 to 30 minutes per night, see schedule below. <ul style="list-style-type: none"> - Formal homework is to be started as an expectation of the student's educational program: <table border="0" style="margin-left: 20px;"> <tr> <td>Grade one</td> <td>-</td> <td>15 minutes</td> </tr> <tr> <td>Grade two</td> <td>-</td> <td>20 minutes</td> </tr> <tr> <td>Grade three</td> <td>-</td> <td>30 minutes</td> </tr> </table> - Emphasis on reading, mathematics, language arts, and related activities; 	Grade one	-	15 minutes	Grade two	-	20 minutes	Grade three	-	30 minutes
Grade one	-	15 minutes								
Grade two	-	20 minutes								
Grade three	-	30 minutes								

- Visits to local libraries and museums;
- Reading aloud to child 2-3 times per week;
- Encouraging reading for pleasure and information.

Grade 4 30 to 45 minutes per night, Monday through Thursday:

- Homework is to be expected as part of the student's educational program;
- Homework emphasis is on reading, mathematics, language arts, science, and social studies;
- Additional assignments are given which will assist the student to learn and develop initiative and responsibility;
- Encourages reading for pleasure and information.

Grade 5 45 to 60 minutes per night, Monday through Thursday:

- Homework is a well established part of the student's educational program;
- Homework consists of routine assignments, review, and preparation for specific academic and classroom subjects;
- Homework provides opportunities for research;
- Encourage reading for pleasure and Information.

Grade 6 15 to 20 minutes per subject per night;
 Grade 7 20 to 25 minutes per subject per night;
 Grade 8 25 to 30 minutes per subject per night:

- Homework is a well established part of the student's educational program;
- Homework consists of routine assignments, review, and preparation for specific academic and classroom subjects;
- Homework provides opportunities for further research;
- Encourage reading for pleasure and information;
- Assignments are posted by all middle school students in their "Agenda Book."

Grades 9 - 12 Three to four hours per night:

- Homework is a well established part of the student's educational program;
- Homework consists of routine assignments, review and preparation of specific academic and classroom subjects;
- Homework provides opportunities for further research.

D. INCOMPLETE CLASS ASSIGNMENTS

The student who is absent will be given a "0" for the class. The student will be allowed to make up his/her work if the note for the absence is accepted as a necessary absence as stated in Chapter 76, Section 1. If /she makes up the work missed due to absences within five (5) days of his/her return, the student may receive a passing grade. If the student does not make up the work within the five (5) days, the "0" will remain. Students may be allowed to make up work missed because of unexcused absences; however, make-up work should be done on a student's own time or during discipline periods, as directed by the teacher. All make-up work must be completed within five (5) days or credit will not be received.

Extended periods of illness or hospitalization will be considered and evaluated on an individual basis.

Incomplete work due to absence should be made up through arrangements with the teachers involved. Work missed should be made up within one week of the time of return to school. If the absence has been extensive, special arrangements extending the time for the make-up must be made with the teachers involved. Failure to make up work will adversely affect grade averages and may make the difference between passing and failing.

Students who receive an "Incomplete" on their report cards and fail to make up the work within two weeks of the day the grades closed will receive a failing grade.

E. DETERMINING STUDENT GRADES

In determining student grades, teachers will include for credit the following: class work, homework, tests, grades, conduct, effort, and class participation.

F. MID-TERM ADVISORIES

A mid-term advisory will be mailed home at the mid-term point of each marking period. A warning slip must be sent home when a student is failing or in danger of failing at any time during the marking period, if not already indicated on the mid-term advisory.

XI. QUINCY PUBLIC SCHOOLS' INTERNET/TECHNOLOGY ACCEPTABLE USE POLICY

The Internet is a vast, global network, linking computers at universities, high schools, science labs, and other sites. Through the Internet, one can communicate with people all over the world through a number of discussion forums, as well as through electronic mail. In addition, many files are available for downloading on the Internet, many of which are of educational value. Because of its

enormous size, the Internet's potential is boundless. It is possible to speak with anyone from prominent scientists to world leaders to a friend at college. However, with such great potential for education also comes some potential for abuse. It is the purpose of these guidelines, as well as the consent form for internet use, to make sure that all who use the Internet, both students and faculty, use this valuable resource in an appropriate manner.

The primary purpose of the Quincy Public Schools (QPS) Internet Connection is to support and enhance the school system's educational program. It is essential that everyone who uses this connection understand that purpose. Therefore, anyone using the QPS Internet Connection for other purposes shall immediately be told to disconnect. In addition, people connecting to the QPS Internet Connection from remote locations, such as homes, must follow the guidelines and purposes stated in this policy. Failure to abide by these regulations shall result in suspension of their Quincy Public Schools Internet privileges.

Network storage areas will be treated like school lockers. Network administrators will review files and communications to maintain system integrity and insure that users are using the system responsibly. Users should not expect that files stored on district servers will always be private. Within reason, freedom of speech and access to information will be honored. During school time, teachers of younger students will guide them toward appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as television, telephones, movies, radio, and other potentially offensive media.

The Quincy Public Schools strongly condemns the illegal distribution of software, otherwise known as pirating. Any students caught transferring such files through the Internet, and/or whose accounts are found to contain such illegal files, shall immediately have their Internet accounts and privileges revoked. In addition, all users should be aware that software piracy is a federal offense and is punishable by fine or imprisonment.

It is policy that all computers and electronic devices used in the Quincy Public Schools are to be used in a responsible, efficient, ethical, and legal manner. Specifically, failure to adhere to the policy and guidelines for the use of the QPS Internet Connection, as described below, will result in the revocation of access privileges. Unacceptable use of QPS Internet Connection and electronic devices includes, but is not limited to:

- Violating individuals' right to privacy.
- Using profanity, obscenity, or other language that may be offensive to others.
- Reposting personal communication without the author's prior consent.

- Copying commercial software in violation of copyright laws.
- Using the network for financial gain, commercial activity, or any illegal activity.

Because access to the Internet provides connections to other computer systems located throughout the world, users, and parents of student users, must realize that neither the Quincy Public Schools nor any district staff member control the content of the information available on the Internet. Some of the information available is controversial and, sometimes, may be offensive. The Quincy Public Schools does not condone such materials. In an effort to limit access to such offensive material, a filtering program will be put in place. Staff will also monitor all student use.

QPS Internet Connection Acceptable Use Policies:

- Use of the Internet is free to users.
- It is a privilege to use the Internet facilities.
- A responsible user of the QPS Internet Connection may have access as long as the user is a staff member or a student of the Quincy Public Schools.

A responsible user may:

- Use the Internet to research curriculum projects.
- Use the Internet to send electronic mail (e-mail) to other users, within the guidelines written below.
- Use the Internet to explore areas of interest within the QPS curriculum.
- Use the Internet under the supervision of QPS staff to enter non-specific personal data (e.g., age, gender) in order to access educational information.

A responsible user may NOT:

- Use the Internet for any illegal or inappropriate purpose.
- Use impolite or abusive language, or access obscene or pornographic materials.
- Violate the rules of common sense or etiquette.
- Delete or alter computer files that do not belong to the user.
- Send or receive material that would violate the copyright and/or trademark laws of the United States.
- Share a password, when issued, with anyone.
- Vandalize the Internet system (Students will be legally liable for any damage they might create).
- Send messages that are likely to result in the loss of recipients' work or systems, send "chain letters," or "broadcast" messages to list or individuals.
- Create conditions which cause congestion of the networks or otherwise interfere with the work of others.
- Enter any information which may be used to specifically identify the student (e.g., name, address, date of birth, social security number)

without the approval of QPS professional staff.

Electronic Mail (E-Mail) Use (when available):

- The person to whom an e-mail account is issued may use the Internet to send mail (e-mail) to other users.
- The holder of an e-mail account is responsible at all times for its proper use.
- Users of QPS e-mail Internet Connection are advised to change their password frequently.
- Users must not give a password to another user.

The Quincy Public Schools reserves the right to examine all data stored in local machines, on servers, and on discs in the Internet link to make sure that all users are in compliance with these regulations.

By signing this Acceptable Use Policy, you acknowledge that you:

- Understand the policies and procedures of the QPS' Acceptable Use Policy.
- Realize that, if the rules are broken, or if you develop a record of unacceptable behavior in the library media center or classroom, that your Internet Access Privilege will be canceled.
- Realize that there will be no second chances once privileges are denied.
- Understand the foregoing list is not all inclusive and the QPS reserves the right to notify a user of any other impermissible action regarding the use of the Internet.

Acknowledgements. Sections of this document were adapted from the Internet Acceptable Use Policy of the South Shore Educational Collaborative which also acknowledged:

The Net: User Guidelines and Netiquette, Arlene Ranaladi, Florida Atlantic University
 The Lexington Public Schools Acceptable Use Policy, Lexington, Massachusetts
 The Bellingham Public Schools District Internet and E-Mail Rules, Bellingham, Washington

QUINCY PUBLIC SCHOOLS' INTERNET/TECHNOLOGY ACCEPTABLE USE POLICY STUDENT SIGNATURE AND PARENTAL CONSENT FORM

Student's Last Name

First Middle

School Name

Teacher's Name

I have read the Acceptable Use Policy in the Student/Parent Rights and Responsibilities Handbook. I realize that the primary purpose of the QPS Internet Connection is educational, and that as such, educational purposes shall take precedence over all others. I know that if I follow the stated policies, I may have access to the QPS Internet Connection. I understand that if I lose my Internet Connection privileges, there will be no second chance.

I release the Quincy Public Schools and all other organizations related to the QPS Internet Connection from any liability or damages that may result in any way from my use of the Internet Connection. In addition, I will accept full responsibility and liability for the results of my actions with regards to the use of the Internet. I release the school and related organizations from any liability relating to consequences resulting from my use of the Internet.

Student's Signature

Date Completed

**PARENTAL CONSENT
For Students under 18 Years of Age**

I have read the QPS Acceptable Use Policy in the Student/Parent Rights and Responsibilities Handbook. I understand the policies and parameters outlined in the document. The Quincy Public Schools has my permission to allow my child to have access to the Internet through QPS' Internet Connection. If a child is too young to read the Acceptable Use Policy, please provide assistance. The purpose of the Acceptable Use Policy is to provide information not to exclude anyone.

Student's Last Name

First

Middle

Parent or Guardian Signature

Date

XII. PARENTAL NOTIFICATION LETTERS RELATIVE TO SEX EDUCATION

A. LETTER TO PARENT/GUARDIAN OF GRADE 5 STUDENTS

Dear Parent/Guardian,

This letter is to inform you of our school's grade 5 growth and development health education curriculum. This program has been developed by our professional staff under the guidance of the community health education advisory

council. The overall goal of the course is to begin efforts to promote the health and well-being of all our fifth grade students.

Sex education will be a part of your child's health education curriculum in all grades 5 through 12. The fifth grade growth and development curriculum discusses personal hygiene, puberty, physical fitness/body care, nutrition, mood swings, and increased responsibility, which will help students develop a healthy attitude about the changes that occur at this state in their lives. If you would like to review the health education materials at the school, you are welcome to do so. Please call your school's principal to arrange a convenient time.

During the course, students will be able to ask questions which will be answered factually and in an age-appropriate manner. Material will be presented in a balanced, factual way so that each student's privacy will be respected, and no one will be put on the spot to ask or answer questions or reveal personal information.

The Quincy Public Schools will conduct a Risk Behavior Survey biannually. The survey will ask comprehensive health related questions relative to our health curriculum.

Under Massachusetts law and School Committee policy, you may exempt your child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, or from health related surveys. To receive an exemption, simply send your principal a letter requesting an exemption for your child. No student who is exempted from this portion of the curriculum or from surveys will be penalized. We will provide an alternative assignment to students who are exempted.

We look forward to working with you to ensure that your child has a positive and educationally enriching experience this school year. If you have any questions about sex education or any other matter concerning your child's education, please ask your principal for assistance.

Sincerely,

Dr. Richard DeCristofaro
Superintendent of Schools

B. LETTER TO PARENT/GUARDIAN OF STUDENTS GRADES 6 THROUGH 12

Dear Parent/Guardian,

This letter is to inform you of our school's grade 6 through 12 comprehensive health education curriculum. This program has been developed by our professional staff under the guidance of the community health education advisory council. The overall goal of the course is to continue efforts begun in earlier grades to promote the health and well-being of our students, and help them make wise and

informed decisions during their teen-age years and beyond.

Sex education is part of the health education curriculum in all grades, including topics such as: puberty, dating, relationships, communication skills, prevention of HIV/AIDS and other sexually transmitted diseases, and prevention of sexual abuse. If you would like to review the health education materials at the school, you are welcome to do so.

Please call your school's principal to arrange a convenient time.

During the course, students will be able to ask questions which will be answered factually and in an age-appropriate manner. Material will be presented in a balanced, factual way so that each student's privacy will be respected, and no one will be put on the spot to ask or answer questions or reveal personal information.

The Quincy Public Schools will conduct a Risk Behavior Survey biannually. The survey will ask comprehensive health related questions relative to our health curriculum.

Under Massachusetts law and School Committee policy, you may exempt your child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, or from health related surveys. To receive an exemption, simply send your principal a letter requesting an exemption for your child. No student who is exempted from this portion of the curriculum or from surveys will be penalized. We will provide an alternative assignment to students who are exempted.

We look forward to working with you to ensure that your child has a positive and educationally enriching experience this school year. If you have any questions about sex education or any other matter concerning your child's education, please ask your principal for assistance.

Sincerely,

Dr. Richard DeCristofaro
Superintendent of Schools

APPENDIX A

MASS. GENERAL LAWS CHAPTER 71, SECTION 37H

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

expulsion from the school or school district by the principal.

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

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

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

(d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the violation in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

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

APPENDIX B

MASS. GENERAL LAWS CHAPTER 71, SECTION 37L

The school committee of each city, town or regional school district shall inform teachers, administrators, and other professional staff of reporting requirements for child abuse and neglect as specified in sections fifty-one A to fifty-one F, inclusive, of chapter one hundred and nineteen.

In addition, any school department personnel shall report in writing to their immediate supervisor an incident involving a student's possession or use of a dangerous weapon on school premises at any time.

Supervisors who receive such a weapon report shall file it with the superintendent of said school, who shall file copies of said weapon report with the local chief of police, the department of social services, the office of student services or its equivalent in any school district, and the local school committee. Said superintendent, police chief, and representative from the department of social services, together with a representative from the office of student services or its equivalent, shall arrange an assessment of the student involved in said weapon report. Said student shall be referred to a counseling program; provided, however, that said counseling shall be in accordance with acceptable standards as set forth by the board of education. Upon completion of a counseling session, a follow-up assessment shall be made of said student by those involved in the initial assessment.

A student transferring into a local system must provide the new school system with a complete school record of the entering student. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.

APPENDIX C

CHAPTER 380 OF THE ACTS OF 1993

AN ACT RELATIVE TO SAFETY IN THE PUBLIC SCHOOLS

SECTION 37H 1/2

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony

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

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

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

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The

superintendent shall have the authority to overturn or alter the decision or the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

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

APPENDIX D

HAZING - PENALTIES

CHAPTER 665

An ACT increasing the penalties for hazing.

Be it enacted by the Senate and House of Representatives

in General Court assembled, and by the authority of the same, as follows:

Chapter 269 of the General Laws is hereby amended by striking out sections 17 to 19, inclusive, and inserting in place thereof the following three sections:--

Section 17.

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

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

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

Section 18.

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

Section 19.

Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections

seventeen and eighteen: provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

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

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

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

APPENDIX E

OPENING EXERCISES

1. At the beginning of each school day in every school, opening exercises will be conducted for all grades, consisting of a moment of silent meditation or prayer, and the Pledge of Allegiance to the Flag.

Chapter 71, Section 1A: "At the commencement of the

first class of each day in all grades in all public schools, the teacher...shall announce that a period of silence not to exceed one minute in duration shall be observed for personal thoughts, and during any such period silence shall be maintained and no activities engaged in."

Chapter 71, Section 69: "...Each teacher at the commencement of the first class of each day in all grades in all public schools shall lead the class in a group recitation of the Pledge of Allegiance to the Flag."

2. To insure that U.S. Constitutional rights under the First and Fourth Amendments are protected:

a. Students are free to engage in silent prayer, consider secular topics, or simply remain silent.

b. Students may take part in the recitation of the Pledge of Allegiance to the Flag or stand or sit silently and passively and refrain from participation. Students may not be compelled to recite the Pledge of Allegiance to the Flag.

APPENDIX F

FEDERAL GUN-FREE SCHOOLS ACT

Gun-free requirements:

(a) Short title. This section may be cited as the "Gun-Free Schools Act of 1994."

(b) Requirements.

(1) In general. Except as provided in paragraph (3), each State receiving Federal funds under this Act [20 USC 6301 et seq.] shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

(2) Construction. Nothing in this title shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) Special rule.

(A) Any State that has a law in effect prior to the date of enactment of the Improving America's School Act of 1994 [enacted Oct. 20, 1994] which is in conflict with the

not less than one year period of time described in subparagraph (B) to comply with such requirement.

(B) The period of time shall be the period beginning on the date of enactment of the Improving America's School Act [enacted Oct. 20, 1994] and ending one year after such date.

(4) Definition. For the purpose of this section, the term "weapon" means a firearm as such term is defined in section 921, title 18, United States Code.

(c) Special rule. The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 USCS 1400 et seq.].

(d) Report to State. Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this Act [20 USCS 6301 et seq.] shall provide to the State, in the application requesting such assistance--

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including--

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of weapons concerned.

(e) Reporting. Each State shall report the information described in subsection (c) to the Secretary on an annual basis.

(f) Report to Congress. Two years after the date of enactment of the Improving America's Schools Act of 1994 [enacted Oct. 20, 1994], the Secretary shall report to Congress if any State is not in compliance with the requirements of this title.

APPENDIX G

QUINCY PUBLIC SCHOOLS' HARASSMENT POLICY

It is the policy of the Quincy Public Schools to provide a learning and working atmosphere free from harassment, including sexual harassment. The Quincy Public Schools expect all members of our community to treat each other with dignity and respect. Harassment, or any of its manifestations, on the basis of race, national origin, religion, age, sex, sexual orientation, ability, or

disability will not be tolerated.

DEFINITION

Harassment is conduct or speech which is unwelcome, intimidating, derogatory, hostile and/or offensive; and has the purpose, or effect, of unreasonably interfering with a student's ability to learn or a staff member's ability to work by creating a hostile environment.

Conduct includes, but is not limited to: gestures, "body language," speech, or physical contact; it also includes writing, displaying pictures, or making drawings.

Sexual harassment may include, but is not limited to: unwelcome sexual advances, requests for sexual favors, and other offensive, verbal, visual, or physical conduct of a sexual nature. Sexual harassment may encompass a range of behaviors, including sexual insults and name-calling, off color jokes, intimidation by word or actions, threatening telephone calls, stalking, and offensive touching.

Harassment may be student-to-student, student-to-staff, staff-to-student, or staff-to-staff. By law, sexual harassment is conduct which is deemed harassing by a reasonable person. False accusations of sexual harassment can have serious detrimental effects on innocent parties.

LAWS GOVERNING HARASSMENT

Sexual harassment, involving public educational institutions and educators, with regard to employees, is governed by TITLE VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. section 2000e, 42 U.S.C. Section 1983 and Equal Protection.

Students have a cause of action for sexual harassment against institutions that receive federal funding under TITLE IX of the Education Amendments of 1972.

If sexual harassment involves a minor student in a school setting, it is a criminal offense under laws relating to child abuse. Chapter 119, Section 51A of the Massachusetts laws requires the reporting of such acts.

Additionally, Massachusetts statutes which address sexual harassment are Chapter 151B and 151C.

PROCEDURES FOR REPORTING AND CONDUCTING AN INVESTIGATION

The response to and resolution of complaints will be guided by the following goals:

- *Focus on educating and changing behavior rather than simply punishing the offender;
- *Engage students and staff in dialogue so that they may understand the impacts of behavior and attitudes;
- *Maintain the confidentiality of victims and offenders by involving as few people as possible;
- *Protect the complainant from retaliation;
- *Insure prompt and thorough attention to all complaints.

Students or staff who feel they are being sexually harassed or have questions about such are urged to consult any staff person or administrator with whom they feel comfortable. The method of reporting the concern may be verbal or in writing. The principal will make known staff members who are trained to serve as resource people to provide information and assistance to all parties involved.

STUDENT-STUDENT HARASSMENT

1. A staff member who has received a verbal or written report will encourage the complainant to consult with the designated harassment resource person or building administrator.
2. The resource person/administrator will gather all pertinent facts from the complainant and any witnesses and will provide the complainant options, such as:
 - a. The staff person, harassment resource person, or administrator may speak to the harasser explaining that the behavior is inappropriate and outlining consequences for past actions and consequences if the behavior does not stop.
 - b. The complainant may discuss the situation with the harasser, telling him/her to stop the harassing behaviors. This may be done in the presence of a third party, if requested.
 - c. The complainant may write a letter (sample in guidance office) to the harasser describing the behavior and telling him/her to stop. A supportive person should help the complainant with this letter, if requested. This letter may be delivered to the harasser by a staff person at the request of the complainant. A copy should be dated and kept by the principal in a harassment file.
3. If the harassing conduct so warrants, disciplinary procedures up to and including suspension or exclusion, will be instituted in accordance with the student handbook and the policy of the Quincy Public Schools.

STAFF-STUDENT; STUDENT-STAFF HARASSMENT

In a situation involving a charge of harassment between a staff member and a student, the information should be brought to the attention of the principal immediately. The principal will inform the Superintendent of Schools or his/her designee and an investigator will be appointed. The investigation will be initiated immediately and will be completed in a timely manner. Any association member has the right to union representation in this process. Furthermore, the investigating officer should not be an association member in the same bargaining unit as the accused. A report of the incident and its resolution, along with any accompanying documentation may be placed in the personnel file of the staff person. Any student or staff member of the Quincy Public Schools who is found to be in violation of this harassment policy is subject to appropriate disciplinary action up to and including suspension and termination.

If the alleged sexual harassment constitutes sexual abuse of a child by a "caretaker," i.e., a school staff member, then the principal will report the suspected abuse to the Department of Social Services as required by M.G.L. Ch. 119, Section 51A.

STAFF-STAFF HARASSMENT

In a situation involving a charge of staff member to staff member harassment, the building principal should be notified immediately. The principal will inform the Superintendent of Schools or his/her designee and an investigator will be appointed. The investigation will be initiated immediately and will be completed in a timely manner. Any association member has the right to union representation in this process. Furthermore, the investigating officer should not be an association member in the same bargaining unit as the accused. A report of the incident and its resolution, along with any accompanying documentation, may be placed in the personnel files of the staff persons. Any staff member of the Quincy Public Schools who is found to be in violation of this harassment policy is subject to appropriate disciplinary action up to and including suspension and termination.

RETALIATION

Retaliation is forbidden against any person who has alleged harassment, testified, or participated in an investigation. Any allegation of reprisal will be subject to the same kind of investigation and disciplinary action as described above.

STUDENT GRIEVANCE PROCEDURE

Any student and/or parent of a student, who has reason to believe that illegal harassment or discrimination has occurred, should avail themselves of the Grievance Procedure outlined below:

Step 1 The student and/or parent should contact the principal of the school, either orally or in writing, stating the basis for the allegation of illegal harassment or discrimination. The Principal will promptly review all the facts of the case, including interviewing witnesses, and make a determination.

If the principal determines that illegal harassment or discrimination has occurred, he or she will immediately take all steps necessary to eliminate the offending conduct, and where appropriate, will impose disciplinary action against the offending party or parties.

Step 2 If the student or parent is dissatisfied with the results of Step 1, he or she may directly contact the appropriate director listed above, who will promptly investigate all aspects of the case and make recommendations for possible further action.

Step 3 If the student or parent is dissatisfied with the results of Step 2, he or she may appeal directly to the Superintendent of the Quincy Public Schools, who, after a prompt and thorough investigation conducted personally or by designee, will make a final determination as to whether the alleged harassment or discrimination has in fact occurred, and as to what further actions will be taken.

CLOSING

Harassment can affect the self-esteem of students and staff, social relationships, performance, and the ability to succeed. Allowed to occur unchecked, harassment will certainly contribute to a negative school climate. It is the intent of this policy to create schools where students and staff alike are valued and respected as individuals and where they can teach, work, or learn in a safe environment.

APPENDIX H

CRIMES AGAINST PROPERTY, CHAPTER 266, SECTIONS 2 AND 5A

Section 2. Burning or Aiding to Burn, Other Buildings.

Whoever willfully and maliciously sets to, burns, or causes to be burned, or whoever aids, counsels or procures the burning of a meeting house, church, court house, town house, college academy, jail or other building which has been erected for public use, or a banking house, warehouse, store manufactory, mill barn, stable, shop outhouse or other building, or an office building, lumberyard, ship, vessel,

street car or railway car, or a bridge, lock, dam, flume, tank, or any building or structure or contents thereof, not included or described in the preceding section, whether the same is the property of himself or of another and whether occupied, unoccupied or vacant, shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in a jail or house of correction for not more than two and one half years.

Section 5A. Attempt to Burn, or Aid in Burning.

Whoever willfully and maliciously attempts to set fire to, or attempts to burn, or aids, counsels or assists in such an attempt to set fire to or burn, any of the buildings, structures or property mentioned in the foregoing sections, or whoever commits any act preliminary thereto or in furtherance thereof, shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in a jail or house of correction for not more than two and one half years or by a fine of not more than one thousand dollars.

The placing or distributing of any flammable, explosive or combustible material or substance or any device in or against any building, structure or property mentioned in the foregoing sections in an arrangement or preparation with intent eventually to willfully and maliciously set fire to or burn such building, structure or property, or to procure the setting fire to or burning the same shall, for the purposes of this section, constitute an attempt to burn such building, structure or property.

APPENDIX I

CHAPTER 285 OF THE ACTS OF 1998

AN ACT PROVIDING FOR THE DISTRIBUTION OF INFORMATION TO CERTAIN PARENTS OF CHILDREN ENROLLED IN ELEMENTARY AND SECONDARY SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Chapter 71: Section 34H. Non-custodial parents; receipt of
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information for child enrolled in public elementary or secondary schools; notice to custodial parent.

(Subsections (a) through (c) as amended by 2006, Sec.1 effective July 12, 2006.)

Section 34H. (a) Each public elementary and secondary school shall provide student records, including, but not limited to, the following information, in a timely and appropriate manner to the parents of a child enrolled in the school if the parents are eligible for information under this section and request the information in the manner set forth in this section: report cards and progress reports; the results of intelligence and achievement tests; notification of a referral for a special needs assessment; notification of enrollment in an English language learners program established under Chapter 71A; notification of absences; notification of illnesses; notification of any detentions, suspensions or expulsion; and notification of permanent withdrawal from school. Each school shall also make reasonable efforts to ensure that other written information that is provided to the custodial parent but not specified in the preceding sentence be provided to the requesting parent if that parent is eligible for information under this section. All electronic and postal address and telephone number information relating to either the work or home locations of the custodial parent shall be removed from information provided under this section. Receipt of this information shall not mandate participation in any proceeding to which notification pertains, nor shall it authorize participation in proceedings and decisions regarding the child's welfare which are not granted through the award of custody. For purposes of this section, any parent who does not have physical custody of a child shall be eligible for the receipt of information unless: (1) the parent's access to the child is currently prohibited by a temporary or permanent protective order, except where the protective order, or any subsequent order which modifies the protective order, specifically allows access to the information described in this section; or (2) the parent is denied visitation or, based on a threat to the safety of the child, is currently denied legal custody of the child or is currently ordered to supervised visitation, and the threat is specifically noted in the order pertaining to custody or supervised visitation. All such documents limiting or restricting parental access to a student's records or information which have been provided to the school or school district shall be placed in the student's record.

(b) A parent requesting under this section shall submit a written request to the school principal.

(c) Upon receipt of a request for information under this section, the school shall review the student record for any documents limiting or restricting parental access to a student's records or information which have been provided to

the school or school district and shall immediately notify the custodial parent of the receipt of the request. Notification must be made by certified mail and by first class mail in both the primary language of the custodial parent and in English. The notification shall also inform the custodial parent that information requested under this section shall be provided to the requesting parent after 21 days unless the custodial parent provides to the principal of the school documentation of any court order which prohibits contact with the child, or prohibits the distribution of the information referred to in this section or which is a temporary or permanent order issued to provide protection to the child in the custodial parent's custody from abuse by the requesting parent unless the protective order or any subsequent order which modifies the protective order, specifically allows access to the information described in this section.

(Subsection (d) effective until July 12, 2006. Deleted by 2006, 62, Sec.2.)

(e) At any time the principal of a school is presented with an order of a probate and family court judge which prohibits the distribution of information pursuant to this section the school shall immediately cease to provide said information and shall notify the requesting parent that the distribution of information shall cease.

(f) The principal of each public elementary and secondary school shall designate a staff member whose duties shall include the proper implementation of this section.

(Subsection (g) effective until July 12, 2006. Deleted by 2006, 62, Sec.3.)

(h) The department of education shall promulgate regulations to implement the provisions of this section. Said regulations shall include provisions which assure that the information referred to in this section is properly marked to indicate that said information may not be used to support admission of the child to another school.

APPENDIX J

ANTI-BULLYING POLICY

Definition of Terms:

BULLYING: Any written or verbal expression, or physical acts or gestures, directed at another person(s) to intimidate, frighten, ridicule, humiliate, or cause harm to the other person, where the conduct is not related to the person's membership in a protected class (e.g. race, sex). Bullying

may include, but is not limited to, repeated taunting, threats of harm, verbal or physical intimidation, cyber-bullying through e-mails, instant messages, or websites, pushing, kicking, hitting, spitting, or taking or damaging another's personal property. Bullying behavior may also constitute a crime. Experts have determined that bullying is a form of aggression involving a power imbalance between the bully and the victim, where the bully has actual or perceived physical, social, and/or psychological power over his or her target(s). Bullying generally involves a pattern of conduct that is directed at a victim, rather than a single incident.

CYBER-BULLYING: Sending mean, hurtful or threatening messages or images about another person; posting sensitive, private information about another person; pretending to be someone else in order to make that person look bad.

SCHOOL COMMUNITY MEMBER: Any student or school system employee on school premises or at a school-related or school-sponsored function or activity.

The Quincy Public Schools is committed to creating a safe and nurturing learning environment in which students may achieve their individual maximum potential. The Quincy Public Schools expect all members of our community to treat each other with dignity and respect. It is the policy of the Quincy Public Schools to strictly enforce a prohibition against bullying, including cyber-bullying and all forms of violent, harmful, or disruptive behavior throughout the school system. Bullying by a student against another student may occur outside of the school setting and concerns or evidence may be brought to the attention of teachers or school staff. Bullying occurs across all geographic, racial and socio-economic segments of society. There is not just one typical profile of a student who is bullied - any student can be singled out for any reason.

The Quincy Public Schools is aware of the effects of bullying on the school system and community and is committed to establishing both policies and educational programs to address this serious issue. Recognizing that education is an important component of any effort to combat bullying, school-based initiatives that are designed to keep students safe and teach them to act responsibly are encouraged and supported by district administrators. At the same time, professional development activities designed to train school personnel to recognize, respond to, and report instances of bullying are conducted.

For purposes of this policy, the term *school* includes school buildings; school grounds; and school-sponsored and sanctioned activities such as social events, field trips, sports events, concerts, cultural events, and other similar

functions even when held off school property. This policy also applies to school-sanctioned transportation and travel to and from school.

Bullying in the schools will not be tolerated by the Quincy Public Schools. The school system takes allegations of bullying seriously and will respond promptly to complaints and allegations of bullying. Where it has been determined that bullying behavior has occurred, the Quincy Public Schools will act promptly to eliminate the bullying and will impose corrective action, as necessary and appropriate to the circumstances. Such corrective action will be in accord with the judgment of the administrators charged with resolving the issue and may range from mediation to counseling or educational approaches to formal discipline such as a reprimand, detention, suspension, or legal involvement.

Retaliation is forbidden against any person who has alleged or reported bullying, provided information, or participated in an investigation. Any allegation of reprisal will be subject to investigation and disciplinary action.

Procedures for Handling Incidences of Bullying

- Students with any knowledge of student-to-student bullying are taught, reminded, and strongly encouraged to report such concerns immediately to a responsible adult in the building, i.e. teacher, guidance counselor, administrator, or to their parent/guardian. Staff members who receive such reports or information are **required** to refer such reports or information immediately to an administrator/designee or guidance counselor.
- After receiving a report of a concern around bullying, the school has an obligation to respond in a timely, immediate, and appropriate manner.
- Guidance counselor and/or administrative personnel may interview the alleged victim(s) around his/her concerns and may request a written account of the details surrounding the concern.
- The school's investigation may include gathering information from witnesses to the alleged bullying.
- The school's response may include having an administrator or designee speak to the alleged offender, explaining that the behavior is inappropriate and outlining consequences for past actions and consequences if the behavior does not stop. If appropriate and agreeable to the complainant and his/her parents/guardians, the complainant may discuss the situation with the offender, telling him/her to

stop the offensive behavior/actions. This may be done in the presence of a third party.

- School administrators may contact the Director of Safety and Security or the Director of Student Support Services, as warranted.
- Parents/Guardians of both the victim(s) and alleged offender(s) will be contacted to discuss the concerns, and to reassure parents that the situation is being addressed.
- When necessary, a disciplinary hearing will be scheduled with parents/guardians to review the incident and assign appropriate consequences and measures.
- The school's response will ordinarily include a focus on educating and changing behavior rather than simply punishing the offender. Accordingly, one or more of the following disciplinary consequences and/or remedial measures may be considered, according to the nature of the behavior, the developmental ages of the students involved, and the offender's history of problem behaviors.
- When a given situation is judged serious enough to require the attention of the Superintendent/designee, he/she will be informed immediately and an incident report will be written, reviewed by the Principal/designee and distributed to appropriate administrators within 24 hours of the incident. A hard copy, with the Principal's/designee's signature, will be sent to the Superintendent.

Possible Disciplinary Consequences

1. Admonishment
2. Temporary removal from the classroom
3. Loss of privileges
4. Classroom or administrative detention
5. Referral to disciplinarian
6. In-school suspension during the school week
7. Out-of-school suspension
8. Report to Director of Security/Quincy Police Department

Possible Remedial/Supportive Measures

1. Framing the bullying behavior as a failed attempt to solve a real problem or reach a goal; school personnel assist the misbehaving student to find a better way to solve the problem or meet the goal.
2. Restitution or restoration
3. Peer support group
4. Corrective instruction or other relevant service experience
5. Supportive interventions including peer mediation, etc.

6. Behavioral assessment or evaluation
7. Closely monitored behavioral management plan
8. Referral to guidance or outside counseling/therapy
9. Parent conference
10. Maintaining, as much as possible, the confidentiality of victims and offenders

Possible Environmental (Building) Measures

1. Modification of schedules
2. Adjustments in hallway traffic
3. Modifications in student routes or patterns traveling to and from school
4. Use of monitors (hallway, cafeteria, bus, dismissal, etc.)
5. Involvement in community youth organizations
6. School climate and culture awareness activities and changes
7. Law enforcement involvement (i.e. school resource officer)