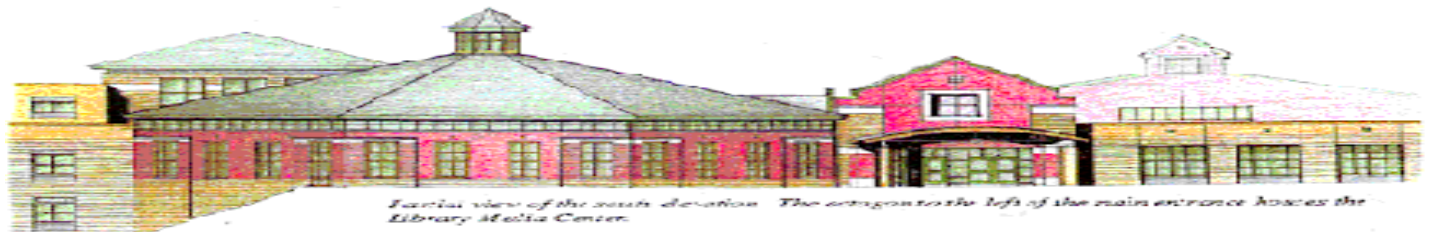


**John T. Nichols Jr., Middle School
Student Handbook
2011 - 2012**



**112 TIGER DRIVE
MIDDLEBOROUGH, MA 02346**

TELEPHONE (508) 946-2020

FAX (508) 946-2019

Website: www.middleboro.k12.ma.us

This School Agenda belongs:

Name _____

Address _____

Phone _____

Team _____ **Homeroom** _____

John T. Nichols, Jr. Middle School - 2011-2012/School Calendar dates

September 5, 2011	Monday	No School/Holiday – Labor Day
September 6, 2011	Tuesday	Teacher's first day
September 7, 2011	Wednesday	Student's first day
September 17, 2011	Wednesday	7:00 p.m. PTSA meeting
September 19, 2011	Monday	6:30 p.m. to 8:00 p.m. Open House
September 22, 2011	Thursday	12:05 p.m. Early Release/Teacher Professional Development
October 7, 2011	Friday	1 st term Progress Report grades close
October 10, 2011	Monday	No School/Holiday – Columbus Day
October 20, 2011	Thursday	12:05 p.m. Early Release/Teacher Professional Development
November 8, 2011	Tuesday	No School/All day Teacher Professional Development
November 10, 2011	Thursday	Term 1 Report Card grades close
November 11, 2011	Friday	No School/Holiday – Veteran's Day
November, 23, 2011	Wednesday	12:05 Early Release/Holiday
November 24, 2011	Thursday	No School/Holiday – Thanksgiving
November 25, 2011	Friday	No School
November 28, 2011	Monday	6:00 p.m. – 8:30 p.m. Parent/Teacher Conferences
November 29, 2011	Tuesday	4:00 p.m. – 6:30 p.m. Parent/Teacher Conferences
December 8, 2011	Thursday	12:05 p.m. Early Release/Teacher Professional Development
December 16, 2011	Friday	Term 2 Progress Reports grade close
December 23, 2011	Friday	12:05 p.m. Early Release/Holiday
December 26, 2011 to January 2, 2012		No School/Winter Break
January 16, 2012	Monday	No School/Holiday – Martin Luther King Jr. Day
January 26, 2012	Thursday	Term 2 Report Cards grades close
January 27, 2012	Friday	No School/All day Teacher Professional Development
February 9, 2012	Thursday	12:05 p.m./ Early Release/Teacher Professional Development
February 20, 2012 to February 24, 2012		No School/February Break
March 8, 2012	Thursday	12:05 p.m./ Early Release – Professional Development
March 9, 2012	Friday	Term 3 Progress Reports grades close
March 20, 2012	Tuesday	MCAS – 7 th grade ELA Long Composition
March 21, 2012 to March 30, 2012		MCAS – 6 th , 7 th and 8 th ELA/Reading Comprehension
March, 21, 2012	Wednesday	6:00 p.m. – 8:30 p.m. Parent/Teacher Conferences
March 22, 2012	Thursday	4:00 p.m. – 6:30 p.m. Parent/Teacher Conferences
April 5, 2012	Thursday	Term 3 Report Card grades close
April 6, 2012	Friday	No School/Holiday- Good Friday
April 16, 2012 to April 20, 2012		No School/ April Break
April 26, 2012	Thursday	12:05 p.m./Early Release- Professional Development
May 7, 2012 to May 22, 2012		6 th , 7 th , and 8 th MCAS Mathematics 7 th grade MCAS History/Social Science* (8 th grade MCAS Science
May 24, 2012	Thursday	12:05 p.m./Early Release- Professional Development
May 28, 2012	Monday	No School/Holiday – Memorial Day
June 7, 2012	Thursday	12:05 p.m./Early Release- Professional Development
June 19, 2012	Tuesday	Tentative last day of school for students Term 4 Report Cards sent home with students
June 20, 2012	Wednesday	Tentative last day of school for staff

MISSION STATEMENT

The mission of the Middleborough Public Schools is to prepare all students to excel as educated, responsible, global citizen.

Vision Statement

- The vision of the Middleborough Public Schools is to be recognized to its commitment to educational excellence while providing a safe and secure environment that supports teaching and learning.
- Middleborough students will be productive and responsible citizens who contribute to the betterment of the global community.
- Middleborough Public Schools' educational programming will align and integrate technology with core academic standards.
- Middleborough Public Schools will provide an education which encourages creativity, critical thinking, collaboration and communication.
- The exemplary education of our children will be shared responsibility of Middleborough families, educators and the community.

Beliefs

- We believe the education of our children is the most important responsibility of our community.
- We believe in the importance of providing the infrastructure, resources, and instructional supports for 21st century learning.
- We believe a 21st century curriculum engages students in critical thinking, creativity, collaboration, innovation, problem solving and communication.
- We believe that a partnership between the families, the schools, and the community is essential in order to provide every child with the educational opportunities that maximize their potential.
- We believe that the effective utilization of data results in informed decision-making and accountability.
- We believe focused teaching, clear expectations and continuous feedback promote accelerated learning.
- We believe that student effort and commitment produce high achievement when accompanied by opportunity and support.
- We believe mutual respect and civility are essential to a quality educational environment.
- We are a learning organization committed to continuous improvement.

JOHN T. NICHOLS, Jr. MIDDLE SCHOOL - ANTI-BULLYING MESSAGE

Everyone at the John T. Nichols Middle School is committed to making our school a safe and caring place for all students. We will treat each other with respect, and we will refuse to tolerate bullying in any form at our school.

Examples of bullying include:

- Physically touching another student that can be considered harmful or uncomfortable
- Taking property that belongs to someone else
- Teasing someone in a hurtful way
- Using put-downs, such as insulting someone's race, religion or making fun of someone for being a boy or a girl
- Spreading rumors about someone
- Leaving someone out on purpose or trying to get other students not to associate with them during class or school activities

Staff at our school will do the following things to prevent bullying and help children feel safe:

- Closely supervise students in all areas of the school
- Watch for signs of bullying and intervene when it happens
- Incorporate the messages taught within the "Steps to Respect" program through team activities or curriculum units.
- Take seriously families concerns about bullying
- Completed the state recommended reporting form for incidents that after investigation may deem treatment by one or more students towards another students an incident of bullying or harassment into all reported bullying incidents

Students at our school will do the following things to prevent bullying:

- Treat each other respectfully
- Refuse to bully others
- Refuse to let others be bullied
- Refuse to watch, laugh, or join in when someone is being bullied
- Try to include everyone in activities, both in the classroom and outside,, especially those who are often left out
- Report bullying to an adult

DAILY LIFE AT NMS

BEFORE SCHOOL

To ensure adequate supervision, students should not report to school until at least 7:25 a.m. Once the bell rings, students are to report to homerooms. Students are considered tardy if they arrive in homerooms after the late bell rings at 7:55 A.M. On poor weather days, students may stand inside the main lobby until the bell rings. **Breakfast is served from 7:35 A.M. until 7:50 A.M. in the cafeteria. Students are responsible for cleaning their areas before leaving the cafeteria. Cafeteria guidelines are in effect during the breakfast program. (See Services/Cafeteria.)**

ANNOUNCEMENTS

Announcements are made during the homeroom period in the morning and prior to dismissal in the afternoon. Students should remain silent throughout morning/afternoon announcements

ATTENDANCE

Daily attendance is vital to academic success. Class discussions and classroom interactions provide the main focus for learning and cannot be replicated through make-up assignments. A student who develops a pattern of frequent absences from school can never make up the instruction and learning that took place during the time he/she missed.

State law requires regular attendance at school, and an attendance check for absent students is done on a daily basis by an automated system. If a student is going to be absent from school, a parent/guardian should call the school at 508-946-2020 after 7:30 AM on the day of absence. Parents will be contacted via the Alert Now daily attendance messaging system when students are absent from school.

If a child is absent for medical reasons and provides a note from the physician indicating the reason and dates of illness, the absence is considered "excused." Any student absent for five consecutive days must provide a physician's certificate to return to school. There are additional instances when a student may be temporarily absent from school including illness that does not warrant a trip to the doctor. Although parents must provide a note to the school when a child is absent due to illness that does not require a trip to the doctor, these absences are considered "unexcused." All notes for absences must be given to the homeroom teacher within two days after the student's return. Parents are requested to include the dates and reason for the absence, the student's full name, grade, and homeroom on each absence note.

The law states that a child who is between the ages of 6 and 17 who "willfully fails to attend school for more than eight school days in a quarter" (<http://www.gov/legis/laws/mgl/119-21.htm>) is considered truant and is subject to action by the school including disciplinary or legal action or parent conferences with the administration, guidance counselor, school nurse, and/or the supervisor of attendance. If the issue persists, the administration may file a CHINS (Child in Need of Services).

Students who have perfect attendance for the school year will be recognized at the end of the school year. To qualify for perfect attendance, the student must attend 180 days of school with no dismissals and no tardiness.

TRUANCY Any student who is truant is subject to disciplinary action. After four or more offenses of truancy, the supervisor of attendance must file a complaint in accordance with Massachusetts General Laws, Chapter 76, and Section 2, which requires children under the age of sixteen to attend school.

TARDY TO SCHOOL A student must be in homeroom by 7:55 A.M. or he/she is considered tardy. Students that are tardy must be signed in by a parent/guardian in the main office. When the student's school bus arrives late an announcement will be made excusing the students on that bus from being marked as tardy.

Three unexcused tardies within a semester (1/2 of a school year) will receive a warning informing him/her of impending administrative detention. Any subsequent tardies will result in one hour of administrative detention per tardy. If the problem persists, a parent/guardian conference will be scheduled to discuss the situation.

TARDY TO CLASS If a student is late to class without a pass, teachers may assign teacher detention. Students who are chronically late to class will be referred to the office and subjected to disciplinary action.

DISMISSALS Students may not leave the school building during school hours unless they have permission from the nurse or an administrator. If students need to be dismissed for a reason other than illness, they must bring a note in advance, signed by their parents or guardians. The note must contain the reason, time for dismissal and phone number where the parent can be reached if verification is necessary. The note should be given to the student's homeroom teacher upon arrival to school. Homeroom teachers will then send notes to main office to prepare the secretaries for student dismissals.

A parent or guardian must sign the student out in the main office before the student can be called to the office to be released. The student's participation in extracurricular activities that day will be at the discretion of the administration.

DROP-OFF AND PICK-UP In the morning students may be dropped-off either by the gym foyer entrance or in the

smaller loop next to the auditorium. In the afternoon all students must be picked-up at the gym foyer entrance because both “loops” are needed for loading our buses.

HOMEWORK The staff at the John T. Nichols, Jr. Middle School recognizes that achievement is directly related to the amount of time and effort a student spends learning to master a subject or skill. Homework is one of the ways of helping students to increase their performance levels and become more self-directed and independent learners. Homework may average 2 to 2 1/2 hours per evening. Students are encouraged and expected to;

- | | |
|---|------------------------------|
| Record homework in their agenda book | Pass homework in on time |
| Written work should be neat and legible | Utilize the Homework Hotline |

HOMEWORK HOTLINE At the start of the school year, team teachers will provide students with a homework hotline extension number. You can access the hotline by calling 508-946-2020 Monday thru Friday 3:30PM to 7:30 AM and at any time during the weekend and holidays. The hotline is updated daily; however, it does not take the place of students writing assignments in their Agendas (assignment books) during classes.

MAKE-UP WORK It is the student’s responsibility to make arrangements for make-up work upon return to school. Teachers are not required to provide assignments before absences. In the case of absences of more than two days, **teachers need at least 24 hours in advance to prepare assignments**. Students are encouraged to use the Homework Hotline to obtain assignments.

Extended illnesses will be handled on an individual basis. If the student is absent for an extended time due to illness or injury, it is the responsibility of the parent or guardian to notify the guidance office as soon as possible to request assignments. **Any requests for homework require a 24-hour notice.**

AFTER SCHOOL All students will leave the building at the 2:25 P.M. dismissal time unless remaining after school under the direct supervision of a staff member. Late bus passes are provided by the dismissing teacher and must be completely filled out before boarding the bus. Walkers should leave the school grounds immediately at dismissal or following any after-school activity.

Any student who has made plans to stay after school to attend a function or event needs to be with a teacher until the start of the event. Students who leave the school may return to the athletic event or function accompanied by a parent or guardian. In the event that a parent or guardian is not present, the student will be required to contact them to make arrangements to be picked up immediately. Students are also expected to exhibit good sportsmanship while attending any games. The MIAA policy on sportsmanship applies towards all students while in attendance at all interscholastic sporting events.



TRANSPORTATION

Riding the bus is considered a privilege designed to provide safe and expedient transportation to and from school. Due to the large number of students riding the busses, no students are permitted to change regularly scheduled transportation.

In an emergency, the parent/guardian wishing to change the child’s regular bus or bus stop must:

1. Contact the school by phone
2. Send a dated note that includes:
 - Child’s first and last name
 - Regular bus number
 - Reason for bus change
 - New bus number or new stop
 - Telephone number where parent/guardian can be reached during the day

These notes need to be sent to the main office during homeroom for review.

Only students scheduled to ride the bus may ride the bus to and from school.

Late busses are provided Monday and Wednesday afternoons for students. Students report to the cafeteria at 3:25 P.M. to sign the bus log sheet and wait for busses. Busses depart NMS at approximately 3:45 P.M. late busses take a different route each day depending upon the addresses of the students on any given day. **NOTE:** The late bus may drop off students up to a mile away from the student’s house.

Any conduct that may distract the driver and, thus, interfere with the safe operation of the bus on any route, is prohibited. The bus driver will report such conduct and students will be subject to disciplinary action. The same rules and regulations regarding the behavior of students in school apply to the behavior of students on the busses. In addition, school bus rules will be posted in each bus and distributed to students at the beginning of the year. (Please see Appendix for Bus Rules and Regulations.)

WALKERS Students who are walking to and from school are to walk on the sidewalks and not on the roads. During inclement weather or when conditions are slippery, extra caution should be taken. All students are to respect the property of our neighbors by not cutting through yards, causing any damage to property, littering, or loitering.

BICYCLES Students riding bicycles to school should use the bike route on Tiger Drive. Bikes should be parked in the racks near the front entrance. Students are responsible for locking their bicycles to the rack. The school is not responsible for theft or damage done to any bicycle.

BATHROOMS/STAIRWELLS For the safety and protection of all students, students must have permission from a teacher to use the bathroom, sign out of the room, and use a bathroom passes issued by the teacher. Bathrooms are located near each cluster area. Students may not use bathrooms between classes. Students are asked to take pride at NMS by keeping the bathrooms clean and free from vandalism, graffiti, and destruction. In addition, students may not use the stairwells in the A and C Cluster areas without teacher permission, except in the event of an emergency.



BACKPACKS AND BOOK BAGS In order to avoid congestion in the corridors, and to assist students in the organization and care of books and materials, backpacks and book bags may not be carried during the school day. Oversized pocketbooks which can accommodate textbooks or notebooks will be considered book bags and must be left in lockers. Upon entering the building, backpacks, book bags, and gym bags will be placed in the student lockers. Locker breaks will be held periodically throughout the day. Please note:

The NMS lockers hold the standard size backpacks. Backpack with wheels may be difficult for students to store in the lockers.

FIELD TRIP POLICY Academic field trips may be held during the school year. Notification, appropriate information, expectations for behavior, and permission forms will be sent to parents in advance of these trips. All eligible students are expected to attend. While it is intended that all students take part in these activities, there may be some instances when certain students may be excluded from a trip. Students whose behavior or attitude is considered to pose a threat to the safety of those involved in the trip and/or whose discipline record indicates insolent, insubordinate, or disruptive behaviors may be excluded. Decisions regarding a student's participation in a field trip will be made after consultation with the teachers involved in the activity, the student's guidance counselor, parents, administration, and the student. The administration will make the final decision.

Students who do not attend the field trip are responsible for completing assignments left behind by their teachers. Students should attend school on the day of the field trip in order to receive these assignments and attend classes not affected by the trip. Students who take part in the field trip should see those teachers whose classes they will miss in order to arrange to make-up necessary work. They should see their teachers either prior to the field trip or as soon as possible after the trip has been completed.

School rules apply during field trips. Students are reminded they are representing Nichols Middle School and thus should act accordingly. Field trips will vary from team to team. Parents should feel free to call the team teachers if they have any questions or concerns.

LOCKERS Each student will be provided with a locker and a lock. Valuables are not to be stored in lockers. Nichols Middle School cannot assume any responsibility for lost or stolen articles. Valuables that must be brought to schools should be turned in to the main office for safekeeping. Lockers should be kept clean and are checked periodically by homeroom teachers. Student lockers are school property and may be searched by a school administrator; therefore, there should not be any expectation of privacy regarding items in student lockers.

Locks are the property of the middle school and will be collected at the end of the school year. **There is a replacement fee of \$9.00 for lost locks.**

LOST AND FOUND Items of clothing, which have been found and turned in at the office, will be kept in the lost and found storage area near the cafeteria. Valuables and books found will be kept in the main office. Clothing left for an extended time will be donated to charity.

Nichols Middle School is not responsible for lost or stolen articles on school grounds before school, during the school day, or after school hours.



SCHOOL DRESS The dress code is governed by health, safety, appropriateness, and the protection of school property. We encourage students to dress in a neat and presentable manner that reflects pride in themselves and their school. School is a workplace, and an environment conducive to learning is necessary. Clothing that is too revealing causes distractions and inhibits learning. We expect all students to conform to the following:

- Clothing must be neat and clean.
- Clothing displaying vulgar writing or symbols or sexual references are not allowed.
- Clothing that is excessively revealing, such as mini-skirts, short shorts, tank tops with shoulder straps under three inches, muscle shirts, pajamas or other sleepwear, loose fitting and low-cut tops, waistbands that are too low exposing underwear, and shirts which reveal the midriff, will not be allowed.
- Chains, spikes, studs, and gang related attire is not allowed.
- Clothing with alcohol, tobacco, or controlled substance reference will not be allowed.
- Outer coats, hats, caps, bandanas, sweatbands, and sunglasses will not be worn in the building without permission of an administrator.
- Shoes/sneakers must be worn. Dangerous footwear: including wheeled shoes, platform shoes, and flip-flops are dangerous on our floors and not allowed.
- Any other apparel that the administration determines to be unacceptable to our community standards will not be allowed.
- If students wear something inappropriate to school, they will be asked to call their parent/guardian to request that more appropriate attire be brought to school.

PHYSICAL EDUCATION POLICY

1. Students must bring a change of clothing for class. Tee shirts, sweatshirts, shorts, yoga pants, sweat or track pants and tied sneakers are acceptable. (Spaghetti-straps, bra tops, short shorts, jeans, overly baggy pants, pajamas, boots, opened-back or untied sneakers are not appropriate attire for an activity class.) A student’s grade will be affected if unprepared for class more than twice per term. All students will participate unless medically excused.
2. To be excused from participating in class, a dated note must be brought that day stating the reason and must be written and signed by parent/guardian.
3. To be excused from multiple classes, a student must have a medical note signed by their physician, specialist, or emergency room personnel, stating their condition and length of dismissal from class. If a disability is for more than half of a term, a medically excused notation will appear on the progress report and report card. Medically excused students will not be excluded from the honor roll.

DIRECTED STUDY Students may have directed study as part of their schedule. Directed study is a time for students to be engaged in educational tasks.

Students who are assigned to a directed study must:

Be prepared to do school work or read silently.

Use time to study

Remain in the classroom for the entire period unless they have a pass to go elsewhere.

Report to their assigned classroom on time.

Cooperate with the teacher.

Use time to complete make up work

TECHNOLOGY

Students have the opportunity to use technology within every classroom. There are four to six computers in every classroom. Students are expected to follow standards when using technology. To ensure each student understands the guidelines to use computers, the Middleborough Public Schools Acceptable Use Policy (AUP) must be signed when they enter the school. (See Appendix A)

TELEPHONES/ELECTRONIC DEVICES

The use of any electronic device (including a cell phone) is not permitted during the school day. If an electronic device is found to be turned on in school the administration reserves the right to check that devices contents (including text messages, emails and/or pictures). Students should make plans for after school prior to coming to school. Cell phones should be turned off prior to entering NMS and leave their phone in the locker. Locks are provided to students for their lockers at the beginning of the school year. Cell phone confiscate by staff members will be turned over to administration. In the event of an emergency, students may be allowed to use the office phone, but must have a pass from a teacher to do so. Calls should be made only before school or during lunch.

MCAS TESTING: The Massachusetts Comprehensive System (MCAS) is administered as follow

Grade 6 ELA March-April

Grade 6 Mathematics- May

Grade 7 ELA March-April

Grade 7 Mathematics- May

English Language Arts Composition

History/Social Science – May

Grade 8 ELA March-April

Grade 8 Mathematics- May

Science/Technology-May

TEXTBOOKS AND CURRICULUM RESOURCES Students are responsible for taking care of textbooks and all curriculum materials/resources issued to them. All textbooks and any curriculum resources deemed necessary by staff are to be covered at all times. Students must pay for any damaged or lost books.

RECOGNITION AWARDS Various recognition for students will be implemented throughout the 2011-2012 school year. Students will be informed of these programs and expectations during the first school term.

VISITORS Students may not bring any visitors to school. Parents are always welcome at the John T. Nichols Jr. Middle School. All parents and other visitors must enter through the main doors where a security system buzzer provides access. Visitors must report to the main office to sign in and obtain a visitor's pass, which must be worn while the visitor remains in the building. Visitors must sign out and return the visitor's pass prior to leaving the building.

VOLUNTEERS For the protection of our students, parents, or other volunteers must agree to a criminal background check (CORI) and receive clearance before volunteering to work at the middle school with students or participating on field trips. (See Appendix B, State Laws, Chapter 385) The CORI process can take up to three weeks to complete.

EXTRACURRICULAR ACTIVITIES

AFTER SCHOOL ACTIVITIES There are several after school activities offered to students throughout the school year. Students will be notified well in advance of sign-ups or tryouts for these activities. Students should have parental permission to remain after school. Arrangements should be made prior to the day the student plans on staying. However, if a student is scheduled to report to teacher or administrative detention, the detention supersedes participation in the activity for that day.

ELIGIBILITY An essential aspect of the school's responsibility for the education of middle level students is to provide activities that allow them to explore their interests and talents and to help develop a positive self-image. Students are encouraged to participate in a variety of activities.

The first responsibility of all students must be to strive for academic success. Eligibility for most extracurricular activities is dependent upon passing grades. Coaches and advisors will issue specific guidelines for eligibility. In addition, students have an obligation to behave responsibly and to demonstrate self-control during any activity.



INTRAMURAL SPORTS PROGRAMS

The intramural program is varied and is open to all students. The program takes place immediately after school and a late bus is available. At the beginning of each new activity, sign-ups are held in the cafeteria for one week, after which teams are formed and posted in the cafeteria. Students will be issued a game schedule for each activity and may only stay after school on their designated days. Only students who have returned their completed "Parent Permission, Release, and Indemnification Agreement" and physician's forms will be allowed to participate.

STUDENT COUNCIL Student Council is an opportunity for students to participate in the process of government through meetings, committees, and service learning. At meetings, students vote, practice the rules of Robert's Law, and are encouraged to discuss topics that will benefit the school environment. Four student officers, elected by their peers, run the meetings. Committees plan dances, plan ski trips, organize fundraisers, etc., and allow students to choose the activities they would like to endorse with their time. Service learning provides opportunities for students to work within both the school and the community. Past projects have included Walk for Colleen water stop, Penny Drive (over \$3,000 raised for local charities), Valentines for the Oak Hill Nursing Home, and cleaning the school.

DRAMA CLUB The NMS Drama Club presents a musical annually in January. All students are welcome in the drama club to perform on stage or work behind the scenes. Students who wish to be in the drama club must be able to commit to regular after school rehearsals from September to January and all of the performance dates in January. (Specific information will be provided at an after school meeting at the beginning of the school year. Students are encouraged to listen to the morning announcements for updated information.)

BUILDERS CLUB The Builders Club is a community service organization for/middle school students, sponsored by the Middleborough Kiwanis Club. The club provides students with opportunities to work in a group with fellow students and faculty advisors in service to the Nichols Middle School and the Town of Middleborough. In addition, the club strives to develop leadership skills, build strong moral character, and encourages students to be loyal to their school, community, and country. The Builders Club has weekly after school meetings, and has participated in recycling projects; food drives for animal shelters, school clean-ups, and assisted with school drama productions. All Nichols students are welcome to join the Builders Club.

SAY-YES COMMITTEE SAY-YES stands for Students and Youth Educate Society. These students work to create a positive school climate and reach out to the greater community. They participate in activities to raise money for local charities, scholarships and enrichment programs for their peers.

TIGER TRAILS Tiger Trails' mini-courses are offered throughout the school year for a nominal fee depending upon the course. The courses are sponsored by the PTSA with NMS teacher advisors. Courses will be announced to students during the morning announcements. Information will be sent home to parents via the NMS Newsletter.

YEARBOOK The yearbook is a reflection for all students of each year at Nichols. An announcement will be made at the start of the school year for those who wish to join the yearbook staff.

SAFETY CONCERNS/EMERGENCY RESPONSE PROTOCOL

A detailed protocol exists to ensure students are as safe as possible during an emergency situation.



FIRE DRILLS

All fire drills and fire alarms are to be taken seriously by all students. Fire drills are of paramount importance to ensure the safety and protection of our students and faculty. Students are to adhere to the following regulations:

The prolonged ringing of the fire alarm will be the signal to exit the building.

Pupils are to leave in an orderly fashion as directed by a teacher. Students are expected to be familiar with the fire drill regulations posted in each room.

ABSOLUTE SILENCE must be maintained throughout the entire drill/alarm. Talking during a fire drill may result in disciplinary action.

Students in the hallways should leave the building by the closest available exit. Once outside, they should remain with their classroom teachers or stay with the nearest teacher that can assist the student for attendance purposes.

Students in the cafeteria should follow the directions of the duty teacher, exiting by posted instructions.

Teachers should be the last ones to leave the room. Close classroom doors. **NO ONE HAS PERMISSION TO REMAIN IN THE BUILDING.** Students and teachers in outdoor physical education classes should stop activity until the fire drill has ended.

Frequently, the teachers or firefighters may block certain stairways to the exits. At such time, students are to follow instructions of teachers.

Students return to the building by the same door that was used for exit.

Students unable to use the stairs (on crutches, wheelchairs, etc.) should report to the elevator area. A duty teacher will supervise and assist these handicapped students. Should smoke or lack of electricity prevent the use of the elevator, the duty teacher will carry the handicapped student outside.

It is against the law to pull a false alarm. False alarms put firefighters', students' and staff's lives in danger. Serious legal and disciplinary consequences will result.

CODE YELLOW - A Code Yellow is declared when an immediate reaction to a situation is not needed and time is available to evaluate the appropriate response. Teachers and students remain in their rooms with students following the directions of their teachers.

CODE RED - A Code Red is declared when, in the opinion of the Administrator-in-Charge, a situation exists that threatens the safety of students and staff and requires that the building be evacuated. All students and staff evacuate the building according to fire drill procedures unless directed otherwise.

PROTECTION OF CHILDREN - Reporting Suspicion of Child Abuse and Neglect

The following school procedures will be followed for reporting suspicion of child abuse/neglect:

1. The situation will be reported to the School Adjustment Counselor or School Psychologist
2. The school adjustment counselor or school psychologist will determine if a formal team should be convened or if notification to the team is sufficient, in accordance with Middleborough Public Schools Child Abuse Reporting Procedures.
3. If the school adjustment counselor or school psychologist is not available, the report must go to the school nurse or principal. The principal or nurse will follow the same procedures as the school adjustment counselor or school psychologist as outlined in the MPS Child Abuse Reporting Procedures.
4. The referring person will call the Department of Children and Families (DCF) Plymouth Office.
5. The referring person will complete and file required forms within 48 hours of the initial phone call. The school adjustment counselor or school psychologist will keep a copy of that report. No other copy will be made except under extenuating circumstances

The complete Middleborough Public Schools Child Abuse Reporting Procedure located at the end of this handbook. .



COMMUNICATIONS AND REPORTING

COMMUNICATION WITH HOME Important school or district notices will be communicated to all parents and students via the Alert Now automated messaging system when necessary.

Each Tuesday, notices/handouts or any information that needs to go home to parents will be distributed to students. In the event that the information is misplaced, NMS will make every effort to post documents on our website. Newsletter – A middle school newsletter will be updated weekly and posted on the school web page. Information will include upcoming events for the upcoming two weeks.

AGENDA BOOKS

NMS staff provides the agenda book as a means to stress importance or teaching organization and responsibilities on the part of the student.

The agenda planner is the daily communication tool between school and home. In addition to listing assigned work due the next day, it also includes long-range assignments and target dates for completion. Each day, teacher-parent communication can take place relative to the student's progress in the space provided.

Student participation

The agenda planner accompanies the student to all classes and is brought home each afternoon.

Students copy assignments into the agenda planner daily.

Students pass in their work on time focusing on accuracy and completeness.

Difficulties experienced in the completing of the assignment should be brought to the teacher's attention.

The agenda should not be cut or altered in any way to ensure there is adequate space.

Teacher participation

Assignments are based upon relevancy. Staff members will explain to students how the assignment is related to the topics they are studying; the purpose of the assignment; and the best way to complete the assignment.

Assignments will be listed in the same prominent place in the classroom each day for students to copy down.

Teacher will monitor all students copying the assignment in the agenda planner.

Comments and critiques about homework performance can be made in the comment section of the agenda planner for parental notification review and response.

Parent participation

Insist that your child show you the agenda planner each day. The agenda book is the most consistent means of communication for homework expectations.

Review the assigned work to be done; acknowledge your child's positive attitude to do excellent, complete work; ask to see the work at its completion; praise them for their diligence and performance in addressing their responsibilities.

Review the agenda planner for teachers' comments/notes and respond appropriately.

Contact the school to resolve any difficulties or misunderstandings.

ACADEMICS Teachers create a class policy for assessing students. The teacher's class policy and method of assessment will be explained to students or an expectation sheet will be distributed at the start of the school year. These policies are based on the standards and achievement of benchmarks as defined in curriculum guides.



INDIVIDUAL STUDENT SUCCESS PLANS (ISSP) Under state law, students who receive a performance level of warning (failing) on either the MCAS mathematics or English Language Arts tests are required to have an Individual Student Success Plan (ISSP).

The Child Study Team writes the ISSP for the student. The plan for each student is based on the areas that are identified as needing improvement on MCAS results, and overall student performance at school. The plan will be given to the appropriate teachers. Special education students who scored at the warning level will have an ISSP in addition to their Individual Education Program (IEP) if the goals of the IEP do not address the specific content and areas of need within the content areas identified from the tests.

Under the Massachusetts General Laws, parents are provided with an opportunity to review the ISSP. The statute does not grant parents the right to contest their child's plan, however, plans are sent home for a signature. There is a place to add any comments or suggestions that would help to improve the student's performance level. Teachers and counselors are available to assist parents in understanding the plan.

At the end of the year, an evaluation of each student is completed and information is added to the plan. The plan will then be placed in a folder and passed on to the next grade with the student. **(See Services, CST)**

ACADEMICS- PROGRESS REPORTS/REPORT CARDS One academic progress report will be issued during the middle of each term (four in total for the year will be issued) to all students in all subjects and/or anytime deemed appropriate by a teacher. These reports will indicate the student's current performance status with regard to grade level standards. All progress reports and report cards (except term 4) must be signed by the parent/guardian and returned to the

teacher who issued the report. Failure to return reports may result in a phone call home or an administrative consequence. The team teachers should be contacted if parents have any questions. Students should strive to meet deadlines and be accountable for all assignments.

PROMOTION - A student is required to demonstrate they can perform at grade level standards in three major subjects in order to be promoted to the next grade. The student must meet the grade level standards in both English and mathematics, and at least one other major subject (science or history). Administration works in conjunction with an individual student's team of teachers and guidance counselor to make the determination on whether to retain a student. Students may successfully fulfill the above criteria in summer school to be eligible for promotion to the next grade.

SUMMER SCHOOL - Registration, transportation, and any costs associated with summer school are the responsibility of parents and students.

MPAC - Middleborough Parent Advisory Committee is for parents of special needs students. Look for more information on the monthly calendar.

PTSA - Parent-Teacher-Student Association (PTSA) is a collaborative group that meets monthly to plan school activities, support our students, communicate with school personnel, and encourage parent participation at NMS. Its success is dependent upon parents taking an active part through membership and support. Information regarding the PTSA and sponsored activities will be sent home throughout the year. Meeting dates are listed on the monthly calendar.

NO SCHOOL/DELAY ANNOUNCEMENTS - When school is delayed or cancelled, announcements are broadcast over radio stations WBZ 1030 AM, WRKO 680 AM, WBUR 90.9 FM, WPEP 1570 AM, television channels 4, 5, 6, 7, 56 and the local cable channel. Students and parents are advised to listen/watch these stations after 5:30 A.M. on days with inclement weather. Parents will also be notified about weather related school delays or cancellations via the "Alert Now" messaging system. In the interest of public safety, please do not call the police or fire departments. If there is no school or school is dismissed early due to weather circumstances, all extracurricular and evening activities are cancelled.

PARENT-TEACHER CONFERENCES - Parent-teacher conferences are scheduled twice during the school year; however, parents/guardians may call the school or email staff to meet or speak with teachers at any time during the school year. Individual conferences with a teacher or a team of teachers can be scheduled. Please contact a teacher, the team, or the student's guidance counselor to make an appointment.

SCHOOL COUNCIL - The School Council is a representative, school building-based committee composed of the principal, five parents, four teachers, and two community members. Establishment of councils in each school is a requirement of the Education Reform Act of 1993. The PTSA elects parent members of the School Council for a one-year term. The function of the School Council is to assist the school principal in the following areas: adopting goals that are consistent with local educational policies and statewide student performance standards; identifying the educational needs of students; reviewing the annual school building budget; formulating a school improvement plan; reviewing, updating, and approving the student-parent handbook.

School Council meetings are held in accordance with the open-meeting law. Meeting dates are posted at the Town Hall and on the monthly middle school calendar.

SERVICES

CHILD STUDY TEAM (CST) - The Child Study Team (CST) generally serves as an early intervention team prior to referral for a Special Education Team evaluation. If a student experiences academic failure or has significant difficulty academically, socially, or emotionally, but there is not an immediate suspicion of an educational disability, teachers, grade level teams, guidance counselors, and/or parents may refer students to the CST. The CST is comprised of guidance counselors, school psychologists, the special education facilitator, the school nurse, the school resource officer, the director of guidance, and NMS administrators. The CST will also consult with the student's team of teachers for relevant information.

The CST may suggest and monitor accommodations or strategies to meet the student's needs within the regular education program. This is considered an instructional support program or intervention. If the student continues to have significant difficulty, despite the intervention of the CST, the CST may choose to refer the student for a Special Education Team evaluation as the next step in the process. The law requires that neither instructional support programs nor any other intervention limits the right of a parent to refer a student for a Special Education Team to consider when determining whether the student is eligible for special education.

CAFETERIA - The cafeteria is designed as a place to enjoy lunch in a relaxed atmosphere for 30 minutes each day. A varied menu with a hot lunch is offered each day. A la Carte items, snacks, water, and juices are also available. Free and reduced lunch forms are distributed at the beginning of the school year for any interested parent. Forms may be completed during the school year if necessary due to family circumstance. Please contact the main office if you need a form during the school year.

Expectations For the cafeteria included but are not limited to: Students remain in the same seat throughout the lunch period. Students are responsible for returning trays and clearing up their tables and floor area. At dismissal, all drinks and food must be placed in the trash barrels. Food and drinks are not permitted to leave the cafeteria.

COUNSELING/GUIDANCE - As students progress through Nichols Middle School, they will receive guidance from many people; among them are parents, teachers, peers, and guidance counselors. The services of the guidance counselors are offered to all students and parents. Guidance Counselors help to enrich personal development as well as assist with educational and vocational plans. Students will be assigned to a Guidance Counselor and they should feel free to seek all services offered. Students are welcome to make appointments with their counselors to discuss any problems they have. Arrangements to speak to a counselor can be made through the main office or the student's teacher(s). Counselors will also contact students during the school year.

In addition, Guidance Counselors and the CST are responsible for writing Individual Student Success Plans (ISSPs) for students who score at the warning (failing) performance level in English Language Arts or Mathematics on the Massachusetts Comprehensive System (MCAS). Individual Student Success Plans are provided to teachers and monitored by Guidance Counselors. A copy of the plan is sent home to parents for a signature

HEALTH SERVICES - The nurse is on duty from 7:35 A.M. until 2:45 P.M. in the health office located in the main lobby of the school. All students must have a pass from a teacher to go to the health office unless it is an emergency. If a student is to be dismissed from school due to illness or injury, the school nurse will contact parents/guardians to make arrangements. Students are not allowed to make these arrangements on their own. If a student is dismissed, the parent must provide or make arrangements for transportation. If the nurse is unavailable, students are to report to the main office.

All students who require the use of crutches or a wheelchair on a temporary basis must provide a doctor's note specifying the nature of the injury and the length of time these will be required. Bus students can use bus transportation while on crutches, but should sit in the seat directly behind the bus driver.

Students are allowed to use the elevator, provided they have notes signed by a physician stating the nature of the injury and the amount of time the student is required to use the elevator. This note must be presented to the school nurse. Students are not permitted to use the elevator without a pass from the nurse.

All accidents are to be reported to the school nurse. Accident reports are filed for all incidents and copies are forwarded to the school administration.

Emergency information is to be completed annually and continually updated by the parent.

For information regarding the School Committee Policy on communicable diseases, please refer to Appendix A.

ADMINISTRATION OF MEDICATION AT SCHOOL - If a child is required to take any medication, prescription or over the counter, during the school day, the school nurse must have a doctor's order stating the name of the medication, the dosage, purpose, and the time(s) it must be taken. Written parental permission is required as well and an adult must bring the medication to the school nurse.

All medication must be in the original container. No baggies are accepted. Students are not allowed to bring any medication, to school. Parents must hand deliver all medication to the school nurse.

On the last day of the school year all medication not picked up will be disposed of at that time.

IMMUNIZATION Chapter 76, Section 15 of the General Laws of Massachusetts requires students to be immunized against certain diseases. If the student does not meet the immunization requirements, the parent will be notified by the school nurse. If the student does not become immunized, he/she will be excluded from school until this obligation is met in accordance with state law.

Current immunization requirements effective Fall of 2011 include:

2 doses of MMR	2 doses of varicella or physician certified reliable
Proof of chicken pox	4 doses of Polio
3 doses of Hepatitis B	5 doses of Dtap/DTP
1 dose of Tdap, if it has been more than five(5) years since last dose	

BODY MASS INDEX - The Body Mass Index (BMI) and corresponding percentile of each student in grades 1, 4, 7, and 10 (or, in the case of ungraded classrooms, by a student's 7th, 10th, 13th and 16th birthday) will be calculated and reported directly and confidentially to a parent or legal guardian in accordance with 105 CMR 200.500.

LIBRARY/MEDIA - The school library/media center is open daily from 7:35 A.M.-2:45 P.M. A weekly schedule is posted on the door of the media center to let students know what days it will be open until 3:25 P.M. Students are responsible for returning any books borrowed and must pay for any books lost or not returned.

SCHOOL PICTURES- School pictures are taken in the fall and spring Information will be sent home in advance of this activity.

SPECIAL EDUCATION- The Special Education Department offers a continuum of services to any student who is on an Individualized Education Program (IEP).

If a student is displaying significant physical, emotional, and/or academic need that is the result of a suspected disability, as defined by the Department of Elementary and Secondary Education, then it is the responsibility of the teachers, parents, or administrators to refer that student for a comprehensive Team Evaluation in the area(s) of suspected disability. The purpose of the Team evaluation is to gather information that explains the reason(s) for the student's perceived lack of progress. This evaluation may only be performed after parental consent is obtained. Based on the results of the evaluation, the Team, consisting of school staff and the student's parents, will meet to determine eligibility for services and, if appropriate, develop an IEP. (See Services, CST)

DISCIPLINARY GUIDELINES & POLICIES

Infractions and Consequences Disciplinary action is taken with a view to helping the student achieve a greater degree of maturity and develop a healthier respect for learning and concern for others. The atmosphere of a school is a reflection the attitude of its students and staff toward the school and toward each other. The school's code of conduct provides a guideline for behavior within a public secondary school with maximum concern for the unity of all students and school employees. No student may interfere with the right of any other student to his/her education. At the John T. Nichols Jr. Middle School this means that all individuals have their right to a quality education and no one has the right to infringe on this or cause a situation not conducive to good education. It is of equal concern that the school achieves an atmosphere of order, self-discipline, safety and mutual respect. All school rules are in effect at all school functions, both regular and extra-curricular. Disciplinary action may consist of detention, suspension, exclusion, expulsion, or after school obligations to the classroom teacher. The Middleborough Public School System has adopted a policy and procedures consistent with the state law governing the use of physical restraint in public schools.

Five levels of disciplinary violations, along with the consequences for breaking school rules, have been established. It should be noted that the listing of these violations does not anticipate every eventuality that would require a written policy. Where such policies do not exist, the Principal will formulate and recommend them to the Superintendent and the School Committee, and they will be considered in effect until modified or rejected by the School Committee.

(It should be noted that discipline will be progressive in nature.)

Level 1 (Classroom) Infractions Failure to comply with classroom expectations, tardy to class; pass violation.

Discipline will range from:

Teacher communicates with parents

Teacher detention to administrator detention

Level 2 Infractions Failure to be in assigned area, leaving assigned area without permission, cutting class, excessive school tardiness, failure to attend assigned teacher detention, referral to an administrator for disruptive or inappropriate behavior in class or out of class, violation of the dress code and/or electronic devices, repeat level one violations

Discipline will range from:

Administrative detention(s) to in school suspension(s)

Level 3 Infractions Leaving school grounds without permission, truancy, insubordination, forgery of school-related documents, plagiarism/cheating, lying to a teacher/administrator, disrupting the educational process resulting in removal, gambling; failure to attend administrative detention; possession or use of non-drug related contraband. vulgar or obscene language or gesture possession and/or use of tobacco products(State Law, tobacco products), repeat level two violations

Discipline will range from:

One to five days of suspensions

Level 4 Infractions Disrespect to persons of authority by word or action, fighting, bullying, intimidation, inappropriate use of technology, threatening behavior, vandalism/graffiti; theft of school or personal property, extortion, nonconformity to school rules

Discipline will range from:

Two to ten days of suspension, possible exclusion for more than 10 days, law enforcement officials may be notified, possible court action

Level 5 Infraction Hazing, possession or use of alcohol or a controlled substance, weapons (MA Education Reform Act 1993). replica weapons, incendiary devices, or explosives under the influence of alcohol or a controlled substance, possession of drug paraphernalia, pulling false fire alarms, tampering with fire extinguishers, arson, bomb threats, sexual/religious/ ethnic/racial harassment assault on another student, assault on school personnel (MA Education Reform Act 1993) threats against a staff member, threats to public safety any other illegal acts, repeat level four violations

Discipline will range from:

Suspension up to 10 days, possible exclusion for more than 10 days, possible expulsion (Assaults – MA Education Reform Act 1993). law enforcement officials may be notified, possible court action

CLASSROOM/BUILDING CARE - Students are expected to take pride in NMS by respecting school property by caring for desks, books, or other school materials properly. All areas should be free from papers and other items before leaving classrooms or locker areas.

CLASSROOM CONDUCT- Each teacher has developed a classroom discipline policy that meets the philosophy of the John T. Nichols, Jr. Middle School. Students should make themselves aware of the policies for each one of their teachers.

TIME-OUT ROOM- If a student continues to disrupt the learning environment in a classroom after being spoken to about the inappropriate behavior, the teacher may send the student to Room B208 for a supervised *Time-Out*. The teacher will get administrative approval before sending the child to this room and will contact the parents of the child to explain the nature of the behavior that resulted in this action.

TEACHER DETENTION (TD)- Students are subject to teacher detention for behavioral and/or academic issues for a day or number of days specified by the teacher. Teacher detention starts immediately after the 2:25 P.M. dismissal bell and ends at 3:25 P.M. Failure to stay for an assigned teacher detention will result in an additional teacher detention and a parent phone call. Failure to complete the two teacher detentions will result in two administrative detentions. Bus students may be given 24 hours notice before serving detention.

ADMINISTRATIVE DETENTION (AD)- Students are subject to administrative detention for inappropriate or disruptive behavior. This includes behaviors to and from school, during the school day, or at any school function. Students are assigned detention for a number of days determined by an administrator based upon the seriousness of the offense. Students who have AD are to report to the cafeteria immediately upon dismissal at 2:25 P.M. Detention ends at 3:25 P.M. Bus students may be given 24 hours notice before serving detention.

Students are expected to go to detention prepared with materials to work. While in administrative detention, students are expected to do school work or read books. Misbehavior in administrative detention will result in no credit for that day and further disciplinary action. A student missing administrative detention without a valid reason from a parent or a teacher may be suspended. Reasons should be provided in advance.

In general, if a student is sent to the office from a classroom, the teacher contacts the parent regarding the incident (i.e. written notice or phone contact). When students are assigned AD, a referral slip describing the incident is sent home (by an administrator) for a parent signature.

SCHOOL BUS RULES

1. The bus contractor will establish bus stops/routes with consideration of Middleborough Police Safety Officer, as appropriate. The Superintendent of Schools or his/her designee will have the final determination in dispute cases.
2. The bus driver is not required to wait beyond his/her scheduled time for picking up students. It is the responsibility of parents/guardians to have pupils at the assigned stop when the bus arrives. The bus driver will inform the students and parents/guardians as to the time he/she will pick up the riders.
3. Buses are for the transportation of pupils to and from school only. No pupil can be permitted to leave the bus at any point enroute to school in the morning or enroute home at the close of the school day. The entire trip to and from school must be completed.
4. No student will be permitted to change his regularly scheduled transportation except in cases of emergency with approval from school administration. In such cases, a pupil wishing to change his regular bus for a specific day must present a written request from the parent/guardian giving the date, reason, and telephone contact for the request.
5. The assignment of seats is left to the discretion of the bus driver and/or school authorities. When entering a bus, students are to go immediately to a seat. Changing seats may be allowed with the driver's permission and at his/her discretion, but only when the bus is not in motion. Seat belts, where provided, must be worn at all times when the bus is in motion.
6. Students are expected to conduct themselves in exactly the same way they are expected to conduct themselves in school while waiting for and riding on the bus. All school discipline rules will extend to the bus ride. The bus driver has the authority to judge conduct, to maintain discipline, and to report pupils to the respective school administrator when necessary.
7. No large items such as musical instruments, school projects, etc., skateboards, live animals, or hazardous materials of any kind may be transported on school busses.
8. Shouting, profanity, and vulgarity will not be tolerated on the bus.
9. Use or possession of weapons, tobacco, alcohol, drugs, or other controlled substances will not be tolerated on the bus.
10. Eating, drinking, or gum chewing will not be permitted on the bus.
11. The opening of bus windows and doors is left to the discretion of the bus driver: arms, hands, and heads are to be kept inside the bus at all times.
12. Tampering with emergency equipment, including the emergency door and/or bus equipment, will not be tolerated.

13. Disciplinary Procedures for non-compliance with School Bus Rules:
 - a. On the first reported offense, the bus driver will notify the appropriate school administrator who will notify the parent/guardian.
 - b. On the second reported offense, the offender may be suspended from the bus for up to three school days.
 - c. On the third reported offense, the offender may be suspended for up to five school days at the discretion of the Principal or his/her designee and based on the severity of the offense.
 - d. Repeated offenses may result in suspension of bus privileges for the remainder of the school year.
 - e. In cases of serious offenses affecting the safety of the school bus and/or its occupants, the offender may lose his/her bus privilege immediately.
14. Parents/guardians of any student(s) proven to have done damage to a bus will be held financially responsible.
15. A copy of these Rules is to be posted in each bus and published in each school's student handbook.

The Superintendent of Schools reserves the right to modify any of these Rules.

CORRIDORS- Traffic moves on the right side of the corridor. Loitering is not allowed in the corridors or staircases. Students are to be in classrooms on time and must have a pass from a teacher to be in the corridors during class time.

DISCIPLINING OF STUDENTS WITH SPECIAL NEEDS The Individuals with Disabilities Education Act (IDEA) and related regulations provide eligible students with certain procedural rights and protections in the context of student discipline. The Individual Education Program for a student must indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified due to the student's disability.

Special education students may be excluded from their programs, as any other students can be, for up to ten school days per year. When a special education student is excluded from his/her program for more than ten school days in the school year, a functional behavioral assessment must be done by members of the student's TEAM. The TEAM must review the functional behavioral assessment and develop a plan. The TEAM also may be required to determine whether the student's behavior was related to his/her disability (a manifestation determination).

If the TEAM determines the behavior was not related to the student's disability, the school may discipline the student according to the school's code of student conduct, except that the district must continue to provide the student with educational services during the period of suspension or expulsion. If the TEAM determines that the behavior was related to the disability, the student may not be excluded from the current educational placement (except in the case of weapons or drugs) until the TEAM develops and the parent consents to a new IEP.

In the event a student possesses, uses, sells or solicits a controlled substance or possesses a weapon at school or a school function, the school may place a student in an interim alternative education setting for up to 45 days. Hearing officers may also order the placement of a student in an appropriate interim setting for up to 45 days upon determination that the current placement is substantially likely to result in injury to the student or others.

If a parent disagrees with the TEAM'S decision on the "manifestation determination" or with a decision regarding placement, the parent has the right to request an expedited due process hearing from the Bureau of Special Education Appeals.

DUE PROCESS- Due process is the protection of rights. All students are entitled to full consideration and protection under the law, particularly concerning suspension and expulsion. The due process procedure assures that every aggrieved student receives oral or written notification of any charges and a fair hearing and judgment. (See Appendix C, Federal Laws, Due Process)



FOOD, DRINK, CANDY, AND GUM Consumption of any food and beverages is prohibited everywhere except in the cafeteria unless authorized by school personnel. The carrying of unsealed (open) water bottles, plastic containers, beverage cans, bottles, coffee, and soda cups...etc. is strictly prohibited during the school day or upon arrival to school. Gum chewing is prohibited throughout the building.

HARASSMENT- Nichols Middle School **strives** to maintain an environment free from all forms of harassment and discrimination. All members of the school community are expected to act in an appropriate manner and to show respect for others. Harassment includes repeated remarks, gestures, physical contact, bullying, verbal, or physical intimidation, and the display or circulation of materials derogatory to race, ethnicity, religion, age, gender, sexual orientation, and all disabilities. Students who feel they have been subjected to harassment should immediately report the incident to a staff member. Harassment can result in, suspension, legal action, or other disciplinary action. (See Appendix A, School Committee Policies, Sexual Harassment)

SEARCH AND SEIZURE- Searches may be conducted based on reasonable grounds including personal observation or a report from a reliable source that a student possesses contraband on school property. In very serious cases, (e.g.

possession of a weapon) an anonymous report would be considered reasonable grounds. The search is conducted in a manner appropriate to its objectives and not excessively intrusive to the age and sex of the student. Searches are conducted by a school administrator with additional staff member present. Parents will be notified that their child has been involved in a search. If the administrator determines a need for police involvement and requests a police search, a search warrant must be issued. Students choosing not to be searched will be notified that they will be detained until the police arrive with a warrant. (See Appendix C, Federal Laws, Search and Seizure)

NOTE: Consequences MAY BE ASSIGNED FOR INAPPROPRIATE BEHAVIOR AT ANY SCHOOL FUNCTION, ON THE BUS, AND/OR TO AND FROM SCHOOL.



ABUSE OF ALCOHOL OR CONTROLLED SUBSTANCE POLICY In order to safeguard the individual and general welfare and safety of all students, Nichols Middle School has zero tolerance for dealing with drug, alcohol, or other controlled substance cases. No one may possess, be under the influence of, distribute, sell, or ingest a controlled substance or look-a-like substance on any school premises or while attending an authorized school related activity. This includes prescription and non-prescription (over the counter) drugs.

Referrals may be made by any staff member (teachers, secretaries, custodians, etc.) to a building administrator who may consult other administrators, school nurse, and/or superintendent of schools. (See Appendix A, Memorandum of Understanding and Appendix B, State Laws, Chapter 227, Drug Free School Zone)

Suspicion of being under the Influence of a Controlled Substance:

- Parent/guardian called to take student home
- Letter to parent/guardian-copy placed in student's file
- Immediate suspension from all school programs
- Parent/guardian must confer with the school administration before pupil will be readmitted
- Possible referral to a rehabilitation program
- Notification of local police department
- Notification of Superintendent

Use of Controlled Substance While in School, or Prior to Coming to School or at a School Sponsored Activity or Possession or Selling or Distribution of Controlled Substances:

- Parent/guardian called to take student home
 - Letter to parent/guardian-copy placed in student's file
 - Immediate suspension from all school programs
 - Referral to superintendent of school for consideration of further disciplinary action (possible expulsion)
 - Parent/guardian must confer with the school administration before the pupil is readmitted
 - Possible referral to a rehabilitation program
 - Notification of local police department
- There are two types of suspensions used depending upon the nature of the infraction.

IN-SCHOOL SUSPENSION (ISS)

As an alternative to out-of-school suspension, at the discretion of the administration, a student may be assigned to in-school suspension. The purpose of this program is to improve student behavior through the use of a structured environment where students are required to complete assignments, as well as to thoughtfully examine their responsibilities as school citizens. Students are to come to school at 7:55 A.M. on each day of the in-school suspension ready to work. . Students may take the late bus home on days it is available.

The student is to report directly to ISS rather than report to homeroom.

Students will be under the supervision of the in-school specialist and the administrative staff.

Students assigned ISS are not permitted to attend their regularly scheduled classes (i.e. content and unified arts). They are, however, required to complete their regular class assignments for credit. In addition, students may be given additional assignments related to their particular behavior problem and/or the violation causing the suspension.

Talking among students in ISS is not permitted.

Lavatory and cafeteria schedules will be determined by the administration.

All assigned work MUST be completed before the student is dismissed from ISS.

It must be noted that the ISS program is designed as a short-term measure to modify behavior. If the above regulations are not followed, students may be asked to remain after school or be suspended out of school.

OUT-OF-SCHOOL SUSPENSION (OSS) – Students who have been suspended out of school will be allowed to make-up the work missed. During the time of the school suspension, a student may NOT be on school grounds. OSS will be in

effect for twenty-four hours for each day of suspension. Parents must attend a scheduled re-entry meeting with the student following the suspension.

DISCIPLINARY APPEALS PROCESS- Students and parents/guardians will be provided an opportunity to appeal disciplinary decisions to the headmaster (if the disciplinary decision is issued by either the housemaster or assistant housemaster) or to the superintendent (if the disciplinary decision is issued by the headmaster). Upon notification of the disciplinary action taken by the school, the student will have five days to request an appointment with the appropriate school official. Note, however, that specific appeals procedures for disciplinary decisions issued pursuant to M.G.L. c. 71, section 37H or 37H.5 are provided for in our appendix.

VANDALISM- Students who vandalize, disfigure property, break windows, or do other damage to school property will be expected to pay for the damaged material. In addition the student will be subject to school disciplinary action. Students will be respectful and responsible for the proper care of all books, materials, technology hardware and furniture supplied by the school. Textbooks are to be covered at all times. Students are responsible for any book (including library books & agenda books) issued that is lost, stolen, or damaged. Replacement charges are expensive. Money will be returned if books are found at a later date. Students should write their names on the inside cover of all textbooks.

SCHOOL COMMITTEE AND MIDDLEBOROUGH PUBLIC SCHOOLS POLICIES

Internet Use Policy

I. Internet Acceptable Use The Internet is a global network linking computers around the world. Internet use provides valuable opportunities for research, curriculum support, and career development. The Middleborough Public School system offers Internet access to its students and staff. The primary purpose of providing access to the Internet is to support the educational mission of the Middleborough Public Schools. The Middleborough Public Schools expects that students and staff will use this access in a manner consistent with this purpose.

While the Internet is a tremendous resource for electronic information, it has the potential for abuse. Middleborough Public Schools make no guarantees, implied or otherwise, regarding the factual reliability of data available over the Internet. Users of the Internet service assume full responsibility for any costs, liabilities, or damages arising from the way they choose to use their access to the Internet. The Middleborough Public Schools has installed special filtering software in an effort to block access to material that is not appropriate for children.

II. Internet Unacceptable Use The following is a list of prohibited behaviors. The list is not exhaustive but illustrates unacceptable uses of the Middleborough Public Schools Internet Service.

- disclosing, using, or disseminating personal identification information about self or others, except that staff members may release personal information about themselves for reasons related to the educational mission of the Middleborough Public Schools;
- accessing, creating, sending or forwarding materials or communications that are derogatory, defamatory, pornographic, obscene, sexually explicit, threatening, harassing, or illegal;
- using the Internet service for any illegal activities such as gaining unauthorized access to other systems, arranging for the sale or purchase of drugs or alcohol, participating in criminal gang activity, threatening others, transferring obscene material, or attempting to do any of the above;
- using the Internet service to receive or send information relating to dangerous instruments such as bombs or other explosive devices, automatic weapons or other firearms, or other weaponry;
- vandalizing school computers by causing physical damage, reconfiguring the computer system, attempting to disrupt the computer system, or destroying data by spreading computer viruses or by any other means;
- copying or downloading of copyrighted material without authorization from the copyright holder, unless the copies are used for teaching (including multiple copies for classroom use), scholarship, or research. Users shall not copy and forward or copy and upload any copyrighted material without prior approval of Middleborough Public Schools' building administrators or department heads,
- plagiarizing material obtained from the Internet. Any material obtained from the Internet and included in one's own work must be cited and credited by name or by electronic address or path on the Internet. Information obtained through E-mail or news sources must also be credited as to sources,
- using the Internet service for commercial purposes;
- using "chat rooms", blogging/web diary sites, instant messaging, personal email, online games not relevant to class work;
- using personal hardware such as ipods, camera phones, digital cameras, and etc. not relevant to class work,
- downloading or installing any commercial software, shareware, freeware or similar types of material onto network drives or disks without prior permission of the Director of Technology; and

- overriding or circumventing the Internet filtering software;
- using someone else's network password

III. Internet Safety Issues

Use of the Internet has potential dangers. Users are encouraged to read two brochures regarding Internet safety that the Massachusetts Plymouth County District Attorney's Office has prepared. The brochures are entitled Internet Safety for Kids available online at <http://www.mass.gov/da/plymouth/pubsafety/internetsafety/tipskids.htm>.

Internet Safety Tips for Parents is available online at

<http://www.mass.gov/da/plymouth/pubsafety/internetsafety/tipsparents.htm>.

Copies of these brochures are also available in the Principal's Office.

The following are basic safety rules pertaining to all types of Internet applications,

- never reveal any identifying information such as last names, ages, addresses, phone numbers, parents' names, parents' employers or work addresses, school or team names, hometown, or photographs of yourself or others in the Middleborough Public School System, except that staff members may release personal information about themselves for reasons related to the educational mission of the Middleborough Public Schools.
- use the "back" key or close your browser window whenever you encounter a site that you believe is inappropriate, or make you feel uncomfortable.
- immediately end the interaction and tell your building principal if you receive a message that you believe is inappropriate or makes you feel uncomfortable. Do not respond to the message in any way.
- never share your password or use another person's password. Internet passwords are provided for each user's personal use only. If you suspect that someone has discovered your password, you should change it immediately and notify your building principal.

IV. Privacy- Users should not have an expectation of privacy or confidentiality in the content of electronic communications or other computer files sent and received on the school computer network or stored in the user's directory or on a disk drive. The Administration of the Middleborough Public Schools reserves the right to examine data stored on district-owned storage media involved in the user's use of the Middleborough Public System Internet or Network service. Internet messages are public communication and are not private. All communications including text and images may be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver. Network administrators may review communications to maintain integrity system-wide and ensure that users are using the system responsibly.

V. Violations- Access to the Middleborough Public Schools' Internet service is a privilege not a right. The Middleborough Public Schools' Administration reserves the right to deny, revoke or suspend specific user privileges and/or to take other disciplinary action, up to and including suspension, expulsion (students), or dismissal (staff) for violations of this policy. The district administration will advise appropriate law enforcement agencies of illegal activities conducted through the Middleborough Public Schools' Internet service, including harassment and threats. The district administration also will cooperate fully with local, state, and/or federal officials in any investigation related to any illegal activities conducted through the service.

COMMUNICABLE DISEASES The District is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed, as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities to handicapped children under the law. The School Committee recognizes that communicable diseases, which may afflict students, range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases.

Management of common communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The District reserves the right to require a physician's statement authorizing the student's return to school. The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy and accompanying administrative procedures. Decisions about the proper educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement. In the event a student with a life-threatening communicable disease qualifies for services as a handicapped child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from

taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others. In all proceedings related to this policy, the District shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific nature of the student's condition. The determination of those who need to know shall be made by the Superintendent. SOURCE: MASC Policy LEGAL REF.: M.G.L. 71:55

FUNDRAISING POLICY – The Middleborough School Committee believes the primary function of the town’s schools is to educate the youth of the community. All other activities or initiatives must bow to and be relegated to a lesser priority when it comes to the education of students attending the local school. With specific reference to this policy, the school committee’s approval of a fundraiser will always be guided by the value of the activity to the mission of public education. Approved fundraisers must have a direct benefit to the development of the student or must support an objective that enhances educational opportunities for the young people attending the Middleborough Public Schools
MIDDLEBOROUGH PUBLIC SCHOOLS - NOTICE OF EQUAL OPPORTUNITY The Middleborough Public Schools reaffirms that they do not discriminate on the basis of race, color, religion, sex, national origin, age, disability or sexual orientation in: admission to, access to, treatment in, or employment in, its program or activities. Consistent with M.G.L. Chapter 76, Section 5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, or sexual orientation. Any harassment on the basis of race, color, religion, sex, national origin, age, disability, or sexual orientation will not be tolerated and will be punishable to the full extent of the law. If you should have any questions about the district's policy, please feel free to contact the Assistant Superintendent. Who has been designated to respond to your inquiries and to be the district's Equal Opportunity, Title IX, Section 504, and Americans with Disabilities (ADA) Coordinator. The Assistant Superintendent can be reached at (508) 946-2000.

If you should have a complaint or concern that there has been discrimination, you may also utilize the following procedure:

Report the violations to any staff member in the Middleborough Public Schools. He/she will notify the building principal. The building principal will meet with you and other persons who might have information about the issue promptly and will attempt to resolve the issue. Any additional investigation will be commenced by the school district investigators in each area, within a reasonable period. The building principal will issue his/her decision in writing to you within ten (10) days of the conclusion of the investigation.

If the complaint is not resolved, it can then be appealed to the district's Equal Opportunity, Title IX, Section 504, ADA Coordinator. This appeal must be in writing, describe the circumstances, and the relief you seek. This appeal should be taken within one week after receipt of the principal's decision.

The Equal Opportunity, Title IX, Section 504, ADA Coordinator will meet with you within a reasonable time. Following a review of the materials presented to the principal and any additional investigation which will be conducted promptly, the Coordinator will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator will indicate the steps to be taken to correct it.

Inquiries concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491.

February 2008

LEGAL REFS

Title VI, Civil Rights Act of 1964 Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 Executive order 11246, as amended by E.O.11375 Equal Pay Act, as amended by the Education Amendments of 1972 Title IX, Education Amendments of 1972 Rehabilitation Act of 1973

Education for All Handicapped Children Act of 1975 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972) M.G.L. 76.5; Amended 1993 M.G.L. 76:16 (Chapter 622 of the Acts of 1971)

Board of Education Chapter 622 Regulations Pertaining to Access to Equal Education Opportunity, adopted 6/24/75, as amended 10/24/78 Board of Education 603 CMR 26:00 Board of Education chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

**CROSS REFS ACA-ACE Subcategories for Nondiscrimination
Employment JB, Equal Educational Opportunities**

**GBA, Equal Opportunity
JJIB, Interscholastic Athletics**

MIDDLEBOROUGH PUBLIC SCHOOLS CHILD ABUSE REPORTING PROCEDURES

Each school shall designate, and make known to its staff, that the School Adjustment Counselor (or School Psychologist) is that building’s designated Child Abuse Reporter.

Any school staff member who has reason to suspect child abuse or neglect must report that suspicion immediately to the School Adjustment Counselor (SAC) or School Psychologist and follow up with a written report. School staff members are mandated reporters. The teacher or other school staff who notifies the school's designated child abuse reporter has completed his/her obligation as a mandated reporter. It is critical that the SAC or School Psychologist be notified **immediately** for the safety of the child. The teacher or school staff must not wait until the end of the school day.

The SAC or school psychologist will determine if a formal team should be convened or if notification to team members should be sufficient. (A team includes, but is not limited to the SAC or school psychologist, the principal, nurse, guidance counselor, and/or another person designated by the principal.)

If the SAC or School Psychologist is not available, the report must go to the school nurse or principal who will discuss as a team (including, but not limited to the principal, nurse, guidance counselor, and/or other person designated by the principal). The team will then decide how best to proceed by following the same procedures the SAC or School Psychologist would follow as outlined below.

After receiving a report of suspected child abuse, the SAC or School Psychologist will either interview the student or talk to appropriate school personnel for more information.

In some cases, the SAC or School Psychologist may act alone in deciding to report a suspected child abuse or neglect report. This may happen if the information about the abuse or neglect was discovered through a confidential counseling session.

In other cases, the SAC or School Psychologist will receive the report and discuss the child with appropriate school personnel, and then she/he may, based on that information alone, decide:

1. Not to file (**or**)
2. To file - The SAC or School Psychologist will first notify and consult with the principal, then file the 51A with the Department of Children and Families, Plymouth Office.
Tel. 1-508-732-6200 or 1-800-423-2338
Fax 1-508-747-1239
3. To interview the student then decide whether to file or not.

In the case where the alleged abuse has come directly to the SAC or School Psychologist he/she may interview the student, may consult with other school personnel, and then decide:

1. Not to file (**or**)
2. To file - The SAC or School Psychologist will first notify and consult with the principal, then file the 51A with the Department of Children and Families, Plymouth Office.
Tel. 1-508-732-6200 or 1-800-423-2338 Fax 1-508-747-1239

During the interview of the child it is important for the SAC or School Psychologist to get only enough information to make a report, as DCF will do a more thorough investigation to determine the accuracy of the information that led to suspected abuse or neglect. The way in which the child is interviewed can affect the results of the investigation. Only the SAC or School Psychologist should conduct interviews within the schools. Once the case is filed, DCF will conduct all interviews.

The person who files the 51A will notify the school nurse that a report has been made (many abused children develop physical symptoms that the school nurse might consider in her assessments). In case of physical injury the school nurse should evaluate and document the injury. That documentation, or the information it contains, will be included in the written report filed with DCF.

In the case of suspected illness, injury, or other condition in which the school nurse feels additional assessment is needed, the school physician may be contacted.

The SAC or School Psychologist will decide whether to notify parents on a case-by-case basis. This is not required, and should be decided by examining the advantages and disadvantages of each case based on knowledge of the child's family situation.

In a case where a child is refusing to go home because of being in danger of imminent abuse, or school personnel determine it is unsafe to send the student home, the principal, DCF and police will be immediately notified. The SAC or School Psychologist should be aware that if the child is in immediate danger, he/she should inform DCF that the situation is an emergency case.

The SAC or School Psychologist will file by calling DCF, and will send or fax a written report on the DCF form within 48 hours of the initial phone call. The SAC or School Psychologist will keep a copy of that report. No other copy will be made except under extenuating circumstances.

Whenever appropriate, schools should make it possible for the investigating social worker to interview the child at school during regular school hours. The SAC or School Psychologist should notify the counselors of siblings in other schools.

The Division of Social Services will notify the SAC or School Psychologist of the results of their investigation. Those results should be reported to the principal when they are received. If a report is filed just before school summer vacation, the reporter should make sure the principal receives the response from DCF.

A designated school professional (counselor, school psychologist, nurse) will follow up with the child in the days after the report is filed. This follow-up should continue as long as the child is in need of support.

There may be cases of exception to this protocol. The best judgment of the SAC or School Psychologist, in collaboration with appropriate school personnel may necessitate variations to these procedures.

STAFF TRAINING Each school will conduct a review of Child Abuse Reporting Procedures with their entire staff at the beginning of each school year. District-wide training of staff who might be directly involved with reporting to DCF will take place every 2 years.

COMMON QUESTIONS

Who is a mandated reporter? Mandated reporters include medical practitioners and technicians, public and private school teachers and administrators, guidance counselors, attendance officers, psychologist, social workers, foster parents, police, and court officers, firefighters and others.

Are mandated reporters liable if they fail to report suspected abuse or neglect? Yes. A mandated reporter may be subject to a criminal fine of up to \$1000 for failure to report suspected abuse or neglect of a child under 18. Effective July 1, 2010, the fine may be as high as \$5,000. Please see <http://www.mass.gov/legis/laws/mgl/119-51a.htm> for the complete amendment.

How are abuse and neglect defined under c.119.51A? Abuse means the non-accidental commission of any act against a child which causes or creates a substantial risk of physical injury or emotional injury: serious physical injury to a child or the commission of a sex offense against a child as defined by the criminal laws of the Commonwealth or any sexual contact by a child and a caretaker.

What is reasonable cause to believe that a child under 18 is suffering from abuse or neglect? Reasonable cause to believe means known or suspected instances of child abuse or neglect. A suspicion of child abuse is sufficient to trigger the requirements of a 41A.

Will the name of the school staff member who reports the suspected abuse or neglect be released to the child's parent or guardian? DCF's regulations prohibit the release of the reporter's name by its staff to the family or alleged perpetrator of abuse and neglect. However, if DCF refers a report to the District Attorney or police they will receive the reporter's name. DCF can be required to release the reporter's name in response to a court order. In Addition, the child's situation may make it readily apparent to a parent or guardian who is the most likely person to have made the report. For this reason it is recommended that the reporter notify parents that she/he has made a report as is required by law.

What if the mandated reporter who reports to the person in charge of the school or under a school protocol is uncertain whether the report has reached DCF? A mandated reporter who has followed the school protocol and reported suspected child abuse to a school administrator or designee, but is uncertain that the report has reached DCF, may also make the report directly to DCF. G.L.c.11951A prohibits any employer of a mandated reporter from discharging or retaliating against the employee for making a report the DCF in good faith under the statute. *Amendment effective July 1, 2008: If a mandated reporter is a member of the staff of a medical or other public or private institution, school or facility, the mandated reporter may instead notify the person or designated agent in charge of such institution, school or facility who shall become responsible for notifying the department in the manner required by this section.*

What happens when a report is filed with DCF? Initially, the DCF social worker who takes the report of abuse or neglect screens it. If there is reasonable cause to believe that a child is being abused or neglected by a "caretaker", the report will be "screened-in" for investigation. A report that is screened-out because it does not involve a caretaker will be referred to the DA and local police if it involves criminal child abuse by a non-caretaker.

If there is reasonable cause to believe that the child is in immediate danger of further abuse or neglect, DCF must begin its investigation within 2 hours and complete it within 24 hours. Otherwise, the investigation must begin within 2 calendar days and be completed within 10 calendar days.

Who is a caretaker under DCF regulations? The term caretaker is extremely broad under the regulation. A caretaker means a parent, stepparent, guardian, or other household member, or other individual who is entrusted with responsibility for a child's health or welfare in the home, relative's home, school setting, foster or group home, day care center, or a residential facility. In addition to parents or household members, it includes teachers, babysitters, school bus drivers, camp counselors, foster care providers or day care providers.

When a 51A is filed, how does DCF inform the reporter of its investigation and outcome of the case? DCF will notify the reporter of its decision to screen in or out the report. If DCF has screened in the report for investigation the reporter will be notified of the outcome of the complete investigation even when DCF does not support the allegation.

May a public school release student record information to DCF in cases of suspected child abuse or neglect? Yes. G.L.c.119 51B requires a mandated reporter to disclose to DCF any information that it determines is relevant to its investigation of a case of suspected abuse or neglect, including student record information. The release of this information is specifically authorized in the Student Records Regulations at 603CMR 23.07(4) [c] and [e].

Memorandum of Understanding with the Middleborough Police Department December 2010

Statement of Purpose:

We agree that student violence; alcohol and other drug abuse are national and societal problems reaching into our community of Middleborough. To maximize the effectiveness of our efforts to achieve a violence-free and drug-free community, we recognize that the coordination and cooperation of the community as a whole are essential. Therefore, the Chief of Police, with the support of the Superintendent of Middleborough Public Schools, and the Middleborough Public Schools School Committee Members, pledge to follow the agreed upon procedures for communicating incidents of verbal and physical assault, intimidation, bullying, cyber-bullying, threats, harassment, hate crimes, weapons and the use, possession, and distribution of drugs and alcohol.

We agree to establish an effective line of communication between the school and police departments; to establish a clear procedure regarding the reporting of verbal and physical assaults, intimidation, bullying, cyber-bullying, threats, harassment, hate crimes, weapons, and the use, possession, and distribution of drugs and/or alcohol within the schools, on school grounds, and at school sponsored events; and to reaffirm with parents, students and the public that violence in schools will not be tolerated, and that culpable individuals will be held responsible to the full extent of the law.

We further agree to coordinate our efforts, when appropriate, with the District Attorney for Plymouth County and the Massachusetts Department of Elementary and Secondary Education.

An agreement such as this is necessary as administrators, teachers, and other staff members are increasingly relied upon to recognize and to report incidents of violent behavior or use, possession or distribution of alcohol and drugs. The role of the police officers, school officials, parents and students toward our goal of a violence-free and drug-free community must be clearly understood by all parties.

Reportable Acts:

This memorandum of understanding addresses the reporting by school officials of reportable acts. Incidents requiring law enforcement notification and response include acts of violence, or any deliberate act, serving no legitimate purpose, which causes injury or which could reasonably be expected to cause injury to another person. a) To be considered reportable, the conduct should be either intentional and/or reckless in nature. b) Many factors may be taken into consideration when determining whether it is appropriate to notify law enforcement, including motivation, victim, potential for escalation, or parental request for law enforcement involvement (a parent's request that law enforcement not be involved shall *not* be binding on the school entity). Reportable acts shall also include, but are not limited to, threats to commit violent acts, verbal and/or physical assaultive behavior (e.g., intimidation, bullying, threats, harassment, and hate crimes), weapons, property destruction or thefts. In addition to the reportable acts listed would be situations in which there is a reasonable suspicion to believe (1) a student, regardless of age, is under the influence of drugs, including alcohol or steroids; (2) a student, regardless of age, is in possession of any controlled substance (G.L.c94c), including prescription drugs, without specific permission of the Principal or his or her designee and alcohol; (3) where there is a reasonable suspicion to believe that a student, regardless of age, has sold, offered for sale, distributed, or possessed with intent to distribute any controlled 'substance' (G.L.c94c), including prescription drugs and alcohol.

Directive:

Acts of violence will be reported to the Juvenile/School Resource Officer (SRO) or Middleborough Police Department when the SRO is not available. Appropriate administrative action also will be taken by local school officials. Criminal or legal action will be determined by the Middleborough Police Department and/or District Attorney's Office.

It should be noted here that certain school officials are not protected under the confidentiality statutes of the Commonwealth and, if called on to testify in court, they would be obligated to reveal any information relating to violence or drugs and alcohol. This memorandum of understanding also concerns the response of law enforcement agencies in a school setting to acts of delinquency within the scope of G.L.c119: Section 52, and to incidents which constitute reportable acts as defined herein.

Procedures and Responsibilities:

- 1.0 The Superintendent of the Middleborough Public Schools designates the Principals or his/her designee as the responsible school official in each school for handling reportable acts and the Chief of Police designates the Juvenile/School Resource Officer or Middleborough Police Department when the SRO is not available the police official responsible for handling all reportable acts. (The term “drugs” as used herein, shall include controlled substances as provided by M.G.L.c94c, including drug paraphernalia and alcohol.)
- 2.0 The parties and personnel referred to in this memorandum of understanding agree to the following:
 - a. All school officials are required to report any an all-reportable acts, as defined herein, by students to the Principal or designee.
 - b. The Principal or his/her designee will be responsible for reporting all reportable acts to the Juvenile/School Resource Officer as soon as possible and the parents or guardians of the student or students involved, both verbally and in writing.
 - c. The Juvenile/School Resource Officer will notify the Principal on any day he/she is unavailable or out of the district. The Principal or his/her designee will on these occasions phone directly to the police department any ‘reportable acts’ as soon as possible. A response will be made by the police department to the location of the incident as soon as possible.
 - d. Reports of findings from a police investigation involving students or staff in Middleborough Public Schools will be forwarded to the Superintendent at the conclusion of that investigation with the approval of the Police Chief. A decision will be made at that time if further school department action is warranted.
 - e. The Middleborough Police Department will notify Middleborough Public Schools when they receive information that an enrolled student has been charged with or convicted of a felony.
 - f. To Maintain clear/open lines of communication in school related matters, a liaison will be assigned for each department. The Superintendent of Middleborough Public Schools (or designee) and the Chief of Police (or designee) will respond to the press on school-related matters. Please note, as it relates to the school department personnel only dealing with the press, the rights of employees, students and parents to do process, confidentiality, and benefits of collective bargaining may preclude School Committee members and school administration from giving answers to press questions on highly newsworthy matters.
 - g. The Middleborough Police Department and Middleborough Public Schools agree to review on an annual basis the Memorandum of Understanding and each school’s Comprehensive Safety Plan.
 - h. In an effort to enhance cooperation and communication between the Middleborough Police Department and Middleborough Public Schools, both agencies agree to share information and resources for the purpose of professional development that will create a safe and healthy school environment.
- 3.0 Violence: Any act of assaultive behavior, battery, intimidation, bullying, threats, property destruction, theft, harassment, hate crime or a pattern of behavior that is likely to lead to harm are violations-of school rules and the law if they occur in the school building, on school grounds, at school sponsored events, on school buses, and at or around the school bus stops, during loading and unloading procedures. Any aforementioned act at a school or at a school event, regardless of location or time, will result in consequences as outlined in the student handbook.
- 4.0 Use, manufacture, distribution, dispensing, possession, and/or trafficking in controlled substances are violations of school rules and the law if they occur in the school building, on school grounds, or within one thousand (1,000) feet of the real property of the school grounds, on school buses, and at or around the school bus stops, during loading and unloading procedures.
- 4.1 Alcohol/Drugs: Any student with alcohol or drugs in his/her possession, except those prescribed by a licensed physician, or who there is a reasonable suspicion to believe is under the influence of these drugs, will be sent directly to either the school nurse or to the office as deemed appropriate under the circumstances of each incident. The student’s parent/guardian will be contacted, the Middleborough Police Department will be notified, and corrective action, which may include a clinical risk assessment, will be required prior to the re-admission, to the regular school program. A review for re-admission will follow suspension, as set forth below, provided that the parent/guardian has come into school for a conference and a corrective plan and school representative. Use, possession or being present when and where there is use of drugs or alcohol while under school supervision or at a school event regardless of quantity, location or time will result in consequences as outlined in the student handbook.
 - a. Use, possession or sale of drugs or alcohol will be reported to the police, as mandated by State Law.
 - b. The law pertaining to a drug-free school zone is stated in the student handbook. Disciplinary action pertaining to substance abuse, sale and/or possession may be taken against students under Chapter 766, in

connection with participation in educational programs and activities. As is permitted, circumstances may require a drug/alcohol – testing program as a component of delivery of education services.

4.2 According to the Educational Reform Law, 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 school by the Principal.

4.3 For incidents involving drug/alcohol use beyond school property at non-school supervised events, the Middleborough Police Department, through the Juvenile/School Resource Officer, will report any student arrested or taken into protective custody for violation of any drug law by any student in Middleborough Public Schools to the Superintendent and the Principal of the students' respective school. Such notifications shall take into consideration Police Department Policy, the provisions of the Educational Reform Act, and applicable laws concerning juvenile justice.

A police officer may take into protective custody for not more than four hours any person whom the officer reasonably believes is under seventeen (17) years of age if that person is found present where controlled substances in Class A, Class B, or Class C are kept or possessed and the child knows of the presence or possession of the controlled substance. Chap 94 C, section 36 – If a person under the age of seventeen is taken into protective custody under these circumstances, every reasonable effort shall be made to notify the child's parent or guardian or other person having lawful custody.

4.4 To deter student's drug/alcohol use, any student found to be present where underage drinking or drug use is taking place, the Middleborough Police Department will record the names, addresses, ages, and telephone numbers of all youths found to be present at the scene and notify the parents as soon as practical after the incident to offer resource information and assist in the design of a plan to modify the behavior and prevents a re-occurrence. The Juvenile/School Resource Officer will notify Middleborough Public Schools of the incident where a student was present where alcohol or drugs were found, and the identity of the student(s) involved.

To the extent possible, precaution must be taken by both police and school officials at all times to insure that the educational process is not disrupted, that the student is provided his/her applicable "due process" rights and that every attempt is made to offer counseling, resource information, and support when dealing with these issues.

Scope of Policy This policy extends to all students in the Middleborough Public Schools.

This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools.

SEXUAL HARASSMENT WITHIN THE SCHOOL ENVIRONMENT

A. General Considerations

The Middleborough Public Schools expects that each and every employee and/or student respect the rights of co-workers and/or fellow students in a comfortable and harassment-free school environment. To work toward this level of mutual respect and understanding, an employee/student should let another employer/student know when that person's behavior or activity is considered offensive and/or leads to uncomfortable work/learning conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately and permanently.

B. Explanation of Sexual Harassment

In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of the school environment. These generally constitute two (2) forms of behavior which have been recognized as sexual harassment and which have been defined as follows:

1. There is the "quid pro quo" form of sexual harassment, which occurs when the harassment is used by the harasser as the basis for employment decisions affecting the victim.

Demanding sexual favors accompanied by overt threat concerning one's job security, performance, evaluation, and assignments.

Engaging in reprisals (not granting promotions, assigning undesirable tasks, making negative statements about the victim's personal or work conduct, etc.) as a result of an individual's refusing to engage in social/sexual behavior.

2. The other form of sexual harassment is created in the working and/or school environment when an employer's or student's actions are thought to be hostile, intimidating, abusive or offensive. Some examples of this form of sexual harassment include the following:

Verbal harassment or abuse of a sexual nature;

Making negative or offensive comments, jokes, innuendoes, or suggestions about another person's gender or sexuality;

Using slang terms, names or labels that others find offensive;

Offensive and unwelcome touching of any kind;

Displaying sexually suggestive pictures, objects, cartoon, posters or other pornographic materials;
Continuing to ask a person to socialize after work when that person has verbally indicated no interest in such activities;
Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

Procedures

If an employee and/or student believe that he/she has been sexually harassed, or that he/she has witnessed such harassment, he/she shall report it, preferably in writing, immediately to his/her supervisor, to his/her teacher, to his/her Principal, to the Superintendent or to the Sexual Harassment Investigator: Mrs. Theresa Craig, Assistant Superintendent and EEO Coordinator (946-2000). It shall be the responsibility of the supervisor, teacher, Principal, or Superintendent to report the incident(s) to a Sexual Harassment Investigator.

Informal Procedures

Upon notification of a sexual harassment complaint or incident, the sexual harassment investigator will initially attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can negotiate an agreement that will be satisfactory to all involved. The purpose of an informal procedure is to end the harassment of the complainant rather than judge the offender.

Examples of informal strategies include:

- a. the complainant writing a letter to the offender.
- b. investigator can talk to the offender on the complainant's behalf.
- c. The offender and victim might participate in mediation, in which a third party (i.e. Sexual Harassment Investigator) helps them negotiate an agreement.

Formal Procedures

When informal procedures are not appropriate to resolving sexual harassment disputes, the sexual harassment investigator shall immediately begin the investigation.

The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.

The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant shall/will not be tolerated.

If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.

In all cases involving sexual harassment, all parties involved will be given the utmost protection of privacy.

Within seven (7) workdays, the Sexual Harassment Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.

After the investigation is completed, the Sexual Harassment Officer shall file a written report with the Superintendent and/or the School Committee. If it has been determined by the investigation that sexual harassment has occurred, the harasser shall be subject to discipline, up to and including termination. The discipline shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.

If the investigator does not substantiate the complaint of sexual harassment, then nothing is placed in the harasser's personnel file

NOTE: Recrimination/reprisal against complainant and/or witnesses after a "finding" or "non" finding will not be tolerated. Both parties shall be provided with a copy of the investigator's report.

If either complainant or the alleged harasser is dissatisfied with the results of the investigation of the harassment charge, he/she may discuss his/her dissatisfaction directly with the investigator. If still dissatisfied, he/she may turn to the grievance procedure set forth in the applicable collective bargaining agreement.

In addition, students and employees should be aware that they may have further recourse under the law governing sexual harassment.

Students should refer to procedures outlined in student handbook to report incidents of sexual harassment.

The Middleborough Public Schools is committed to the elimination and prevention of sexual harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of sexual harassment. Initial training will include:

- A. definition of sexual harassment;

- B. explanation of the district policy and policy procedures;
- C. legal prohibitions and consequences of sexual harassment;
- D. pertinent examples of sexual harassment and
- E. overview of sexual harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

An important aspect of the Sexual Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.

Identification of appropriate state and federal employment discrimination enforcement agencies and directions as to how to contact such agencies.

Office for Civil Rights, U.S. Department of Education, 33 Arch Street, Suite 900, Boston, MA 02110-1491.

- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362

Sexual Harassment Investigator Mr. Michael Malone, Superintendent
30 Forest Street, Middleborough, MA 02346_508-946-2000

Approved by Middleborough School Committee on November 21, 1996

SEXUAL HARASSMENT POLICY – STUDENTS POSITION The School Committee takes the position that all employees and students in the Middleborough Public Schools have the right to work and learn in an environment free from any type of harassment. Sexual harassment is against the law and will not be tolerated by the Middleborough Public Schools. All complaints of sexual harassment will be taken seriously and will be investigated thoroughly and as quickly as possible. Condoning sexual harassment will not be tolerated.

DEFINITION

Sexual harassment is defined as unwelcome sexual advances and/or requests for sexual favors, unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender, sexual advances and/or request for sexual favors. In addition, other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct or communication is made a term or condition either explicitly or implicitly of an individual’s success as a student; or
2. submission to or rejection of such conduct or communication by an individual is used as a factor in educational decisions affecting such individual; or
3. such conduct or communication has the purpose or effect of substantially interfering with an individual’s educational performance or creating an intimidating, hostile or offensive educational environment.

Sexual innuendoes, jokes, comments, pictures, or displays of sexually suggestive materials may constitute sexual harassment depending upon the totality of the circumstances and the severity of the conduct. The policy applies equally between the sexes.

A. General Considerations The Middleborough Public Schools expects that each and every student respect the rights of fellow students in a comfortable and harassment-free school environment. Sexual harassment of students, teachers, staff, or volunteers occurring in school or at school-sanctioned activities is unacceptable, unlawful and will not be tolerated. Any person aware of such harassment is required to report it to a teacher, the principal, the sexual harassment investigator, or the superintendent.

B. Explanation of Sexual Harassment In its simplest expression, sexual harassment is unwelcome verbal or non-verbal actions or physical contact of a sexual nature that impacts on the conditions of the school environment. Generally, there are two types of sexual harassment:

1. There is the “Quid pro quo” form of sexual harassment, which occurs when the harassment is used by the harasser as the basis for educational decisions affecting the victim.
 - a. Demanding sexual favors accompanied by overt threats concerning one’s individual success; or
 - b. Engaging in reprisals (assigning undesirable tasks, making negative statements about the victim’s conduct, etc.) as a result of an individual’s refusing to engage in social/sexual behavior.
2. The other form of sexual harassment in the school environment is when a staff member or student’s actions are thought to be hostile, intimidating, abusive or offensive.

Some examples of this form of sexual harassment include the following:

- a. Verbal harassment or abuse of a sexual nature;
- b. Making negative or offensive comments, jokes, innuendoes, or suggestions about another person's gender or sexuality;
- c. Using slang terms, names or labels that others find offensive;
- d. Offensive and unwelcome touching of any kind;
- e. Displaying sexually suggestive pictures, objects, cartoon, posters or pornographic materials;
- f. Continuing to ask a person to socialize when that person has verbally indicated no interest in such activities;
- g. Subtle pressure for sexual activities, e.g., continuing to write suggestive notes or letters after being informed they are unwelcome.

COMPLAINT PROCEDURES

If a student believes that he/she has been sexually harassed, or that he/she has witnessed such harassment, he/she shall report it, preferably in writing, immediately to his/her Teacher, to his/her Principal, to the Superintendent or to the Sexual Harassment Investigator: Mrs. Theresa Craig, Assistant Superintendent and EEO Coordinator (508-946-2000). It shall be the responsibility of the Teacher, Principal, or Superintendent to report the incident(s) to the Sexual Harassment Investigator. When a school employee becomes aware that a teacher or staff member is sexually harassing a student, a 51A should be filed with the Department of Social services.

Informal Procedures

Upon notification of a sexual harassment complaint or incident, an investigation will be initiated to attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can arrive at an agreement that will be satisfactory to all involved. The purpose of an informal procedure is to end the harassment of the complainant rather than judge the offender.

Examples of informal strategies include:

- A. An investigator helping the student to write a letter to the alleged harasser.
- B. An investigator talking to the alleged harasser on the complainant's behalf.
- C. An investigator bringing the alleged harasser and victim together to discuss and resolve the problem.

Formal Procedures

When informal procedures are not appropriate to resolving sexual harassment disputes, a formal investigation shall begin promptly.

1. The investigation shall consist of interviewing both the complainant and the alleged harasser separately. The investigator shall document the statements of both the complainant and the harasser.
2. The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that recriminations/reprisals against the complainant will not be tolerated. If there are any witnesses to the incident of harassment, they shall be interviewed without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses. In all cases involving sexual harassment, all parties involved will be afforded as much privacy as possible without jeopardizing the investigation.
3. Within seven (7) workdays of the submission of the complaint to the Sexual Harassment Investigator, he/she will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an anticipated date of completion of the investigation.
4. After the investigation is completed, the investigator shall file a written report with the Sexual Harassment Investigator and the Superintendent. If the determination in the written report is that sexual harassment has occurred, the harasser, if a student, shall be subject to discipline, up to and including suspension or expulsion. The discipline shall be filed in the harasser's student file. Corrective action shall also be taken to eliminate future harassment and to correct the discriminatory effects on the complainant and/or others. Both the disciplinary action and the corrective action shall be taken as quickly as possible. If the investigator does not substantiate the complaint of sexual harassment, then nothing shall be placed in the alleged harasser's student file.
5. If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the harassment charge, he/she may discuss his/her dissatisfaction directly with the investigator. He/she may also discuss his/her dissatisfaction with the District Sexual Harassment Investigator. If still dissatisfied, he/she may discuss his/her dissatisfaction with the Superintendent. In addition, students should be aware that they may have further recourse under the law governing sexual harassment. A formal complaint may be filed with:
 - Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (617) 223-9662
 - Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990

- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362
NOTE: Recrimination/reprisal against complainant and/or witnesses after a finding or non-finding of sexual harassment will not be tolerated. Both parties shall be provided with a copy of the written report.

Sexual Harassment Investigator Mr. Michael Malone, Superintendent
 30 Forest Street, Middleborough, MA 02346 Telephone: 508-946-2000

Approved by Middleborough School Committee on May 8, 2008

HARASSMENT POLICY The School Committee of the Middleborough Public Schools reaffirms that they do not discriminate on the basis of race, color, religion, sex, national origin, age, disability or sexual orientation in admission to, access to, treatment in or employment in its program or activities. Consistent with M.G.L. Chapter 76, Section 5, the Middleborough School District also affirms the commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, or sexual orientation. Any harassment on the basis of race, color, religion, sex, national origin, age, disability, or sexual orientation will not be tolerated and will be punishable to the full extent of the law.

The School Committee will take seriously all complaints of harassment based on sex, race, color, national origin, religion, age, disability or sexual orientation and will investigate complaints thoroughly and as quickly as possible through its designated Title IX and Title VI Coordinator. Condoning harassment and retaliation for providing information relative to a harassment claim will not be tolerated.

SCOPE OF POLICY

- This policy extends to all persons employed by the Middleborough Public Schools.
- This policy extends to all students in the Middleborough Public Schools.
- This policy also pertains to those firms and individuals who are contracted to perform work for the Middleborough Public Schools or those individuals who volunteer in the Middleborough Public Schools.

HARASSMENT WITHIN THE SCHOOL ENVIRONMENT

IF SEXUAL HARASSMENT IS REPORTED OR SUSPECTED, REFER TO THE MIDDLEBOROUGH PUBLIC SCHOOLS SEXUAL HARASSMENT POLICY.

The Middleborough Public Schools expects that its employees and/or students respect the rights of co-workers and/or fellow students to a harassment-free school and work environment. To work toward this level of mutual respect and understanding, an employee/student is encouraged to let another employee/student know when that person's behavior or activity is considered offensive and/or leads to uncomfortable work/learning conditions. Once made aware that such a condition exists, such behavior or activity shall cease immediately and permanently. Employees and students may also report harassing conduct to the school administration as set forth in the "PROCEDURES" section below.

The Middleborough Public Schools is committed to the elimination and prevention of harassment in order to maintain a safe and positive working and learning environment. To reach this goal, the district will provide staff development for identification and prevention of harassment. Initial training will include:

- a. definition of harassment;
- b. explanation of the district policy and policy procedures;
- c. legal prohibitions and consequences of harassment
- d. pertinent examples of harassment; and
- e. overview of harassment identification and prevention curriculum for students. New employees and others who come into contact with students will receive initial training soon after they begin their responsibilities with the district.

PROCEDURES

If an employee and/or student believes that he/she has been harassed based on sex, race, color, national origin, religion, age, disability or sexual orientation, or that he/she has witnessed such harassment, he/she shall report it, preferably in writing, immediately to his/her supervisor, to his/her teacher, to his/her Principal, to the Superintendent or to the Title IX and Title VI Investigator: Mrs. Theresa Craig, Assistant Superintendent (508-946-2000). It shall be the responsibility of the supervisor, teacher, principal, or the Superintendent to report the incident(s) to the Investigator.

Informal Procedures

Upon notification of a harassment complaint or incident, the Investigator will initially attempt to resolve the dispute through informal procedures. Use of informal procedures makes the assumption that both parties perceive a problem (although they may define that problem differently); both share a common interest in solving that problem; and that together they can resolve the problem in a mutually satisfactory way.

Examples of informal strategies include:

- A. The complainant writing a letter to the accused offender.
- B. Investigator can talk to the accused offender on the complainant's behalf.

C. The offender and victim might participate in mediation, in which a third party (i.e. the Investigator) helps them to resolve issues between the parties.

Formal Procedures

When informal procedures are not appropriate to resolving harassment disputes, the harassment investigator shall immediately begin the investigation.

An important aspect of the Harassment Policy formal procedures is the right of bargaining unit members involved in any role in matters pertaining to this policy to have association representation present and a commitment to adjust meetings accordingly. If any portion of the policy is in conflict with collective bargaining agreements, the agreement will prevail, provided the provisions of such agreements are not found to be contrary to the law.

- The investigation shall consist of interviewing both the complainant and the alleged harasser, individually and privately. The investigator shall document the statements of both the complainant and the harasser.
- The alleged harasser shall be informed of the complainant's identity. The alleged harasser will also be informed that retaliation against the complainant in violation of the policy will not be tolerated.
- If there are any witnesses to the incident of harassment, they shall be interviewed, individually or privately, without either the complainant or the alleged harasser present. The investigator shall document the statements of the witnesses.
- Within seven (7) workdays, the Investigator will provide to the complainant and the alleged harasser an update on the investigation. If not completed within seven workdays, both the complainant and the alleged harasser will be given an expected date of completion of the investigation.
- After the investigation is completed, the Investigator shall file a written report with the Superintendent and/or the School Committee. If it has been determined by the investigation that harassment has occurred, the harasser shall be subject to discipline, up to and including termination. The discipline shall be filed in the harasser's personnel file. Also, corrective action shall be taken. Both the disciplinary action and the corrective action shall be taken as quickly as possible.
- If the investigator does not substantiate the complaint of harassment, then nothing is placed in the accused harasser's personnel file.

NOTE: Retaliation against complainant and/or witnesses after a "finding" or "non-finding" will not be tolerated. Both parties shall be proved with a copy of the investigator's report.

If either the complainant or the alleged harasser is dissatisfied with the results of the investigation of the accusation of harassment, he/she may discuss his/her dissatisfaction directly with the Investigator. If still dissatisfied, he/she may discuss his/her dissatisfaction with the Superintendent of School. Members of the collective bargaining unit may also turn to the grievance procedure set forth in the applicable collective bargaining agreement.

Students should refer to procedures outlined in the student handbook regarding incidents of harassment. In addition, students and employees should be aware that they may have further recourse under the law governing harassment.

Identification of Appropriate State and Federal Employment Discrimination Enforcement Agencies and Directions as To How to Contact Such Agencies.

- Office for Civil Rights, 33 Arch Street, Suite 900, Boston, MA 02110-1491 (617) 223-9662
- Massachusetts Commission Against Discrimination, 1 Ashburton Place, Boston, MA (617) 727-3990
- Equal Employment Opportunity Commission, 150 Causeway Street, Suite 1000, Boston, MA 1-800-669-3362

Title IX and Title VI Coordinator/Harassment Investigator Mr. Malone, Superintendent

30 Forest Street, Middleborough, MA 02346 Telephone: 508-946-2000

Approved by Middleborough School Committee on August 14, 2008

Adopted 4/26/07 – Effective 9/07

STATE LAWS OF MASSACHUSETTS

CHAPTER 269. AN ACT PROHIBITING THE ACT OF HAZING Massachusetts General Law, Chapter 269, Sections 17-19, strictly prohibit any type of hazing or initiation into any student organization, which will endanger, either physical or mentally, the student's person.

Section 17: Hazing; organizing or participating; hazing defined Whoever is a principle organizer or participant in the crime of hazing as defined herein shall be punished by a fine or not more than one 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 public or private property, which willfully or recklessly may endanger 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:

Failure to report hazing

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

Section 19: Issuance to students and student groups, teams and organizations; report

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 board 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 or similar means of communicating the institution's policies to its students. The board of higher education 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.

PARENTAL NOTIFICATION RELATIVE TO SEX EDUCATION

At the beginning of each school year, each school principal shall provide to every parent/ guardian a written description of any curriculum that primarily involves human sexual education or human sexuality issues. Parents/guardians of students who enroll in a school after the beginning of the school year shall be provided with such notification upon enrollment. Upon request, materials shall be made available to parents for review.

Parents/guardians shall have the right to exempt their children from any portion of said curriculum through written notification to the principal. No child so exempted shall be penalized by reason of such exemption.

CHAPTER 622. DISCRIMINATION

Chapter 622 of the Massachusetts General Laws, an act prohibiting discrimination in school reads as follows: "No person shall be excluded from or discriminated against admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion or national origin." ***CHAPTER 76. RESIDENCY REQUIREMENTS***

In accordance with Chapter 76 of the General Laws of the Commonwealth of Massachusetts, students shall attend the public schools of the town where they actually reside. Students, who are not residents of Middleborough, may attend the schools with the proper approval of the superintendent of schools. Such students may be required to pay tuition.

Section 5. Every person shall have a right to attend the public schools of the town where he/she actually resides, subject to the following section. No school committee is required to enroll a person who does not actually reside in the town unless said enrollment is authorized by law or by the school committee. Any person who violates or assists in the violation of this provision may be required to remit full restitution to the town of the improperly attended public schools. No person shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses or study of such public school on account of race, color, sex, religion, national origin, or sexual orientation.

CHAPTER 76. Section 1. ATTENDANCE

G.L. c. 76, s 1 requires that every child, with certain exceptions, between ages established by the state board of education, must attend a public day school, or some other approved school, during the times when public schools are in session. The school committee is charged with the duty to provide for and enforce the school attendance of all children actually residing in the city or town. Home schooling must be approved by the superintendent. Absences by a student may not exceed 7-day sessions or 14 half-day sessions in *any* six-month period.

CHAPTER 150. AN ACT RELATIVE TO WEAPONS CARRIED ON SCHOOL GROUNDS 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 or hereinafter defined, loaded or unloaded, 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.

POSSESSION OF A WEAPON Pursuant to M.G.L. Chapter 269 Section 10(j), the possession of a firearm or other dangerous weapon in any building or on the grounds of a secondary school is a crime punishable by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. This is a serious breach of school regulations and will result in suspension, police will be notified, and the person/student will be arrested and prosecuted. Refer to Appendix B, MGL, Section 37H regarding expulsion proceedings. The Superintendent of Schools will be notified.

CODE OF MASSACHUSETTS REGULATIONS 603 CMR 23.00 STUDENT RECORDS

23.07. ACCESS TO STUDENT RECORDS

Inspection of Record A parent or eligible student has the right to inspect all portions of the student record upon request. The record must be made available within ten days after the request, unless the parent or student consents to a delay. The parent and eligible student have the right to receive a copy of any part of the record, although the school may charge a reasonable fee for the cost of duplicating the materials. The parent and eligible student may request to have parts of the record interpreted by a qualified professional from the school, or may invite anyone else of their choice to inspect or interpret the record with them.

Confidentiality of Record Except where the regulations specifically authorize access by third parties, no individuals or organizations other than the parent, eligible student, and school personnel working directly with the student are allowed access to information in the student record without the specific, informed, written consent of the parent or eligible student.

Access to Student Records by Non-Custodial Parents

The Board of Education has adopted, as emergency regulations, amendments to the Student Records Regulations concerning access to student records by non-custodial parents. The new provisions are in effect for the start of the 2005-2006 school year. As set forth in the amended regulation, 603 CMR 23.07(5), non-custodial parents are eligible to obtain access to their children's student records *unless* the school or district has been given documentation that:

- the non-custodial parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
- the non-custodial parent has been denied visitation or has been ordered to supervised visitation, or
- the non-custodial parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the order or any subsequent court order specifically allows access to student record information.

Access of Third Parties Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a),

personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

- A. A school may release the following directory information: a student's 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 without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.
- B. Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- C. A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 119, sections 51B, 57, 69 and 69A respectively.
- D. Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.
- E. A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L, and M.G.L. c. 119, section 51A.
- F. Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section nine.
- G. Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school the student is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.
- H. School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

Amendment of Record The parent and eligible student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent and eligible student have a right to request that information in the record be amended or deleted. They are entitled to meet with the principal (or the principal's designee) to discuss their objection to information that is in the record, and to receive a written decision. A parent or eligible student who is not satisfied with the principal's decision may appeal to higher authorities in the school district.

Destruction of Records The regulations require school authorities to destroy a student's temporary record within five years after the student transfers, graduates, or withdraw from the school system. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. In each case, the school must first notify the parent and eligible student and give them the opportunity to receive a copy of any of the information before it is destroyed.

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

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.

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

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. 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.

CHAPTER 209A. AN ABUSE PREVENTION ORDER

An Abuse Prevention Order, sometimes called a "209 A order" "protective order" or "restraining order", is a civil court order that seeks to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. The Abuse Prevention Order has recently been expanded to include substantive dating relationships. Unless there are specific conditions excluding contact on school grounds or in specific classes from the terms of the order, a 209A order must be obeyed by the abuser during school hours and on school grounds. A violation in any way of certain terms of a Temporary or Permanent 209 a Protective Order is a criminal offense and the proper authorities will be notified. Once the school is notified that a Protective Order exists between students, a separate meeting will be scheduled by administration, with each student involved to review the order and outline the steps that will be taken by the school to implement the order. A "Safety Plan" will be established with the victim to address his/her needs, including "Safety Stops", and staff to report to if concerns arise or a violation occurs. Schedule changes and other adaptations such as changes of lockers, seating assignments, etc. may need to be made to avoid face-to-face contact with the defendant. In such cases, the victim's schedule will be accommodated, not the abuser's. The local police will be notified immediately if it is believed that any violation has occurred.

TOBACCO PRODUCTS In accordance with the Massachusetts Education Reform Act of 1993, the use of any tobacco products within school buildings or facilities or on school grounds or busses by any individual, including school personnel, is prohibited.

CHAPTER 71: SECTION 37H. POLICIES RELATIVE TO CONDUCT OF STUDENTS

- (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 a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion by the school, 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, the principal may, in its 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 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 expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this 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.

CHAPTER 71 SECTION 37L. REPORTS OF STUDENTS POSSESSING OR USING DANGEROUS WEAPONS ON SCHOOL PREMISES; TRANSFERRED STUDENTS' SCHOOL RECORDS

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.

CHAPTER 71 SECTION 37H ½ *Felony complaint or conviction of a student; suspension; expulsion; right to appeal.*

Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

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

CHAPTER 227. DRUG FREE SCHOOL ZONE

The controlled substance act provides that any person convicted of possessing, selling or using drugs within 1,000 feet of public or private school (elementary, vocational, middle or secondary) whether or not in session shall be punished by a minimum of a two-year term of imprisonment. The registrar shall suspend, without a hearing, the license or right to operate a motor vehicle of a person who is convicted of violation of this statute, however, that the period of such suspension shall not exceed five years; provided further that any person who is under the age of eighteen (18) and who has violated this provision shall not be licensed to operate a motor vehicle until such person reaches the age of 21 years.

CHAPTER 385 OF THE ACTS OF 2002. AN ACT FURTHER PROTECTING CHILDREN **Section 1:** Chapter 6 of the General Laws is hereby amended by inserting after section 172F the following 3 sections:

Section 172H: Notwithstanding section 172 or any other general or special law to the contrary, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less that accepts volunteers, shall obtain all available criminal offender record information from the criminal history systems board prior to accepting any person as a volunteer. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

Section 172I: Notwithstanding section 172 or any other general or special law to the contrary, taxicab companies that have contracted to provide transportation of pupils pursuant to section 7A of chapter 71 shall submit the names of any employee who may have direct and unmonitored contact with pupils to the appropriate school committee or school superintendent prior to transporting any pupil. The school committee or superintendent shall obtain all available criminal offender record information on such employees from the criminal history systems board pursuant to section 38R of chapter 71.

Section 2: Chapter 71 of the General Laws is hereby amended by striking out section 38R, as appearing in the 2000 Official Edition, and inserting in place thereof the following section: **Section 38R:** The school committee and superintendent of any city, town or regional school district and the principal, by whatever title the position be known, of a public or accredited private school of any city, town or regional school district shall have access to and shall obtain all available criminal offender record information from the criminal history systems board of any current or prospective employee or volunteer of the school department, who may have direct and unmonitored contact with children, including any individual who regularly provides school related transportation to children. Such school committee, superintendent or principal shall periodically, but not less than every 3 years, obtain all available criminal offender record information from the criminal history systems board on all such employees and volunteers during their term of employment or volunteer service. Said school committee; superintendent or principal shall also have access to all criminal offender record information of any subcontractor or laborer commissioned by the school committee of any city, town, or regional school district to perform work on school grounds, and who may have direct and unmonitored contact with children. Access to such information shall be obtained in accordance with sections 167 to 168, inclusive, of chapter 6. A school committee, superintendent or principal obtaining information under this section shall prohibit the dissemination of such information for any purpose other than to further the protection of school children.

Section 5: Within 90 days of the effective date of this act, any entity or organization primarily engaged in providing activities or programs to children 18 years of age or less shall obtain all available criminal offender record information for any person then providing volunteer service, as a condition of continued service. Any entity or organization obtaining information under this section shall not disseminate such information for any purpose other than to further the protection of children.

AN ACT TO PROTECT CHILDREN AND FAMILIES FROM HARMFUL PESTICIDES

Pesticides shall not be applied indoors while children are on the property, except for anti-microbial pesticides such as bleach; rodenticides placed in tamper resistant baits; insecticidal baits; ready-to-use dusts, gels, or powder formulations; and certain lower risk pesticides. Until November 1, 2001 other pesticides can be applied indoors when children are NOT present on the property. Pesticides shall not be applied on the outdoor property of a school, day care center or school age child care program while children are located in, on or adjacent to the area of the pesticide application.

All parents, staff, and children will have to be provided with standard written notification of any pesticide application that is made outdoors on school property. The notification will also have to be posted in a common area. The information to be contained in the standard written notification will be obtained from the licensed pesticide applicator that performs the work.

Model Notification of Rights under FERPA For Elementary and Secondary School

The Family Educational Rights and Privacy Act (FERPA) afford parents and students over 18 years of age (“eligible students”) certain rights with respect to the student’s education records. These rights are:
The right to inspect and review the student’s education records within 45 days of the day the School receives a request for access.

Parents or eligible students should submit to the School principal (or appropriate school official) a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

The right to request the amendment of the student’s education records that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student’s privacy rights under FERPA.

Parents or eligible students who wish to ask the School to amend a record should write the School principal (or appropriate school official), clearly identify the part of the record they want changed and specify why it should be changed. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted as its agent to provide a service instead of using its own employees or officials (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

(Optional) Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll. (NOTE: FERPA requires a school district to make a reasonable attempt to notify the parent or student of the records request unless it states in its annual notification that it intends to forward records on request.)

The right to file a complaint with the U.S. Department of Education concerning alleged failures by the *School District* to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:**Family Policy Compliance Office U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-5920**

(NOTE: In addition, a school may want to include its directory information public notice, as required by 99.37 of the regulations, with its annual notification of rights under FERPA.) **PPRA Model Notice and Consent/Opt-Out for Specific Activities (LEAs should adopt the following model form as appropriate)**

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

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes;

- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical appraisals of others with whom respondents have close family relationships;
- Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- Religious practices, affiliations, or beliefs of the student or parents; or
- Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure, or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

Following is a schedule of activities requiring parental notice and consent or opt-out for the upcoming school year. This list is not exhaustive and, for surveys and activities scheduled after the school year starts, the **(School District)** will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law.)

MOA 24 – Civil Rights

The district ensures that individual teachers in the district review all educational materials for simplistic and demeaning generalizations, lacking intellectual merit, on the basis of race, color, sex, religion, national origin, and sexual orientation. Appropriate activities, discussions, and/or supplementary materials are used to provide balance and context for any such stereotypes depicted in such materials.

NO CHILD LEFT BEHIND ACT OF 2001(NCLB) GOALS

- Goal 1.** All students “proficient” or “advanced” in reading/English Language Arts and mathematics by 2013-2014.
Goal 2. All limited English proficient students “proficient” in English and reaching high academic standards in core subjects.
Goal 3. All students taught by highly qualified teachers by 2005-2006.
Goal 4. All students educated in learning environments that are safe, drug-free, and conducive to learning.
Goal 5. All students graduate from high school.

HIGHLY QUALIFIED TEACHERS (NCLB)

Compliance with P.L. 107-110, Section 1111(h)(6)(A) The Federal *No Child Left Behind* Act of 2001 requires school districts that receive federal Title I funding to notify parents of their right to know the professional qualifications of the classroom teachers who instruct their child. As a recipient of these funds, Middleborough Public Schools will provide this information in a timely manner if requested; however, please note that Nichols Middle School is not classified as a Title I school. Specifically, parents have the right to request the following information about each of the child's classroom teachers in a Title I school:

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

The Middleborough Public Schools district is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. The second "right to know" provision centers on notifying parents in Title I schools when their child is taught for four or more weeks by a teacher who is not highly qualified. The Middleborough schools shall provide each individual parent timely notice that their child has been assigned or has been taught for four or more consecutive weeks by a teacher who is not highly qualified. This provision of the law requires that all schools that receive Title I funds - regardless of whether the school has a school-wide or targeted assistance program - must provide this notification to **every parent in the school** whose child is being taught for four or more weeks by a teacher who is not highly qualified regardless of whether or not the teacher is being paid with Title I funds.

DUE PROCESS - The discipline code of the John T. Nichols, Jr. Middle School is administered within the guidelines set by the U.S. Supreme Court with regard to due process for students. The Supreme Court holds that the Due Process Clause of the Fourteenth Amendment to the United States Constitution requires that a student facing temporary (up to ten days) suspension from a public school be given oral or written notice of the charge(s) against him or her. Explanation for the basis for the accusation(s) and an opportunity to present his or her version of the facts is given. In addition, the Court holds that unless the student's continued presence at school endangers persons or property or “threatens disruption of the academic process,” the hearing must precede rather than follow

his or her suspension. The Court point out that due process does not require that hearings in connection with suspension be trial-like in nature. Therefore, school officials are not required to give the student an opportunity to secure counsel, to confront and cross examine witnesses supporting the charges, or to call his or her supporting witnesses.

SEARCHES - Both the Fourth Amendment to the United States Constitution (“Fourth Amendment”) and Article 14 of the Declaration of Rights of the Massachusetts Constitution hold that school administrators are subject to the constitutional prohibition on unreasonable searches and seizures. School administrators may search students only when there is reason to believe that the student has violated the law or school rules and when the search, as conducted, is reasonably designed to produce evidence of the violation. These constitutional provisions state the following:

Fourth Amendment - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath of affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article 14 - Every subject has a right to be secure from all unreasonable searches, and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

DISTRICT CURRICULUM ACCOMMODATION PLAN (DCAP) General education is the door to learning through which all students are expected to enter; it should be the goal of every school district to make the general education environment the appropriate placement for all students. In 2001, Ch. 71 of the Massachusetts General Laws was amended to add Section 38Q½. This section requires the adoption and implementation of a district curriculum accommodation plan (DCAP) to assist school principals in ensuring that all efforts have been made to meet students’ needs in the general education environment. The DCAP is intended to assist the regular classroom teacher in addressing the diverse learning needs of all students, including those who are gifted and talented, in the general education classroom and in providing appropriate services and support within the general education program. Further, Section 59C of Ch. 71 was amended to require the involvement of the school council in the development and evaluation of the DCAP. Working together, general and special educators can provide professional support to each other to address student learning. Schools can provide a rich curriculum, differentiated instructional practices, and varied programs of services geared to individual needs, including opportunities for strong family involvement and awareness of the educational services available in the school.

- School communities must believe and expect that all students can learn because expectations play an important role in student success. The mission of the Middleborough Public Schools is to prepare all students to excel in life. With high expectations comes respect for different approaches to learning, acknowledgement of cultural and linguistic differences, and recognition of the potential effects of disabilities and developmental variations.

(Adapted from “Is Special Education the Right Service? A Technical Assistance Guide”, MA DOE, March 2001)

SECTION 504 Section 504 of the Federal Rehabilitation Act of 1973, provides that no otherwise qualified disabled individual in the United States, shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Staff members are required to insure that we are in compliance, and are also required to report any violation or non-compliance issues. Said reports from school staff, parents, or students should be filed with individual school administrator and/or the Title IX/Chapter 622 coordinator. Prompt action for investigation will be taken to ensure the rights of the individual are protected.

TITLE IX (CIVIL RIGHTS) Title IX of the Federal Education Amendment of 1972, requires non discrimination on the basis of sex, color, race, religion, national origin, or sexual orientation in its education programs, activities or employment policies as required by Title IX of the 1972 Education Amendments. Inquiries regarding compliance with Title IX may be directed to the Assistant Superintendent, 30 Forest Street, Middleborough, MA 02346, (508) 946-2000 or to the Director of the Health, Education and Welfare, Washington, D.C.

CAFETERIA: POINT OF SALES INFORMATION Middleborough Public Schools utilizes a point of sales system for students to purchase lunches at each of the schools. Each student is assigned a 4-digit number to enter as they purchase their lunch. Please help your child to memorize their 4-digit pin. Your child will have this same number from Kindergarten to graduation. Families have options for lunch payment under this point of sales

system: Families may continue to provide payment for their student's lunches at each register with cash or checks for daily payment or prepayments.

Families may pay for lunches on line (MyNutrikids.com). Payments may be made through an existing PayPal account or with a major credit or debit card.

If a student has qualified for free or reduced meal prices this information is noted in the system, and the meal will be processed automatically. Families must continue to complete a new application each school year.

Families will now have the ability to print out a copy of their child's purchasing report. This history report will show all the dates and times that the child has purchased a breakfast and/or lunch as well as a la carte items within the past thirty days. Families can access this history report on MyNutrikids.com regardless of whether or not they use the system for purchasing.

IMPORTANT NOTICE

Student-parent handbooks are published and issued free of charge to all Nichols Middle School students each year. Students are expected to share their handbooks with their parents. Extra copies are always available at the Nichols Middle School office. At the request of a parent whose primary language is not English, a handbook will be provided in that language. This handbook shall be on file with the Superintendent's Office, Middleborough Public Schools.