

# **Lowell Public Schools**

**Elementary and Middle Schools**

**Parent and Student Handbook**



**School Year 2024-2025**

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**Parent/Guardian & Student Signature Page**

The Parent/Student Handbook is available on-line at: <http://www.lowell.k12.ma.us>  
By signing below, I acknowledge I have accessed the school handbook, and I acknowledge that my child is responsible for adhering to these policies and may face consequences for failing to comply.

By signing below, I also acknowledge that in receiving access to the on-line Parent/Guardian and Student Handbook, I am in receipt of and have access to a copy of the District's new Harassment/Sexual Harassment Policy, beginning on page 44.

Student's Name (Print): \_\_\_\_\_

ID Number: \_\_\_\_\_

Parent/Guardian Name: \_\_\_\_\_

Address: \_\_\_\_\_

Apt. # \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Phone Number: \_\_\_\_\_

Work Number: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Emergency Phone Number: \_\_\_\_\_

Emergency Contact Name: \_\_\_\_\_

Relationship: (i.e. grandparent, uncle, friend, etc.) \_\_\_\_\_

Indicate if emergency contact can pick up student: \_\_\_\_ Yes \_\_\_\_ No

Parent Email Address: \_\_\_\_\_

Would you prefer letters and documents sent via : \_\_\_\_ Postal Service \_\_\_\_ Email

I do not have access to the on-line version of the handbook. I request a hardcopy.

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Student Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***To be filled out by the office only with a copy kept on file.***

\_\_\_\_\_ Date hardcopy provided to parent/guardian.

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## Student Information, Photo and Video Release

Dear Parent/Guardian:

Throughout the course of the school year, Lowell Public Schools honors the various achievements of our students. The student information may include the student's name, a description of the actual achievement and/or award, academic or athletic, the student's grade level, academic test score, photograph(s) and video(s), student work, etc. This is not an exhaustive listing.

In addition, during school events images of students may be displayed, photographed and/or video recorded. This student information may be published, displayed and/or duplicated and/or released to the media (including but not limited to newspapers, cable/television, social media and internet) for public display and/or published/used in school/district newspapers, on school/district websites and/or by other third parties.

Pursuant to Massachusetts Department of Education regulation 603 CMR 23.00, we are limited in what information we can share regarding your child's achievements, without first obtaining both you and your child's written consent.

By signing this release and checking the "Yes Box" below, you the parent/legal guardian and/or the student (if student is his/her own legal guardian or emancipated) acknowledge that you and/or the student have the legal right to sign this release. You and/or the student also acknowledge that you and/or the student have the legal right to grant the Lowell Public Schools or its employees or agents the authority to release the student's information. In addition, by signing below you and/or the student acknowledge that you and/or the student have knowingly and voluntarily agreed to allow the Lowell Public Schools or its employees or agents to release the student's information

By signing this release and checking the "Yes Box" below, you and/or the student also agree to release and discharge the Lowell Public Schools and/or its employees and/or agents and the City of Lowell from any and all liability or claims of liability or claims of harm of any kind, both in law and in equity that may arise from the release of the student's information and/or its misuse either intentionally or otherwise by any third party or other person or persons. Specifically as to photos and videos you and/or student also release and discharge the Lowell Public Schools and/or its employees and/or agents and the City of Lowell for any liability that may arise by virtue of distortion, blurring, alteration, optical illusion or use in composite form, whether intentional or otherwise; and that you and/or the student understand that you and/or the student relinquish all rights to any remuneration for the use and/or subsequent uses of photograph(s) and/or video; and understand that images posted on the internet can be viewed and downloaded by others.

Yes, I give permission

No, I do not give permission

Name of Student: \_\_\_\_\_ School/Teacher: \_\_\_\_\_  
Please Print

Signature of Student: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

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## Medical Emergency Form

Student: \_\_\_\_\_ Date of Birth: \_\_\_\_\_ Grade: \_\_\_\_\_ HR \_\_\_\_\_

Address \_\_\_\_\_ Home Phone # \_\_\_\_\_

Parent/Guardian \_\_\_\_\_ Home Phone# \_\_\_\_\_

Parent/Guardian's work # \_\_\_\_\_ Parent/Guardian's Cell Phone# \_\_\_\_\_

Parent/Guardian's work # \_\_\_\_\_ Parent/Guardian's Cell Phone# \_\_\_\_\_

Student's Physician \_\_\_\_\_ Telephone # \_\_\_\_\_

**List 3 local adults (other than parent/guardian) who will assume immediate care of your child or pick up your child at school in the event of illness or emergency:**

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Name: \_\_\_\_\_ Tel: \_\_\_\_\_

Circle **all** current or active health conditions that apply to your child:

ADD ADHD Anxiety Asthma Autism/PDD Cerebral Palsy Depression Diabetes Heart Condition

Lactose Intolerance Migraines OTHER (please list) \_\_\_\_\_

Vision Problems (specify) glasses \_\_\_\_ contacts \_\_\_\_\_ preferential seating \_\_\_\_

Hearing Problems (specify) Left \_\_\_\_ Right \_\_\_\_ Hearing aids: Left \_\_\_\_ Right \_\_\_\_ Preferential seating \_\_\_\_

Allergies (please list) \_\_\_\_\_

Is your child prescribed an **Epi pen** for treatment of the allergy listed above? Yes No

List medication and dosage taken by your child on a regular basis or as needed:

\_\_\_\_\_  
\_\_\_\_\_

Does your child have health insurance? Yes No MassHealth? Yes No

I give permission to the school nurse to share information relevant to my child's health condition with appropriate school personnel as needed to meet my child's health and safety needs. Yes No

In case of emergency, your child will be transported to the hospital by EMS.

I hereby authorize the school nurse to contact my child's physician if necessary.

Signature of Parent/Guardian \_\_\_\_\_ Date: \_\_\_\_\_

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**Lowell School Committee**

Daniel P. Rourke, Mayor-Chairperson

Dominik Lay, Vice Chairperson

Fred Bahou

Dave Conway

Eileen DelRossi

Jackie Doherty

Connie A. Martin

**Lowell School Department**

Lowell Public Schools  
155 Merrimack Street  
Lowell, MA 01852

Liam Skinner, Superintendent of Schools

Latifah Phillips, Chief Equity and Engagement Officer

James P. Hall, Assistant Superintendent for Operations

Wendy Crocker Roberge, Assistant Superintendent for School Leadership

Oneida Fox Roye, Assistant Superintendent for Academics and Instruction

Alice Brown-Legrand, Assistant Superintendent for Student Support Services

TBD, Assistant Superintendent for Finance

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## Elementary and Middle Schools

<u>School</u>	<u>Administrator</u>	<u>Telephone #</u>
Bailey	Kimberly Clements	978-937-7644
Bartlett Community Partnership	Dr. Mathew McLean	978-937-8968
Butler	Jaime Moody	978-937-8973
Early Childhood Center @ Cardinal O'Connell	TBA	978-446-7000
Daley	Brendan Asquith	978-937-8981
Dr. Janice Adie Day School	Christine Adams	978-674-2400
Greenhalge	Dr. Jennifer Scarpati	978-937-7670
Laura Lee	TBA	978-937-7655
Leblanc	Carolyn Cuneo	978-970-5467
Lincoln	Kathleen Huntley	978-937-2846
McAuliffe	David Anderson	978-937-2838
McAvinnue	Michael Domina	978-937-2871
Moody	Roberta Keefe	978-937-7673
Morey	Dr. Kathleen McLaughlin	978-937-7662
Murkland	Kevin Andriolo	978-937-2826
Pawtucketville Memorial	Paula Jones	978-937-7667
Pyne Arts Magnet	Lori Lang (Interim)	978-937-7639
Reilly	Ron Fusco	978-937-7652
Riverside (BRIDGE)	Brian Twomey	978-453-1115
Robinson	Bridget Dowling	978-937-8974
Rogers STEM	Dr. Gregory Passeri	978-674-2040
Shaughnessy	Dr. Jason McCrevan	978-937-7657
Stoklosa	James Cardaci	978-275-6330
Sullivan	Sean Carabatsos	978-937-8993
Wang	Matthew Steinberg	978-937-7683
Washington	Jeffrey Haines	978-937-7635

## **Expectations**

Common sense and the laws of the Commonwealth of Massachusetts require the Lowell School Committee to adopt a set of procedures, policies, and rules to regulate the conduct of students in the Lowell Public Schools. These rules and regulations are intended to safeguard students and to provide a safe and orderly environment in which they may learn and grow. The rules are not demanding, difficult or unreasonable. They are based on common courtesy and respect for the general good of all.

**To our students:** We ask for your cooperation. Read this handbook carefully. Get to know what is expected of you - what is right and what is wrong. With this knowledge you can make good decisions about your conduct in school.

**To the parents or guardians of our students:** We ask you to support these rules and regulations. Review them with your children and reinforce the idea that school is a community and that if all members of this community (the students and staff) are courteous, respectful and thoughtful then school will be a pleasant, productive and meaningful experience.

We encourage you to contact your children's teachers and building administrators with any questions or concerns you may have. Attending parent/teacher conferences, school functions, school sponsored family activities and working collaboratively with the school staff will enhance your children's educational experience.

## **General Statement on Conduct and Behavior**

This handbook is not meant to be exhaustive or comprehensive enough to include all of the possible situations, behaviors and consequences of these behaviors, which results in transgression of a policy, procedure, or State or Federal law. This is a reasonable framework upon which responsible people can build a community of learners. The school administration reserves the right to take any action deemed necessary and appropriate, whether or not specifically addressed herein.

## **Essence of a School**

The elementary and middle schools are educational environments that address the unique characteristics as well as the developmental and intellectual needs of its students. In the elementary and middle schools, these developmental and intellectual needs are met through a student-centered curriculum in which a child can grow in a warm, caring environment. In Lowell, the nurturing child-centered elementary school years encompass grades Pk-4. The middle school years encompass grades 5 – 8 where young adolescents receive the crucial help they need to acquire:

- Durable self-esteem
- Flexible and inquiring habits of mind
- Reliable and relatively close human relationships
- A sense of belonging in a valued group
- A sense of usefulness in some way beyond the self
- A sense of responsibility



- An opportunity to practice teamwork

### **Aims and Goals**

The aims and goals of the Lowell Public Schools encompass the total development of the middle school child. To achieve these goals, it is important that school staff, students, and parents work together to:

1. Help students develop the ability to think
2. Equip students with strong academic skills
3. Help students develop the ability to communicate effectively
4. Help students be creative
5. Help students develop a sense of dignity and of personal worth
6. Help students develop self-discipline
7. Help students learn the need to initiate change and to adapt to change throughout their lives
8. Help students learn to find enjoyment in life
9. Foster an understanding of, and a respect for, differences in people and ideas
10. Help students develop a sense of social responsibility and a sensitivity to the needs of others
11. Foster a belief in democracy through an understanding of what it is and how people can make it work
12. Prepare students to make vocational decisions
13. Promote mental and physical health
14. Foster a desire for continued life-long learning
15. Develop attitudes and behaviors that lead to making good choices

# Lowell Public Schools 2024-2025 School Year Calendar

Superintendent of Schools-Lowell Public Schools- Lowell, MA  
2024-2025 School Year Calendar

<b>Monday, August 26, 2024</b>	<b>Staff Return to School – Staff Orientation Day</b>
Tuesday, August 27, 2024	First Day of School – Grades 1-12
<b>Friday, August 30, 2024</b>	<b>No School Labor Day Recess</b>
<b>Monday, September 2, 2024 *</b>	<b>No School – Labor Day</b>
<b>Tuesday, September 3, 2024</b>	<b>No School – State Primary Elections</b>
<b>Wednesday, September 4, 2024</b>	<b>First Day of School – Pre-Kindergarten &amp; Kindergarten</b>
Wednesday, October 9, 2024	<b>Wednesday - Early Release for grades PreK-12</b>
Monday, October 14, 2024 *	No School – Indigenous Peoples' Day
Tuesday, November 5, 2024	No School for Students -Election Day -Professional Day for Staff
Monday, November 11, 2024 *	No School - Veterans' Day Observed
<b>Wednesday, November 27, 2024</b>	<b>Early Dismissal – Thanksgiving Recess</b>
Thursday, November 28, 2024 *	No School - Thanksgiving Day
Friday, November 29, 2024 *	No School – Thanksgiving Recess
Monday, December 2, 2024	Schools Re-Open
<b>Wednesday, December 4, 2024</b>	<b>Wednesday - Early Release for grades PreK-12</b>
Friday, December 20, 2024	Winter Vacation Begins at the Close of Day
Tuesday, December 24, 2024*	Christmas Eve
Wednesday, December 25, 2024	Christmas Day
Tuesday, December 31, 2024 *	New Year's Eve
Wednesday, January 1, 2025 *	New Year's Day
Thursday, January 2, 2025	Schools Re-Open
<b>Wednesday, January 8, 2025</b>	<b>Wednesday - Early Release for grades PreK-12</b>
Monday, January 20, 2025 *	No School – Martin Luther King, Jr. Day
<b>Wednesday, February 5, 2025</b>	<b>Wednesday - Early Release for grades PreK-12</b>
Friday, February 14, 2025	Mid-Winter Vacation Begins at the Close of School
Monday, February 17, 2025 *	President's Day [Mid-Winter Vacation: Monday, February 17 – Friday, February 21, 2025]
Monday, February 24, 2025	Monday – Schools Re-Open
<b>Wednesday, March 5, 2025</b>	<b>Wednesday - Early Release for grades PreK-12</b>
Thursday, April 17, 2025	Spring Vacation Begins at the Close of School
Friday, April 18, 2025 *	No School – Good Friday
Monday, April 21, 2025 *	Patriot's Day – [Spring Break: Monday, April 21– Friday, April 25, 2025]
Monday, April 28, 2025	Schools Re-Open
<b>Wednesday, May 14, 2025</b>	<b>Wednesday - Early Release for grades PreK-12</b>
Monday, May 26, 2025 *	No School – Memorial Day
Friday, June 13, 2025	<b>180<sup>th</sup> School Day - Early Release for grades PreK-12 on Last Day of School</b>
Thursday, June 19, 2025 *	Juneteenth
Monday, June 23, 2025	185 <sup>th</sup> School Day [Includes five (5) Snow Days]

Approved by the Lowell School Committee at their meeting of: 4/17/24

\* Central Administration, Family Resource Center will be closed in observance of a holiday

Number of School Days Per Month			
August	3	January	21
September	19	February	15
October	22	March	21
November	17	April	16
December	15	May	21
		June	10



## **Academic Policies**

### **Promotion/Retention Policy—Elementary Schools**

#### Student Progress, Promotion and Retention Policies - Elementary Schools

The administration and teaching staff strive to create plans of instruction and instructional organization that provide the maximum opportunity for a student to progress through school according to their own needs and abilities without the stigma of failure or retention. All students are entitled to promotion upon satisfactory completion of the previous year's work. Grading and promotion will be based on the improvement, achievement, capability of the student, and the professional judgment of the teacher and principal.

Please note that multiple factors are considered in promotion or retention recommendations by the teacher and the Principal when making recommendations for promotion or retention of elementary students. A thorough examination of the child's record takes place, with specific notice of attendance, tardiness, academic progress, academic performance, developmental readiness, and any other applicable indicators of the student's potential for success in the next grade.

In any instance in which there is a recommendation of promotion by the teacher and Principal, and the parent is in disagreement, Lowell Public Schools recognizes the right of the parents to request that their child be retained. All requests by parents to retain their child for the coming year, must be made in writing to the Superintendent and explain the parent's rationale for retention. In any instance of admittance, promotion and/or placement, final decision will rest with the Superintendent, except in those cases requiring a vote of the school committee.

### **Promotion/Retention Policy—Middle Schools**

The administration and teaching staff will provide a challenging educational environment in order to maximize the opportunity for each student to progress through middle school according to his/her own needs and abilities without the stigma of failure or retention.

#### **Academics**

In order to be promoted to the next grade, middle school students must earn:

1. English and Mathematics:
  - Final passing grade of 65 or better in English.
  - Final passing grade of 65 or better in all Mathematics classes.
  - Students who earn a final grade between 60 and 64 will be provisionally retained and with permission of the principal, must attend Summer School in order to be promoted.
  - Students who earn a final grade below 60 will be retained.
  
2. Other Core Academic areas: Reading, Writing, Social Studies, Science
  - Cumulative final average of 65 or better in all academic classes.
  - Students who earn a cumulative, final average between 60 and 64 will be provisionally retained.
  - Students who earn a final grade below 60 will be retained.
  
3. Allied Arts:
  - Cumulative final average of 65 or better in all other allied arts classes.
  - Students who earn a cumulative final average between 60 and 64 will be provisionally retained.
  - Students who earn a final grade below 60 will be retained.

#### **Grading**

- 1<sup>st</sup> marking period – A grade no lower than 60 can be given in any subject area.
- Subsequent marking periods – A grade no lower than 55 can be given in any subject area.

#### **Attendance**

- Four (4) or more excused or unexcused absences per marking period MAY result in a school attendance hearing at the discretion of the Principal.
- Unexcused absences of between 16-25 days for a school year will result in Retention/Provisional Promotion in Middle School and may result in grade retention in Elementary School.
- Unexcused absences over 25 days will result in retention.

#### **Retention/Provisional Promotion**

- Summer School, when budgeted and with Principal approval, is a requirement for students who meet the stipulated grade and absence criteria. A Failure Intervention Plan will be developed at the school level for students in danger of failing one or more classes in lieu of Summer School.
- A child can take no more than two (2) academic courses in summer school.
- A child may have no more than three (3) absences during the summer school program.

## **Student Procedural Matters**

### **Arrivals and Dismissals**

Students and families will follow school specific health and safety protocols for arrival and dismissal to ensure the health and safety of everyone.

- Arrival: Student arrival should not be any earlier than 15 minutes before the start of the school day.
- Dismissal: Upon dismissal at the close of the school day, students are to leave promptly, unless they are detained by a teacher or administrator, or are participating in a supervised school activity.

### **No School/Delay of School Announcements**

On stormy days, the NO SCHOOL or DELAY OF SCHOOL announcements will be made through a ConnectEd call home and posted on the Lowell Public School website. Announcements will also be publicized on the local radio station WCAP – 980 AM, televised on Channels 4, 5, 7 and 25 and posted on social media. Do not call police or fire headquarters. It is the responsibility of parents to determine whether conditions during inclement weather are such that their child should not go to school on days school is in session. This is not considered an excused absence. In the case of a delay, there will be specific information about the time of the delay. For example, if there is a one hour (60 minute) delay then school will start one hour later than the regularly scheduled time. School buses will pick up children one hour later than the normal pick-up time. No breakfast will be served at school. Dismissal will occur at the regular time.

### **Registration—Family Resource Center**

All students entering the Lowell Public School System for the first time must register at the Family Resource Center for a school assignment. The Family Resource Center, located at 151 Merrimack Street, is open year-round. Its hours of operation are Monday through Friday from 8:00 a.m. to 4:00 p.m. (8-3 during the summer) Due to COVID-19 families must call ahead, or use the online form found on our website, to schedule an appointment if they would like to be serviced in person. Please continue to check the district's homepage for updated service hours and protocols in response to COVID-19. Many services, including registration, may be completed online and can be found the Family Resource Center website (<https://www.lowell.k12.ma.us/frc>)

To enroll a student to the Lowell Public Schools, families will be requested for the following at registration:

- Child's birth certificate
- Child's custodial records
- Child's vaccinations
- Proof of Lowell residency (current gas, electricity, or cable bill, or lease, or mortgage statement. Current is defined as within the past 30 days.)
- Parent's photo identification
- IEP (if the child receives Special Education services)
- 504 plan (if the child receives 504 accommodations)
- High school students must present transcripts. Missing or incomplete transcripts will delay high school entry.

***In order to keep accurate and updated school department records, parents must report a change of address and phone number to the student's school immediately. If there is a change of address, the***

***necessary documentation must also be provided to the school e.g. a copy of a lease, electric bill, gas bill reflecting the new address.***

If you are living with a Lowell resident and cannot provide proof of residency, you will need to complete a third party affidavit. Both of you (child's parent/guardian and the Lowell resident with whom you are living) must fill out the form and have it notarized. The Lowell resident will need to have a photo id and a current utility bill.

Please have a conversation with us if you are unable to produce sufficient documentation or if your housing is insecure as you may qualify for McKinney-Vento services.

All students entering the Lowell Public School System for the first time, all students who have moved within the city of Lowell, and all students wishing to transfer from one public school to another within the Lowell Public School System, must register at the Family Resource Center for a school assignment. The Family Resource Center, located at 151 Merrimack Street, is open year round. Its hours of operation are Monday through Friday from 8:00 a.m. to 4:00 p.m. After hours appointments are also available upon request.

### **Withdrawals and Transfers**

Parents/Guardians or an agency with legal custody, (i.e. Department of Children and Families) must ensure students who withdraw/transfer from the Lowell Public Schools are in fact enrolled in another school before a student is released from Lowell Public Schools.

1. Only Parents/Guardians or an agency with legal custody can request that a student be withdrawn/transferred from the Lowell Public Schools.
2. Parents/Guardians or an agency with legal custody must notify the school's office in advance or as early as possible concerning the withdrawal/transfer of a child to another school.
3. Parents/Guardians or an agency with legal custody must provide the school's office:
  - a. A completed/signed withdrawal/transfer form from the child's current school. (withdrawal/transfer forms can be picked up from the school the student is currently attending and must be completed and returned to the same school's office).
  - b. A completed/signed records release form. (record release forms can be picked up from the school the student is currently attending and must be completed and returned to the same school's office).
4. Parents/Guardians of students leaving the United States must provide official documentation to Lowell Public School that the student is leaving or has left the country (i.e. plane ticket, stamped Visa, consulate paperwork).

### **Emergency Procedure Cards/Records**

Emergency procedure cards/records are kept on file at the school in case of accident or illness during the school day. Every year a new card is filled out for each student. It is important that any change in information be forwarded to the principal immediately. We must have an accurate phone number for the parent/guardian of every student at all times and a minimum of two emergency contact numbers.

### **Prohibited Items**

The following items are considered disruptive to the educational process in Lowell Public Schools and are not allowed in school:

- Cell Phones and communication devices such as Apple watch
- Video Games
- Radios, iPods and other Walkman Type Devices
- Hand Held Laser Pointers
- Playing Cards
- Tobacco Products (including hookahs)
- E-Cigarettes (vape)
- Lighter/Matches (possession will lead to immediate suspension)
- Skateboards/Scooters/Roller Blades/Heelys/Hoverboards
- Other Items or Devices deemed inappropriate by the Principal

Students displaying and/or using these devices will have the device confiscated and may receive disciplinary action including suspension. Though the school will secure the device, the ultimate responsibility for any loss or damage remains with the student who brought the prohibited item to school. **A parent or guardian must come into school to pick up the item.** Playing cards, tobacco products, lighter, and matches will not be returned. All confiscated items must be claimed by the last day of the school year, any item(s) not claimed will be disposed of one week after the official end of the school year.

### **Earbuds/Headphones**

Students must be able to hear the intercom and directives from staff at all times to ensure safety. For this reason, students are not allowed to wear earbuds in school. Ear buds will be confiscated and not returned until the end of the school year or until a parent/guardian comes in to collect the article. The only exception to this prohibition applies to teachers who allow the use of earbuds in the classroom for educational purposes, but the earbuds must be put away before exiting the classroom.

### **Proper Dress**

It is expected that all students in Lowell Public Schools will be appropriately attired while in school. Additionally, students must follow current health and safety requirements. In keeping with the preceding, dress that tends to disrupt the class or contributes to a safety hazard in class is prohibited. In the spirit of maintaining an orderly and safe learning environment, students are prohibited from wearing any article of clothing or carrying any backpack or other accessory which is lewd, which promotes violence or hate for any individuals or groups, or which degrades the beliefs of others. Also prohibited is the wearing of studded accessories, jewelry or chains, which could be utilized as weapons.

Students who violate this policy will be directed to remove the offensive or unsafe items before being allowed to remain in school. Students are also prohibited from wearing any apparel that hinders identification. Students who refuse to adhere with this policy will be in violation of school rules and penalized accordingly.

Students are not permitted to wear the following:

- Any apparel that hinders identification. This includes but is not limited to: hats, hoods, bandanas, wave caps, doo rags, skull caps. (Exceptions will be made for documented religious or medical reasons or identified disabilities.)
- Gang-related clothing, articles, symbols, or visible gang tattoos
- Clothing or jewelry that relates to drugs, alcohol, or has a sexual connotation
- Oversized or sagging clothing
- Sunglasses
- Jewelry that could cause injury
- Any other dress that distracts, disrupts, intimidates, or provokes can be deemed inappropriate by the Principal or his designee.

### **Hats and Coats**

In addition to the above regarding proper dress, students are not permitted to wear hats and coats in classrooms, corridors or public school assemblies. Modifications to the dress policy, hat policy and coat policy may be issued by the Principal when necessitated by extenuating circumstances such as medical or religious reasons and extremely hot/cold weather. Students must put all hats in their assigned lockers prior to the start of school. Students found wearing hats will have the hat confiscated until the end of the year or until a parent/guardian comes in to collect the article. Subsequent offenses may result in further disciplinary action and long-term confiscation.

### **Fire/Evacuation Procedures**

Every student must realize that when the fire alarm sounds, this alarm is to be considered serious. Therefore, each student must follow instructions immediately and quietly. Students must pass quickly, but in good order, from the building. Disruption of the fire drill is a major violation and could be cause for a suspension or expulsion.

In the event of an emergency that poses a hazard to the safety of the students, the school population will be evacuated to a predetermined site. This information is on file in the school offices as well as at the Central Office.

### **Safety Drills**

To help ensure the safety of students and faculty, safety drills, coordinated with local police and fire departments, are conducted periodically during the school year. These drills include fire drills, evacuation drills, transportation evacuation drills, soft lockdowns and options-based response. Disruption of the safety drill is a major violation and could be cause for a suspension or expulsion.

### **Student Lockers/Desks**

Locks are not allowed in Elementary Schools. In Middle Schools, only approved school locks can be used. Locks other than those approved by school administrators will be removed or cut off by school personnel.

All lockers and desks must be emptied at the end of the school year and/or other times as required by school officials. Certain items may not be stored in lockers or desks. These include, but are not limited to such items as: weapons or dangerous chemicals, materials, instruments or devices; illegal or controlled drugs, look alike drugs, drug paraphernalia, alcoholic beverages; stolen property, or any other item which can result in unsanitary or non-hygienic conditions. Foodstuff or other perishable materials must not be left in the locker overnight. Students are to use only lockers assigned to them by the school administration. Emergency or unannounced inspections or searches may be carried out by school officials and other appropriate personnel (such as firefighters, police) to safeguard students and provide a safe and orderly environment.

Special Notice – The Lowell School Department reserves the right to collaborate with law enforcement officials to bring in trained dogs to detect drugs and other banned substances in emergency situations.



### **Gym Bags and Backpacks**

The School Department reserves the right to search all gym bags and backpacks brought onto school property at any time. This right to search also applies to all visitors to any public school in Lowell.

### **Lost Books, Instructional Materials or Other School Property**

Books, instructional technology (computers/iPads, accessories, etc.), instructional material, uniforms, etc., when issued to students are done so on a loan basis. Students are solely responsible for the safeguarding and protection of such items. If items are lost or stolen, the student must make full payment. Restitution must also be made on damaged items and property. All payments must be made no later than the last day of school in June of that academic year.

If such items are not returned or restitution is not made students may be prohibited from participating in school functions or activities.

Students shall be excused from making restitution for stolen textbooks provided that the student reports that his/her textbook has been stolen within 24 hours of the theft and the or designee has satisfactorily investigated the complaint.

### **Homework**

Homework is a tool to be used for reinforcement and/or for review of material previously presented to students and/or for independent study and research assignments. Homework is assigned on a regular basis, a minimum of 4 nights weekly – Monday through Thursday. Indicated below are the grade level and the suggested amount of time students should be spending on homework each night. Homework may also be assigned on Friday, along with special long-range assignments, such as book reports and class projects.

Grade 1	Suggested Amount of Homework Time Nightly <b>20 - 30 minutes</b>
Grade 2	Suggested Amount of Homework Time Nightly <b>25 - 45 minutes</b>
Grades 3 / 4	Suggested Amount of Homework Time Nightly <b>40 - 60 minutes</b>
Grade 5	Suggested Amount of Homework Time Nightly <b>45 - 60 minutes</b>
Grade 6	Suggested Amount of Homework Time Nightly <b>45 - 75 minutes</b>
Grades 7 / 8	Suggested Amount of Homework Time Nightly <b>60 - 120 minutes</b>

Your cooperation as a parent, in monitoring the time that your child spends on homework is requested in the interest of improving student performance.

### **Extracurricular Activities**

A variety of extra-curricular activities, depending on school facilities and staff, are available in the Lowell Public Schools. Students are encouraged to participate in these programs, which are provided to enhance the total educational program. Students at any school-related activity who are involved in behavior that constitutes major violations of student conduct will be subject to disciplinary action.

### **Student Support Services**

Guidance and Counseling Programs function to assist all pupils to:

- Assess and understand their abilities, aptitudes, interests and educational needs
- Increase their understanding of educational and occupational opportunities and requirements
- Help them make the best possible use of these opportunities through the formulation and achievement of personal social adjustments
- Provide information useful to school staff members, parents and community in planning and evaluating the school's total program

### **School Visitation**

Parents/Guardians are welcome to meet with administrators and teachers of Lowell Public Schools. To accommodate the needs of all parties, an appointment is required and may be made by contacting your child's school. All visitors entering the building must report to the Main Office and obtain a guest ID Badge. All visitors to LPS facilities are expected to follow the code of conduct. Options for meeting in person or virtually will be made available. When entering a school building, all visitors must adhere to the posted guidelines for social distancing and use of personal protective equipment (e.g. masks). Failure to abide by the rules may result in a request for removal from school grounds.

### **Food Service**

As part of the 2010 Healthy and Hunger-Free Kids Act, Lowell Public Schools offers free breakfast and lunch to all students during both in-person and remote learning. For schools that means no more lunch forms or asking parents to pay for balances. Please refer to the Food Services website for the most updated information on how to access meals.

### **What Parents Need to Know**

For those schools that are providing breakfast directly in the classroom, your child can simply take the breakfast items that are offered. For other schools, the child can simply go to the cafeteria or breakfast cart in the morning and eat breakfast. For lunch, the student can simply enter the lunch line and take a meal. All students will still need to have their meals recorded at the register.

**What is served at breakfast and lunch? What are my child's choices?** During breakfast, we offer two grains (or one grain and one protein), two fruits and a milk. All your child needs to do is take at least 3 menu items (with one being a fruit) to be considered a free meal. During lunch, we serve grain, protein, vegetables, fruit and milk. All your child needs to do is take at least 3 different items offered (one being a fruit or a vegetable) to be considered a free meal. Check the LPS website to view menus: <https://lowellk12ma.nutrislice.com/menu/>

**What if my child only wants milk or a single item?** We are only reimbursed by the USDA for complete meals. If your child only wants milk or a single menu item then those items are available for cash purchase on an individual basis; for example, milk costs 35 cents. In order to be free, your child must take a complete meal consisting of three different items (one being a fruit or vegetable).

**Any Questions** - Your food and nutrition team is here to answer all your questions. Contact the Lowell Public Schools Nutrition Office at 978-674-2049.

## **Conduct and Behavior**

The rules noted in this handbook are for the protection of personal rights. They are based on normal courtesy and respect for others and include social as well as academic responsibilities. These rules are not meant to be exhaustive or comprehensive enough to include all of the possible situations, behaviors, and consequences of behaviors that violate policy, procedure, or State or Federal Law.

### **Social Responsibilities**

A student's social responsibilities include good citizenship. In schools, good citizenship is based on respect and consideration for the rights of others. All students in Lowell's public schools are expected to conduct themselves in such a way that the rights and privileges of others are upheld. Good citizenship includes a student's responsibility to:

- respect authority
- understand and adhere to school rules as well as health and safety guidelines/expectations
- be fully responsible for their own actions and for the consequences of those actions
- respect the rights and beliefs of others
- respect and obey the federal, state and local laws
- respect the property of others, both private and public

### **Academic Responsibilities**

A student's academic responsibilities in school and remote learning are based upon study and hard work. In order to participate successfully in academic programs, students must:

- be on time for school
- attend school every day
- be prepared for class
- listen and participate in class
- complete all class work and homework
- study for tests
- demonstrate effective effort

### **Student Discipline**

Discipline, the need to identify constructive limits and controls in order to develop positive behaviors in all children, is an essential ingredient in every student's total learning experience. The goal of discipline is to help students develop wise decision-making skills so that they may learn to make responsible choices in their interactions with others. To deal with student discipline issues, progressive discipline strategies are used by the teachers and administrators of the Lowell Public School System and may include at the discretion of the Principal or Assistant and dependent on the nature of the discipline infraction any one of the following strategies and/or combination of the following discipline strategies:

- Counseling that starts at the classroom level between teacher and student, and if not productive, proceeds to the social worker, guidance counselor, or Principal and/or the Assistant
- Detention: office, after-school, and/or weekend
- Assignment to a Behavior Modification Center (BMC) or In-School Suspension if available at the school
- Suspension from school that may be imposed by the Principal or Assistant for up to 5 days for serious misbehavior and that may be extended to 10 days with the approval of the Superintendent or Chief Schools Officer.
- Assignment to an alternative program that may be recommended by the Principal
- Expulsion from school that may be imposed by the Principal or by the School Committee

## **Suspension and Expulsion**

Every student enrolled in the Lowell Public Schools is fully and equitably entitled to all the rights, privileges, safety and security afforded to all other students. No student shall cause any other student to be subjected to any form of harassment, including but not limited to harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics. In addition, no student shall subject any other student to threats, intimidation, assault, battery, or any other forms of violence. Such violations are subject to immediate suspension and/or expulsion in accordance with this Student Handbook. Rules pertaining to student behavior are in full force and effect for any school event including those held before or after school hours. These events include, but are not limited to, team or club activities, field trips, and school transportation. Rules apply to participants as well as spectators.

## **Code of Discipline**

The Code of Discipline will be read consistently with Chapter 222 of the Acts of 2012 and the following General Laws: M.G.L. Chapter 71, section 37H  $\frac{3}{4}$ ; M.G.L. Chapter 71, section 37H; M.G.L. Chapter 71, section 37H  $\frac{1}{2}$ ; M.G.L. Chapter 76, Sections 16 & 17.

## **Major Violations Listing**

All major violations warrant suspension at the discretion of the Principal or Assistant Principal the exception of suspension or expulsion pursuant to M.G.L. Chapter 71, section 37H; M.G.L. Chapter 71, section 37H  $\frac{1}{2}$ , which is solely within the authority of the Principal. Depending on the seriousness of the offense or the frequency of the violation, the Principal may refer the issue for further action, which could include an expulsion hearing before the Principal or School Committee or referral to an alternate education program. Any major and/or minor violations of the Discipline section could result in the removal of a student from any academic or other specialized program (academies, clubs, sports, etc.) along with any other appropriate disciplinary action including but not limited to expulsion.

The violations listed below are considered major violations and could result in a suspension/expulsion hearing:

1. Aiding or abetting an unauthorized access to school
2. Any action, which tends to endanger the health and safety of the offender, other students, or staff members, impedes the teacher-learning process or disrupts the orderly operation of the school
3. Assaulting and/or battering students
4. Assaulting and/or battering school personnel
5. Bullying
6. Any explicit or implicit acts of racial bias and/discrimination
7. Causing personal or public property damage
8. Cheating and/or knowingly using and/or copying the academic work of another and presenting it as one's own; plagiarism
9. Drugs and/or alcohol: sale and/or possession and/or transfer and/or being in the presence of illegal drugs and/or alcohol and/or under the influence
10. Fighting
11. Harassment, including verbal abuse and inappropriate jokes, including inappropriate and/or offensive racial, cultural, religious verbal statements/behavioral conduct on school grounds or during school activities (including class assignments) and/or that materially and substantially disrupts the education process or the orderly operation of a school.

11. Harassment (sexual), including verbal abuse and inappropriate jokes, or use of offensive material in a class assignment
12. Hazing
13. Improper and/or unauthorized use of any medication
14. Inappropriate use/abuse of computer software/hardware
15. Intervention Safety Plan violation
16. Leaving school grounds during school hours
17. Misuse of fire equipment, fire alarms, and 911 calls
18. Non-compliance with school rules during safety drills
19. Other-any violation not listed-including major and repetitive violations
20. Possession and/or use of a dangerous weapon, including but not limited to a gun or knife
21. Possession and/or use of any implement, which is a reasonable facsimile of a dangerous weapon, including but not limited to a gun or knife
22. Possession of any incendiary devices including but not limited to lighters and matches
23. Profanity, use of in any manner to include oral presentations and papers and extending to shows and plays and other events.
24. Repeatedly and intentionally defying/disrespecting the valid authority of supervisor, teachers, or administrators
25. School bus infractions
26. Stealing (Over \$250 is a felony)
27. Tampering with school documents or providing false information
28. Threatening another student
29. Trespassing on the grounds of another public school where the student is not enrolled, or of his or her own school when under suspension
30. Unauthorized and/or illegal use of technology including but not limited to cell phones, cameras, recording devices, laptops, iPads, etc., either school owned or privately owned on school grounds
31. Violation of law-local, state, federal
32. Discrimination/Harassment

### **Other School Violations**

Other school violations typically, but not always, involve infractions that are not listed as major violations. Some of these violations are handled by the Principal or Assistant to include smoking, cutting classes and truancy. Other violations are handled by the classroom teacher to include tardiness to class, disturbing classroom work, missing assignments, talking in class, not returning progress reports or not bringing class materials. Students must also understand and adhere to health and safety guidelines and expectations. A classroom management plan will be located in each classroom and only when no improvement is shown, will the student be referred to the Principal or Assistant for further discipline. However, exceptions may be made to this procedure as warranted and authorized by the Principal.

A school wide education service plan is in place to ensure that regardless of what disciplinary action may be taken, that all students will be provided the opportunity to receive educational services and make academic progress.

### **Habitual School Offender** (M.G.L. Chapter 119, Section 21)

School officials have the authority to file a Habitual School Offender with the courts for a child who repeatedly fails to obey the lawful and reasonable commands of the school.

Major and Other Violations; In-School Suspensions; Short-Term Suspension; Emergency Removal; Long Term Suspension (not to exceed 90 school days)  
(M.G.L. Chapter 71, section 37H <sup>3</sup>/<sub>4</sub>)

### **In-School**

### **Suspension**

"In-school suspension" means removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension under these regulations. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal and reporting purposes.

The Principal/Designee may impose an in-school suspension for a disciplinary offense provided that the Principal/Designee follows the due process set forth within this paragraph and provided that the student has the opportunity to make academic progress.

The Principal/Designee shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the Principal/Designee determines that the student committed the disciplinary offense, the Principal/Designee shall inform the student of the length of the student's in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the Principal/Designee shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The Principal/Designee shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the Principal/Designee is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

The Principal/Designee shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the Principal/Designee, if such a meeting has not already occurred. The Principal/Designee shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the Principal/Designee and the parent. There is no right to appeal an in-school suspension to the Superintendent.

### **Short-Term Suspension**

"Short-term suspension" means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A Principal/Designee may, at his or her discretion, allow a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

The Principal/Designee may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The Principal/Designee shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:

- (a) the disciplinary offense;
- (b) the basis for the charge;
- (c) the potential consequences, including the potential length of the student's suspension;
- (d) the opportunity for the student to have a hearing with the Principal/Designee concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- (e) the date, time, and location of the hearing; and
- (f) the right of the student and the student's parent to interpreter services at the hearing if needed to participate.

The Principal/Designee shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct a hearing without the parent present, the Principal/Designee must be able to document reasonable efforts to include the parent. The Principal/Designee is presumed to have made reasonable efforts if the Principal/Designee has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

Written notice to the parent may be made by hand delivery, first-class mail, certified mail, or email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Principal/Designee and parent.

The purpose of the hearing with the Principal/Designee is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the Principal/Designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the Principal/Designee should consider in determining whether other remedies and consequences may be appropriate. The Principal/Designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal/Designee should consider in determining consequences for the student.

In every case of student misconduct for which suspension may be imposed, the Principal/Designee shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and supports.

Based on the available information, including mitigating circumstances, the Principal/Designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The Principal/Designee shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up

assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice. There is no right to appeal short-term suspensions to the Superintendent.

If the child is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

### **Emergency Removal**

The Principal/Designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the Principal/Designee's judgment, there is no alternative available to alleviate the danger or disruption. The Principal/Designee shall immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal/Designee shall:

- (a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and which meets and complies with the notice and due process requirements of short-term suspension.
- (b) Provide written notice to the student and parent which meets and complies with the notice and due process requirements of short-term suspension;
- (c) Provide the student an opportunity for a hearing with the Principal/Designee that complies with the notice requirements of short-term and long-term suspensions, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal/Designee, student, and parent.
- (d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets and complies with the notice and due process requirements of short-term and long-term suspension.

The Principal/Designee may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

In every case of student misconduct for which suspension may be imposed, the Principal/Designee shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and supports.

### **Long-Term Suspension and Appeal Process under M.G.L. 37H 3/4**

"Long-term suspension" means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. A Principal/Designee may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of G.L. c. 71, §37 H, or in section 37H ½ of G.L. c. 71, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.



The purpose of the hearing is the same as the purpose of a short-term suspension hearing. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:

- In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal/Designee may rely in making a determination to suspend the student or not;
- the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
- the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
- the right to cross-examine witnesses presented by the school district;
- the right to request that the hearing be recorded by the Principal/Designee, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Principal/Designee shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

The Principal/Designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal/Designee should consider in determining consequences for the student.

Based on the evidence, the Principal/Designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Principal/Designee shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Principal/Designee and the parent. If the Principal/Designee decides to suspend the student, the written determination shall in accordance with 603 CMR 53.08(3)(d)(1-5) state the following:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out the key facts and conclusions reached by the Head of School/Designee;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as provided in 603 CMR 53.13(4)(a);
5. Inform the student of the right to appeal the Head of School/Designee's decision to the superintendent or designee, but only if the Head of School/Designee has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:
  - i. The process for appealing the decision, including that the student or parent must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the

- superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that
- ii. The long-term suspension will remain in effect unless and until the superintendent decides to reverse the Principal/Designee's determination on appeal.

In every case of student misconduct for which suspension may be imposed, the Principal/Designee shall exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. Alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and supports.

If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

A student who is placed on long-term suspension following a hearing with the Principal/Designee shall have the right to appeal the Principal/Designee's decision to the Superintendent/designee

The student or parent shall file a notice of appeal with the Superintendent/designee within five (5) calendar days of the effective date of the long-term suspension, unless an extension is requested (see 5-above). If the appeal is not timely filed, the Superintendent/designee may deny the appeal, or may allow the appeal in his or her discretion, for good cause. The Superintendent/designee shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the Superintendent/designee shall grant the extension.

The Superintendent/designee shall make a good faith effort to include the parent in the hearing. The Superintendent/designee shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Superintendent/designee to participate. The Superintendent/designee shall send written notice to the parent of the date, time, and location of the hearing.

The Superintendent/designee shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent/designee shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent upon request. The Superintendent/designee shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent upon request.

The student shall have all the rights afforded the student at the Principal/Designee's hearing for long-term suspension.

The Superintendent/designee shall issue a written decision within five (5) calendar days of the hearing as required by 603 CMR 53.08(3)(d)(1-4) stating the following:

- 1) the disciplinary offense, date, and participants present at the hearing;
- 2) key facts and conclusions;
- 3) length and effective date of suspension and return to school; and
- 4) notice of the student's opportunity to receive educational services during removal.

If the Superintendent/designee determines that the student committed the disciplinary offense, the Superintendent/designee may impose the same or a lesser consequence than the Principal/Designee, but shall not impose a suspension greater than that imposed by the Principal/Designee's decision.

The decision of the Superintendent/designee shall be the final decision of the school district, charter school, or virtual school, with regard to the suspension.

### **Major Violations – Long-Term Suspension or Expulsion**

(M.G.L. Chapter 71, Section 37H)

The following violations may result in a hearing before the Principal to determine whether or not the student should be suspended or expelled:

#### **I. Assaulting and/or battering school personnel**

Any student, who assaults a Principal, Assistant Principal, Teacher, Teacher's Aide or other educational staff on school premises or at school-sponsored events, including athletic games, may be subject to suspension or expulsion from the school or school district by the Principal. (This rule also pertains to school buses.)

\*Threatening violent acts on school personnel can/could be classified as an assault.

#### **II. Possession or use of a dangerous weapon or a reasonable facsimile of dangerous weapon, including, but not limited to a gun or knife**

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 or a reasonable facsimile including, but not limited to, a gun or knife, may be subject to suspension or expulsion from the school or school district by the Principal.

#### **III. The sale of and/or possession and/or transfer of controlled substance**

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

### **Hearing Leading to Suspensions or Expulsions (Due Process)**

Any student who is charged with a violation of any of the above-mentioned items 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, at his discretion, decide to suspend rather than expel a student who has been determined by the Principal to violate any of the above-mentioned items.

### **Appeal Process for a Suspension or Expulsion under M.G.L. 37H**

Any student who has been suspended or expelled from a school district pursuant to 37H shall have the right to appeal to the Superintendent. The suspended or expelled student shall have **ten days** from the date of the suspension or expulsion in which to notify the superintendent of his or her appeal. The student has the right to counsel at a hearing before the superintendent if the student so chooses. 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.

### **Student Charged with or Convicted of a Felony and Appeal Process under M.G.L. 37H1/2**

(M.G.L. Chapter 71, Section 37H1/2)

Upon the issuance and/or conviction of a criminal felony charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the Principal may expel or choose to

suspend such student for a period of time determined appropriate by the Principal if the Principal determines that the student's continued presence in school would have a *substantial detrimental effect* on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect.

The student or the student's parent/guardian shall have the right to appeal the suspension or expulsion to the superintendent and may bring counsel if the student so chooses. The student or student's parent/guardian 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 for the student's request for an appeal.

**School Committee Exclusions** (subject to and must be read consistent with **M.G.L. Chapter 71, section 37H ¾**)

**(M.G.L. Chapter 76, Sections 16 &17)**

The Principal or the School Committee may legitimately discipline students for misconduct even if the misconduct is not specifically described in these disciplinary rules. Such action will be in accordance with due process requirements and shall not be exercised arbitrarily or capriciously. This may also be applied to activities that are also off school grounds and that the offender knew his or her conduct was seriously wrong and contrary to school policy.

Note: Nicholas B. v. School Committee of Worcester: The court upheld the actions of Worcester School Committee in that, when a student is involved in an incident after school off of school grounds that was planned in school, that student or students are still subject to school discipline. The court ruled that the student knew his violent conduct was seriously wrong and contrary to school policy, even though the code of discipline did not address conduct off school grounds.

**Off-Campus Status**

Rules pertaining to student behavior are also in full force and effect for students while in off-campus status during school hours and after school hours and non-school days as part of a team, club, field trip, errand, school transportation, or as a participant or spectator of any other school sanctioned activity in or around the site of the activity (including parking areas.)

Disciplinary action can also be taken for *on or off campus behavior*, including but not limited to cell phone postings and/or photos, texting, and Internet postings and/or photos that are reasonably foreseeable to come to the attention of school administrators and create a risk of material and substantial disruption to the work and discipline of the school.

**Suspensions**

A student on suspension is not allowed on the school premises nor allowed to participate in or be a spectator or attendant at school functions, ceremonies, and extracurricular activities.

Students who are suspended will be provided the opportunity to receive educational services and make academic progress consistent with the school wide education service plan. It is the student's responsibility to complete the work in the time period indicated by the service plan.

**Transmittal of Expulsion Records**

When a student is expelled or suspended 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:

- Students must complete all assigned work.
- Students are responsible for returning all work to appropriate teachers.
- Any student who leaves the room without permission, or leaves with permission but does not return to the in-house suspension room, will be automatically suspended and must return with a parent on the next school day to meet with the Principal. The student will complete the original in-house penalty.

### **Procedures Pertaining to Discipline of Students with Special Needs**

The underlying principle of this section is that students with special needs must not be denied access to their education programs and services due to suspension for behavior that is directly related to their special needs or disability, or the result of an inappropriate special education program.

A student is considered a student with Special Needs if one of the following applies:

- The student is presently receiving services through an Individualized Education Plan;
- The district is presently conducting an initial evaluation;
- The student is presently eligible for accommodations under a Section 504 Plan;
- The student's parent(s) raised concern that the student was disabled and/or special needs in writing, and/or requested an evaluation; or if
- The school district staff had expressed concern that the student may have had a disability and needed services, prior to the disciplinary action.

If prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, either from the staff or the parent(s), then the district must make all protections available to the student until and unless the student is subsequently determined not to be eligible. In these cases, where eligibility has not yet been determined, the district shall immediately make a referral for a special education evaluation.

Suspension of such special needs students is defined as any action resulting in the removal of such students from their educational program, including expulsion from prescribed transportation and time in an in-house suspension program. An Individualized Education Plan may designate whether or not a student can comply with the school's discipline code.

### **Bus Conduct**

All students riding the school buses are expected to board the buses at the end of the school day unless excused by a parent's note and are expected to comply with the rules noted above. Students who refuse to obey the directions of the bus driver promptly or who refuse to obey regulations may, among other disciplinary actions, forfeit their right to ride on the bus.

Students must obey all bus rules including:

- Being on time at the designated bus stop.
- Conducting themselves in a safe manner while waiting.
- Moving toward the bus only when the bus has come to a complete stop.
- Boarding the bus in a manner that is respectful of other riders.

Bus rules while on the school bus:

- Students must keep hands, feet, and head inside the bus.
- Students must assist in keeping the bus safe and sanitary.

- Students must treat bus equipment well.
- Students must keep books, packages, coats, and all other objects out of the aisle.
- Students must be courteous to other students and to the bus driver.
- Students must help look after the safety and comfort of small children.
- Students must remain on the bus unless requested to leave by the bus driver in case of a road emergency. Students must be absolutely quiet when approaching a railroad-crossing stop.
- Students must sit where they are told to sit.
- Students must have written permission to leave the bus other than at home or at school.
- Students must not shout or cause unnecessary confusion.
- Students must not open and close bus windows.
- Students must not tamper with the bus or any of its equipment. (Damage to equipment will be paid for by the offender.)
- Students must not leave books, lunches, or other articles on the bus.
- Students must not leave or change seats while the bus is in motion.
- Students must not throw anything out of the bus windows.
- Students must not play roughly.
- Students must not use inappropriate language.
- Students must not smoke.

## **Attendance**

The School Committee, School Administrators and Teachers consider regular attendance essential for success in school. Every student is required to attend regularly and punctually. In keeping with state requirements, the Lowell Public School System acknowledges that **an absence is considered to be excused if it is due to one or more of the following well-documented reasons:**

- Suspension
- Illness
- Hospitalization
- Disability of the child is such that it precludes the child from attending school as determined by a physician
- Death of a family member
- Court appearance
- Religious Holidays/Observations
- Incomplete or outdated immunization records
- Physician's statement attesting to a medical condition that prevents school attendance
- Required quarantine

### **Procedure when a student is absent:**

- Parents or Guardians will call the school at the start of the school day on the dates of absence and notify the school of the student's absence.
- A student will bring a note from the parent or guardian containing the reason and date (s) of absence no later than the second day following the absence.
- If a student is absent, it is his/her responsibility to complete make-up work due to the absences in the time period indicated in the school wide education service plan. If the schoolwork is not made up, the student may lose credit for incomplete work.
- Teachers must provide makeup work according to the school wide education service plan. Extenuating circumstances that may make it difficult to complete work within the time period designated in the plan, such as hospitalization, should be discussed with the Principal.
- An absence will be considered unexcused if the above steps are not taken.
- If a student is excessively absent from school or has a pattern of extensive absenteeism over time the Principal or Designee is authorized to request additional documentation including doctor's notes.

### **Remote Learning**

When students are engaged in remote learning, attendance will be determined by students' engagement in virtual, live lessons and completion of assignments. Students are expected to have regular attendance during remote learning in alignment with expectations prescribed by the school/District. If families are experiencing challenges due to technology or schedules, they should reach out to their school (administrators and teachers).

**Please make every effort to schedule appointments involving your child before or after school hours.**

### **School's Obligation when a student is absent:**

Per Chapter 222, the Acts of 2012, An Act Relative to Student Access to Educational Services and Exclusion from School, Lowell Public Schools developed the Lowell Public Schools Attendance Intervention Plan. Per the Plan you should expect the following:

- An automated phone call following every absence;
- On or before the 3<sup>rd</sup> absence in each quarter, a telephone conference or meeting will be scheduled with the parent to develop an Attendance Agreement;
- On or after the 4<sup>th</sup> absence in each quarter, an Attendance Warning Letter will be sent to the Parent via email or US mail to inform them of the significance and impact on their child's grade;
- Every quarter the parent will be notified of their child's absences on their report card;
- On or before the 5<sup>th</sup> absence, a parent may expect to receive a Home Visit from one or two Attendance Team members of your child's school and/or an invitation to a school-based Attendance Meeting;
- On or before the 6<sup>th</sup> absence, you may be referred to an Attendance Intervention Meeting; and
- Per the law, on or about the 9<sup>th</sup> absence, the school may file a Child Requiring Assistance (CRA) and/or a Failure to Compel School Attendance with the Middlesex Juvenile Court.

Please be aware that the Department of Elementary and Secondary Education requires that all school systems have 180 days of school each school year. The official school calendar at the beginning of this handbook has five (5) possible snow days included in the calendar. If the school system has more than five unscheduled school closings, the additional days will be added to the end of the school year so that the school system is in compliance with the 180-day requirement. These added days count as regular school days. Students are required to attend these days and no dispensation will be given for students with summer travel plans. **Family vacations are NOT considered excused absences.**

It is the policy of the Lowell Public School System that students who have 15 consecutive days of unexcused absence will be deemed to be non-members and removed from school rolls.

Students under 16 years of age must return either to the Lowell Public Schools or to another school district in a new community of residence. Those students returning to Lowell Public Schools in grades K-8 must register at the Family Resource Center (FRC) for re-entry and placement. All such students will be subject to the established policies and procedures that apply to new entrants to the Lowell Public Schools.

### **Tardiness**

Tardiness to school is a hindrance to the educational process and something that needs to be avoided for future success in the workforce. *Please make every effort to schedule appointments for students before or after school hours.*

A student who is late for school must sign in at the Main Office when entering school and state the reason for tardiness that will be documented in the school office. For **tardiness in excess of five (5) days in a marking period**, school officials are authorized to contact parents. Patterns of tardiness may result in disciplinary action.

### **Truancy and Class Cutting**

Any student cutting class and/or absent from school without a legitimate excuse (with or without parent consent) is considered truant. Before the truant student will be readmitted to class, the student



accompanied by his/her parent or guardian must have a conference with the Principal or designee. A plan to address missed work and time will be developed by the school with missed school work being made up within 3 days in order to receive credit.

Truant students may be subject to detention, and/or possible referral to the Attendance Office for intervention. Please note that in regards to students 16 or younger, Massachusetts General Law Chapter 76, Section 2, Failure to Compel School Attendance states that “Every person in control of a child shall cause him to attend school as therein required, and, if he fails to do so for seven (7) day sessions or fourteen (14) half day sessions within any period of six months” can face prosecution by the District Attorney’s Office in the case of chronic truancy which could result in a potential fine. In addition, Lowell Public Schools may seek a CRA (Children Requiring Assistance) Truancy Petition through the court system for any child under the age of sixteen who fails to attend school for more than eight (8) days in a quarter without proper excuse.

The Attendance Officer will make house and school visits regarding excessive absence, excessive tardiness and truancy and will investigate and make recommendations in all school cases in juvenile courts and in all cases of school offenders and truant.

### **Dismissal**

School provides valuable academic time. Please be aware that dismissing a student affects the student’s and other children’s time on learning. A pattern of early dismissal may result in disciplinary actions. Parents are urged to make necessary appointments for students after school hours in order to minimize the need for dismissal.

Students who wish to be dismissed must bring in a parent-signed note to the main office on the morning of the dismissal indicating:

- Student’s name
- Day/date/year of the dismissal
- Reason for the dismissal
- Parent/guardian name
- Signature
- Phone number(s) where parent can be reached to verify dismissal
- The name of the person who will be picking the student up from school

**Please note:** No student will be dismissed unless the parent can be contacted. Family members who come in to pick up a student for a previously verified dismissal must present valid identification.

If an emergency arises and a note has not been sent in, the parent/guardian must come to the school and present valid identification in order to dismiss a student. If this is not possible, a fax signed by the parent that provides all the necessary information may be faxed to the main office with a follow-up phone call to the parent/guardian. **No Emergency Dismissals will be Approved by Telephone Contact Only.**

### **Students with Disabilities**

A child is not presumed unable to attend school solely because he/she is entitled to special education services or accommodations through a Section 504 plan. Any child with an individualized educational plan (I.E.P) or a Section 504 plan is expected to attend school regularly unless there are health issues documented on the plan that prevent attendance.

## **Policy and Guidelines Regarding Search and Seizure**

All parents/guardians and students must understand that the Supreme Court of the United States of America has ruled that:

1. A warrant is not required before a school administrator conducts a search of a student suspected of violating a school rule or criminal statute.
2. Probable cause is not required before a student may be searched; rather before conducting a search, the teacher must have “reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.”
3. The search must be reasonable in its scope as well as its inception.:

As such:

- The Principal, Assistant Principal or Designee may conduct a search of a student on school premises if he/she has reason or cause to believe that the student has in his/her possession any item, the possession of which constitutes a criminal offense under the laws of the Commonwealth of Massachusetts or violation of school policy and/or the Parent/Guardian and Student Handbook. This search will be made in the presence of a third party, all of the same sex as the alleged suspect except in the case of a health and/or safety emergency involving a possible imminent threat and/or harm. This search is not limited to just a search of the student’s person but may also include items on and/or in possession of the student, including but not limited to an assigned locker and immediate possessions, backpack, personal property (wallet, pocketbook, etc.).
- The Principal, Assistant Principal or Designee may conduct a search of the physical plant of the school and every appurtenance thereof, including student lockers.
- The Lowell School Department reserves the right to bring in trained dogs to sniff out drugs and gunpowder and other explosives.

In all circumstances of search and seizure in the school “the interests of the student will be abridged no more than is necessary to achieve the legitimate end of preserving order in the schools.”

A student search and resulting seizure by school personnel will be carried out if:

- There are reasonable grounds for suspecting that the student has violated or is violating either the law or the rules of the school, and
- The search itself is conducted in a manner reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and nature of the infraction.

Reasonable grounds for a student search may include:

- A school personnel’s personal observation
- Receipt by a school official of a report by a teacher, school employee, a student or some other reliable source; or
- Receipt of report from an anonymous source if circumstances persuade the school official of its reliability or if there is independent information corroborating it.

As stated above, when possible, the search should be conducted under the direction of a school administrator or security personnel with at least one other school personnel acting as a witness; and whenever possible, reasonable efforts must be made to inform the student’s parent/guardian of the intent

to search prior to taking such action. The search should be conducted as discreetly as possible making sure to avoid high intrusive searches, random searches or searches involving wholesale rummaging of a student's personal property.

If, in the judgment of the school administration, a situation arising of a student search and seizure warrants, it will be brought to the attention of the appropriate law enforcement authorities. In such cases, the student and the student's parents will be informed. All material seized will be sealed, dated and signed, and stored in a secure place by school authorities. Any material turned over to the police will be done so in compliance with legal safeguards to the student.

## **Due Process and the Right to Appeal**

All students must be afforded due process whenever deprived of their right to education through exclusion from their regular classroom instruction or from other school activities including: long term suspension, expulsion, transfer, probation or withdrawal of privileges. The right to due process includes the right to a fair hearing prior to any of the above exclusions, except for emergency suspension pursuant to this code.

- An **expulsion** is the complete severing of a student's membership from school. Expulsion would be the result of an action taken by the Principal based on Massachusetts General Law Ch. 71 Sections 37H & 37H1/2 or by the School Committee based on Massachusetts General Law Ch. 76 Section 17. A decision regarding student expulsion is made by the Lowell School Committee using the expulsion procedure noted above.
- A **long-term suspension** is exclusion from regular classroom instruction for more than 10 school days.
- All students must be afforded **due process** whenever there is a possibility of expulsion for more than 10 days. The right to due process includes the right to a fair hearing prior to expulsion or long-term suspension except for emergency suspension pursuant to these regulations.

### **Physical Restraint**

The Board of Education regulation (603 CMR 46.00) regarding physical restraint in public education programs are meant to promote safety for all students and staff in school. Physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. This regulation also governs time-out and seclusion.

### **Disturbance of School Assemblies**

Consistent with Massachusetts Law, whoever willfully interrupts or disturbs a school or other assembly will be subject to disciplinary action; suspension, expulsion, transfer, probation, withdrawal of privileges or arrest.

In the case of an arrest, it is not necessary to show that the defendant possessed a specific intent to disturb the school proceedings. The willfulness requirements of Massachusetts General Law Ch. 272 Section 40 demands only that the acts of the defendants be willfully performed. As long as the acts were intentional and not due to accident or inadvertence the requirement for arrest is satisfied (Commonwealth vs. Bohmer, 374 Mass. 368, 377; 372 NE 2<sup>nd</sup> 1381, 1978)

## HARASSMENT

Harassment of students by other students, employees, vendors and other 3<sup>rd</sup> parties will not be tolerated in the Lowell Public Schools. The alleged harassment must involve conduct that occurred within the school's own program or activity, such as whether the harassment occurred at a location or under circumstances where the school owned, or substantially controlled the premises, exercised oversight, supervision or discipline over the location or participants, or funded, sponsored, promoted or endorsed the event where the alleged harassment occurred, against a person in the United States. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school sponsored activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including termination of employment, subject to contractual disciplinary obligations.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

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

- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

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

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

By law, what constitutes harassment is determined from the perspective of a reasonable person with the characteristic on which the harassment is based. Individuals should consider how their words and actions might reasonably be viewed by others.

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training.

## **SEXUAL HARASSMENT**

Sexual Harassment is unwelcome conduct of a sexual nature. The definition includes unwelcome conduct on the basis of sex that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity it also, includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment includes conduct by an employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct, often called quid pro quo harassment and, sexual assault as the Federal Clery Act defines that crime. Sexual violence is a form of sexual harassment. Sexual violence, as the Office of Civil Rights (OCR) uses the term, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Massachusetts General Laws Ch. 119, Section 51 A, requires that public schools report cases of suspected child abuse, immediately orally and file a report within 48 hours detailing the suspected abuse to the Department of Children and Families. For the category of sexual violence, in addition to Section 51A referrals these offences and any other serious matters shall be referred to local law enforcement. Schools must treat seriously all reports of sexual harassment that meet the definition of sexual harassment and the conditions of actual notice and jurisdiction as noted above. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstance).

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances—whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;

- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, to male, female, or gender non-conforming students or employees may also constitute sexual harassment.

Because the District takes allegations of harassment, including sexual harassment, seriously, we will respond promptly to complaints of harassment including sexual harassment, and following an investigation where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting an environment that is free of harassment including sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of harassment or sexual harassment.

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

The complainant does not have to be the person at whom the unwelcome sexual conduct is directed. The complainant, regardless of gender, may be a witness to and personally offended by such conduct.

## NOTICE OF SEXUAL HARASSMENT

The regulations require a school district to respond when the district has actual notice of sexual harassment. School districts have actual notice when an allegation is made known to any school employee. Schools must treat seriously all reports of sexual harassment that meet the definition of harassment and the conditions of actual notice and jurisdiction as noted whether or not the complainant files a formal complaint. Holding a school liable under Title IX can occur only when the school knows of sexual harassment allegations and responds in a way that is deliberately indifferent (clearly unreasonable in light of known circumstances). Schools are required to investigate every formal complaint and respond meaningfully to every known report of sexual harassment.

The regulation highlights the importance of supportive measures designed to preserve or restore access to the school's education program or activity, with or without a formal complaint. Where there has been a finding of responsibility, the regulation would require remedies designed to restore or preserve access to the school's education program or activity.

## DUE PROCESS PROTECTIONS

Due process protections include the following:

1. A presumption of innocence throughout the grievance process, with the burden of proof on the school;
2. A prohibition of the single investigator model, instead requiring a decision –maker separate from the Title IX Coordinator or investigator;
3. The clear and convincing evidence or preponderance of the evidence, subject to limitations;
4. The opportunity to test the credibility of parties and witnesses through cross examination, subject to “rape shield” protections;
5. Written notice of allegations and an equal opportunity to review the evidence;
6. Title IX Coordinators, investigators, and decision-makers must be free from bias or conflict of interest;
7. Equal opportunity for parties to appeal, where schools offer appeals;
8. Upon filing a formal complaint, the school must give written notice to the parties containing sufficient details to permit a party to prepare for any initial interview and proceed with a factual investigation. For K-12 schools a hearing is optional but the parties must be allowed to submit written questions to challenge each other’s credibility before the decision-maker makes a determination. After the investigation, a written determination must be sent to both parties explaining each allegation, whether the respondent is responsible or not responsible, including the facts and evidence on which the conclusion was based by applying either the preponderance of the evidence or the clear and convincing standard; however, a school can use the lower preponderance standards only if it uses that standard for conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanction. As long as the process is voluntary for all parties, after being fully informed and written consent is provided by both parties, a school may facilitate informal resolution of a sexual complaint.

A district may establish an informal investigation process that may, upon the request of the complainant, be followed by a formal process.

The Superintendent in consultation with the Title IX Coordinator shall designate the principal of each school in the district, or their designee (or some other appropriate employee(s)) as the initial entity to receive the sexual harassment complaint. Also, in a matter of sexual harassment, the district shall require that the Title IX Coordinator be informed, as soon as possible, of the filing of the complaint. Nothing in this policy shall prevent any person from reporting the prohibited conduct to someone other than those above designated complaint recipients. The investigating officer may receive the complaint orally or in writing, and the investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and in compliance with applicable law. The investigation will be prompt, thorough, and impartial, and will include, at least, a private interview with the person filing the complaint and with witnesses. Also, the alleged harasser will be interviewed. When the investigation is completed, the



complaint recipient will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

## RECORD KEEPING REQUIREMENTS

Schools must create and maintain records documenting every Title IX sexual harassment complaint. This could include mediation, restorative justice, or other models of alternative dispute resolution. Schools must keep records regarding the school's response to every report of sexual harassment of which it becomes aware even if no formal complaint was filed, including documentation of supportive matters offered and implemented for the complainant.

This policy, or a summary thereof that contains the essential policy elements shall be distributed by the Lowell School District to its students and employees within the Handbook and each parent or guardian shall sign that they have received and understand the policy. Each school will maintain a copy of the parent/guardian signature indicating receipt of the policy.

**Lowell Public Schools District's Title IX Coordinator: Ms. Latifah Phillips, Chief Equity and Engagement Officer, (978) 674-4326**

**If you have a complaint, please contact the office of Ms. Latifah Phillips, Chief Equity and Engagement Officer, (978) 674-4326.**

Please note that the following entities may have specified time limits for filing a claim.

The Complainant may also file a complaint with:

The Mass. Commission Against Discrimination, 1 Ashburton Place, Room 601  
Boston, MA 02108  
Phone: 617-994-6000  
TTY: 617-994-6196  
Fax: 617-994-6024  
Email: [assistanttochairman@state.ma.us](mailto:assistanttochairman@state.ma.us)

Office for Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8th Floor  
Boston, MA 02109  
Phone: 617-289-0111  
TDD: 1-800-877-8339  
Fax: 617-289-0150  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

Problem Resolution System Office, Massachusetts Department of Elementary and  
Secondary Education  
75 Pleasant Street  
Malden, MA 02148-4906  
Phone: 7810338-3700

Fax: 781-338-3710  
Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

The United States Equal Employment Opportunity Commission,  
John F. Kennedy Bldg.  
475 Government Center  
Boston, MA 02203  
Email: <https://www.eeoc.gov/filing-charge-discrimination>

**Bullying** is defined as the repeated use by one or more students or by a member of the school staff including, but not limited to an educator, an administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of verbal, written or electronic expressions and/or communication (including Cyber-bullying) or a physical act or gesture or any combination thereof, directed at a victim that, (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or of damage to his property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school.

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

Certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one or more of these characteristics.

***Any student who believes that he or she has been subjected to bullying and/or harassment should report the incident to any member of the school staff (teacher, counselor, administrator, crisis intervention specialist, nurse, etc.) and/or parent and/or law enforcement official as soon as possible.*** To the extent that the student/parent believes that harassment and/or bullying creates a grievance under Title IX and/or Chapter 662 the student would also have the option of filing a complaint in writing to the coordinator of Title IX or Chapter 622. Please see previous sections on Harassment and Sexual Harassment.

A report (verbal or written) of bullying and/or harassment will be investigated promptly and in an impartial and confidential manner, to ensure prompt and appropriate action. Any individual who is found, after an appropriate investigation, to have engaged in harassment and/or bullying (as defined above) on or off school grounds (as defined by law) will be subject to disciplinary action up to and including expulsion. No individual will be subject to any form of coercion, intimidation, retaliation, interference, or

discrimination for making a report in regards to harassment and/or bullying and/or for cooperating and/or assisting with said investigation. However, knowingly making false accusations of harassment and/or bullying will result in disciplinary action up to and including expulsion.

Please also note that law enforcement may be notified as a result of bullying and/or harassment and/or for knowingly making false accusations and as a result, criminal charges may be sought.

For more information regarding bullying and/or harassment, you may contact the principal of your child's school and/or the Office of Educational Equity and Community Engagement for the Lowell Public Schools at 978-674-2034. Additional information can be found on the Massachusetts Department of Elementary and Secondary Education website or the Lowell Public School Website. If you need to report Bullying, you will find the Reporting Form on the district's website.

### **No Trespass Orders**

Pursuant to M.G.L c. 266, sec. 120, the Superintendent has the authority to request and issue a No Trespass Order against any individual or group of individuals consistent with the requirements of state law, which could include but is not limited to, acting inappropriately, causing alarm and/or acting in a threatening manner towards school personnel or students.

## **Equal Educational Opportunities**

### **Policy Against Discrimination**

It is the policy of the Lowell Public Schools not to discriminate on the basis of sex, sexual orientation, religion, color, or national origin in the educational program, activities, or employment policies as required by Title IX of the 1972 Education Amendments and Chapter 622 of the Acts of 1971. Title IX is federal legislation that prohibits discrimination against students and employees on the basis of sex. Chapter 22 is state legislation that includes prohibition of discrimination on the basis of sex, sexual orientation, or gender identity but also prohibits discrimination on the basis of race, color, national origin and religion. (Chapter 622 deals with students only.)

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities.

### **Grievance Procedures**

A student or employee in the Lowell Public Schools who feels that he/she has grievance under the Title IX or Chapter 622 shall file it in writing to the following:

Level 1 Principal/Designee

Level 2 Designated Coordinator of Title IX/622

Level 3 Superintendent of Schools

Level 4 School Committee

Level 1: A student or employee who feels there is a complaint under Title IX or chapter 622 shall submit it in writing to the Principal/Designee. The Principal/Designee will meet with the student or the employee within five school days of receiving the complaint in an effort to resolve the complaint.

Level 2: If at the end of five (5) school days following the meeting, the grievance shall not have been disposed of satisfactorily, the written grievance may be presented to the Title IX Coordinator, who shall, within ten (10) school days thereafter, meet in an effort to settle the grievance.

#### *Designated Coordinators/Officers*

Title IX Latifah Phillips, Chief Equity and Engagement Officer (978) 674-4326

Title II Oneida Fox Roye, Assistant Superintendent for Academics and Instruction (978) 674-4323

District 504 Coordinator, Alice Brown-Legrand, Assistant Superintendent for Student Support Services (978) 674-4326

Level 3: If at the end of ten (10) school days next following the meeting, the grievance shall not have been disposed of to the satisfaction of the complainant, the complainant may refer the written grievance to the Superintendent of Schools, who shall within ten (10) school days, thereafter, meet in an effort to settle the grievance.

Level 4: If at the end of ten (10) school days following the meeting with the Superintendent of Schools, the grievance shall not have been disposed of to the satisfaction of the complainant, the complainant may refer the written grievance to the School Committee. Under a Chapter 622 grievance, the complainant may submit a copy to the Bureau of Equal Educational Opportunity. The School Committee shall respond promptly, but no later than thirty (30) school days, in writing to the complaining party. The School Committee shall also send a copy of the response to a Chapter 622 grievance to the Bureau of Equal Educational Opportunity at the Massachusetts Department of Education.

In addition, the complainant is free to pursue his or her rights with the appropriate state agency or court/administrative body that would have jurisdiction, including but not limited to the following:

Bureau of Special Education Appeals | Division of Administrative Law Appeals | 14 Summer Street, 4th floor, Malden, MA 02148 | Tel. 781-397-4755|Fax 781-397-4770

Massachusetts Department of Education Program, Program Resolution, 75 Pleasant Street, Malden MA 02148, Tel. (781) 338-37000: fax (781)- 338-3710: TTY: Relay (800)-439-2370. Email: [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu)

United States Department of Education Office of Civil Rights, Department of Education 5 Post Office Square, 8<sup>th</sup> Floor, Boston, Massachusetts 02109  
Tel. (617) 289-00112: Fax: (617-289-0150): TTD: (800) 877)-8339-521-2172;  
Email: [OCR.Boston@ed.gov](mailto:OCR.Boston@ed.gov)

### **Nondiscrimination**

Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies by the Lowell School Committee and in the administration of those policies by the School Committee and all staff of Lowell Public Schools. **Title II** of the Americans with Disabilities Act and **Section 504** of the Rehabilitation Act prohibit discrimination on the basis of a person's disability.

The Lowell Public Schools is committed to maintaining an educational environment and workplace where individuals are not discriminated against on the basis of their disability. The Lowell Public Schools strives to create an environment where all students and staff feel welcome. To meet this end, the Lowell Public Schools will not tolerate the denial of access to activities, programs or services to individuals with disabilities (as defined in Section 504 of the Rehabilitation Act, 29 U.S.C, section 705 (20).

The School Committee's policy of non-discrimination shall extend to students, staff, the general public, and individuals with whom it does business. The School Committee's policy of non-discrimination shall prohibit discrimination including harassment on the basis of race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, gender identify or expression, pregnancy or pregnancy related condition, parenting status, sexual orientation, disability or by association with a person who has or is perceived to have one or other of these characteristics

### **Equal Educational Opportunities**

In recognition of the School Committee's policy against discrimination, the School Committee and all staff of Lowell Public Schools will make every effort to comply with the letter and spirit of the Massachusetts Equal Educational Opportunities Law that prohibits discrimination in public school admissions and programs and all implementing provisions issued by the Massachusetts Department of Elementary and Secondary Education will be followed.

It is the policy of the Lowell Public Schools not to exclude or discriminate against a student in the admission to school in Lowell, or in obtaining the advantages, privileges and course study within Lowell Public Schools on the basis of race, color, religion, ancestry, national origin, sex, socioeconomic status,

homelessness, gender identity or expression, pregnancy or pregnancy related condition, parenting status, sexual orientation, disability or by association with a person who has or is perceived to have one or other of these characteristics in our educational programs, activities, as envisioned by Title IX of the 1972 Education Amendments and Chapter 622 of the Acts of 1971, in addition to Massachusetts General Laws Chapter 76 section 5, and 603 CMR 26.00, and 603 CMR 28.00.

This also means that every student will be given equal access/opportunity in school admission, admissions to courses, course content, guidance, scholarship, prizes, awards, and extracurricular and athletic activities.

Findings of discrimination may result in appropriate consequences consistent with Lowell Public School Policies and Guidelines.

### **Student Complaints and Grievances**

The School Committee recognizes that there may be conditions in the school system that are in need of improvement and that all students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly.

Such means, if well-conceived and understood in advance, can do much to maintain harmonious relationships among the schools and the students and community.

The traditional “open door” policy in the school system will be continued. Students and their parents and/or guardians who believe that the students have received unfair treatment, may bring forward their grievance through appropriate channels.

Every attempt will be made to seek a satisfactory solution to all legitimate complaints or grievances in a friendly and informal manner, if possible. Any and all applicable provisions of the Massachusetts General Laws or Federal Laws will be followed by school officials in investigating and reviewing student grievances and/or conducting hearings.

In the case of students and their parents and/or guardians who believe the student has received unfair treatment, the appeal process will be guided by Lowell Public Schools policy and procedures and any and/or all applicable laws.

For any student and/or parent/guardian in the Lowell Public Schools who feels that he or she has been subjected to discrimination under Title IX or Chapter 622 shall file it in writing to the following:

#### **Reporting channels**

- Level 1: Principal/Designee
- Level 2: Designated Coordinator/Officer
- Level 3 Superintendent of Schools
- Level 4: School Committee/Other

Level 1: The designated school administrator will meet with the student and/or school staff within five (5) school days of receiving the grievance in an effort to resolve the complaint. The administrator will report the findings and determinations of those meetings to the Principal/Designee.

Level 2: If at the end of five (5) school days following the meeting, the grievance shall not have been disposed of satisfactorily, the written complaint shall be addressed to the appropriate Coordinator/Officer, who shall, within ten (10) school days thereafter, meet in an effort to settle the grievance.

*Designated Coordinators/Officers*

Title IX Latifah Phillips, Chief Equity and Engagement Officer (978) 674-4325

Title II Oneida Fox Roye, Assistant Superintendent for Academics and Instruction (978) 674-4323

504 Coordinator, Alice Brown-Legrande (978) 674-4323

Level 3: If at the end of ten (10) school days following the meeting, the grievance has not been disposed of to the satisfaction of the complainant, the complainant may refer the written grievance to the Superintendent of Schools, who shall within ten (10) schools days, thereafter, meet in an effort to settle the grievance.

Level 4: If at the end of ten (10) school days following the meeting with the Superintendent of Schools, the grievance has not been disposed of to the satisfaction of the complainant, the complainant may refer the written grievance to the School Committee.

In addition, the complainant is free to pursue his or her rights with the appropriate state agency or court/administrative body that would have jurisdiction, including but not limited to the following:

Massachusetts Bureau of Special Educations, Division of Administrative Law Appeals, 14 Summer Street, 4th Floor, Malden, MA 02148, Tel. (781) 397-4755, Fax (781) 397-4770.

Massachusetts Department of Education Program, Program Resolution, 75 Pleasant Street, Malden MA 02148, Tel. (781) 338-3000, Fax (781) 338-3710, TTY Relay (800) 439-2370.

United States Department of Education Office of Civil Rights, Department of Education 5 Post Office Square, 8th Floor, Boston, Massachusetts 02109

Tel. (617) 289-0012, Fax (617) 289-0150, TTD (877) 521-2172.

Nothing prohibits a complainant from immediately pursuing action before a court or administrative agency with appropriate jurisdiction.

## **Hazing: Legal Definition and Requirements**

### **Crime of Hazing—Definition and Penalty**

The term “hazing” as used in this section shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. (Massachusetts General Laws Ch. 269, Section 17)

### **Duty to Report Hazing**

Whoever knows that another person is the victim of hazing as defined and is at the scene of such activity shall, to the extent that such person can do so without danger or peril to himself or others, report such activity as soon as reasonably practicable to the Principal, Assistant Principal or school staff.



## **Alcohol, Tobacco and Drug Use Policy**

The Lowell School Department recognizes the legal and social responsibility to establish policies and encourage administrative action that promote a school environment free from use, possession or distribution of alcohol, tobacco, Vapor/E-cigarettes, any illegal drugs and/or controlled substances.

The Lowell Public Schools recognizes that substance abuse is a disease affecting the health, education, and creative potential of all impacted parties and every effort will be made to identify potential and ongoing problems and provide intervention as deemed appropriate. That said, the Lowell School Department will provide assistance to any student voluntarily seeking alcohol, tobacco or drug treatment or advice. The seeking of voluntary assistance in no way abrogates the students' responsibilities under any Lowell School Department policies.

Staff shall take the following steps in regards to any student who seeks information or assistance in regards to alcohol, tobacco or drug use, prior to any violation of Lowell School Department policies:

- a. Immediately consider the best possible means of supporting the student including accessing appropriate school staff, private and/or community resources. The school system cannot assume any expenses for private help or hospitalization.
- b. Involve parents to support the student as soon as it is deemed appropriate.
- c. Provide the student who voluntarily seeks help or treatment with the opportunity to make up any school work missed.

The Lowell School Department recognizes the need to provide a balance between providing supportive counseling services to those students who have alcohol, tobacco or drug issues as well as addressing disciplinary concerns.

It is the policy of the Lowell School Department that a student shall not, regardless of the quantity, use/consume, possess, buy/sell, be under the influence or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled or illegal substance/drugs or look alike substance/drug, medication/prescription (inconsistent with the Lowell Public School Medication Policy) and/or volatile substances on school grounds and/or prior to or during school sponsored or school related activities or events. Such actions may result in the student being barred from school activities and events and/or may also result in further disciplinary action including, but not limited to expulsion from the Lowell Public Schools.

Staff shall take the following steps in regards to any student, who violates this policy:

- a. Any employee of the school department, including contracted providers and their employees will report any violation of the Lowell School Department policies in regard to alcohol, tobacco and drugs to the school principal or designee.
- b. The school principal or designee will investigate the allegation consistent with Lowell School Department policies and guidelines and take appropriate action (which could include, but is not limited to disciplinary and/or alternatives to disciplinary action) consistent with said policies and guidelines including, but not limited to contacting the student's parents.
- c. Any substance confiscated in violation of this policy will be confiscated and the police will be notified. Violations of this policy may constitute criminal acts.
- d. When appropriate, the Lowell School Department may also inform the Department of Children and Families. The Lowell School Department also reserves its right to take legal action consistent with state and federal law, for any violation of this policy.
- e. The Lowell School Department will cooperate with law enforcement agencies to ensure that illicit activities by students and others are discouraged in and around the vicinity of all schools.

- f. The Lowell School Department will follow this policy with full consideration to the legal rights of the student(s) involved and the rights and safety of the school community.
- g. The school principal or designee will provide assistance to any student voluntarily seeking alcohol, tobacco or drug treatment or advice.

### **Teaching About Alcohol, Tobacco and Drugs**

In accordance with state and federal law, the Lowell Public Schools shall provide age appropriate, developmentally appropriate, evidence-based alcohol, tobacco and drug prevention education programs in grades K-12.

The alcohol, tobacco and drug prevention program shall increase students' understanding of the legal, social and health consequences of alcohol, tobacco and drug use. The program also shall include instruction of the effects of alcohol, tobacco and drugs on the human system; the emotional, psychological and dangers of such use with emphasis on nonuse by school age children; and information about effective techniques and skill development for delaying and abstaining from using substances; as well as skills for addressing and/or avoiding peer pressure to use alcohol, tobacco and/or drugs.

The objectives of this program, as stated below, are rooted in the Lowell School Committee's belief that prevention requires education and that the most important aspects of the policies and guidelines of the district should be the education of each individual student as to the dangers and consequences of alcohol, tobacco and drug use, while simultaneously developing students' abilities and skills to make healthy decisions:

- To prevent, delay and/or reduce alcohol, tobacco and drug use among children and youth.
- To create an awareness of and/or increase students' understanding of the legal, social and health consequences of alcohol, tobacco and drug use.
- To create an awareness of and/or increase students' understanding of the personal, social and economic problems caused by the misuse of alcohol, tobacco and drugs.
- To teach students self-management skills, social skills, negotiation skills and refusal skills to help them make healthy and intelligent decisions, develop the courage to stand by their convictions and avoid peer pressure, ultimately avoiding alcohol, tobacco and/or drug use.

The curriculum and instructional materials used in this program shall be recommended by the Superintendent and approved by the School Committee.

This policy shall be posted on the district's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with the law and in a manner requested by DESE.

## School Health Unit

### A Parent's/Guardian's Guide to the Lowell Health Department:

The School Nurse is a liaison between home and school regarding health concerns and to serve as a health resource to you and your child. The School Nurse completes state mandated screenings and provides nursing care for illnesses or accidents. The School Nurse promotes wellness, and assists in maintaining a healthy, safe environment for students and staff. Please contact your School Nurse with any health concerns or questions.

### Medical Emergency Form:

A Medical Emergency Form must be completed and returned to the School Nurse. This form gives information on how to reach parents in case of emergency and provides updated health information on your child from year to year.

Notify the School Nurse of any changes in emergency contact information or state of health during the school year. In the event of the need for medical transport, every attempt will be made to send a copy of this form. **Remember, in the event of an accident or illness, the school must be able to reach the parent or another person who will assume responsibility for the student.**

### Health Emergencies:

Please notify the School Nurse of any medical condition which may precipitate an emergency situation for your child (e.g. allergic reaction to food, insect bites or medication, asthma, diabetes, seizures). The School Nurse will work with you in developing a care plan to meet your child's health care needs.

### Illness:

Children **must remain home** if they have any of the following:

- A contagious illness like chickenpox, flu, or strep throat, until the doctor or public health department official says it is safe to return or the child has been on antibiotics for 24 hours.
- A rash or skin condition not diagnosed by a doctor
- A fever that causes chills, sweating or muscle aches
- Temperature over 100.0 in the past 24 hours
- Vomiting /diarrhea in the past 24 hours
- Live head lice
- Notification by the school nurse/ health department that immunizations are not up to date. (Exclusion notice)

### Post Illness School Attendance Guidelines:

Children must be **fever free** without medication and **symptom free** for 24 hours before returning to school. According to health department guidelines, a child with a diagnosis of strep throat, impetigo or conjunctivitis, is required to be on medication for 24 hours before returning to school.

### Immunization/Lab Test Requirements:

School Immunization Law, Chapter 76, Section 15 of the General Laws of the State of Massachusetts requires that all immunizations must be up to date for children to attend school according to the

Massachusetts Department of Public Health regulations. Massachusetts General Law allows for the school district to exclude any child from school whose immunizations are not up to date.

- A certified record of immunization from your child's physician is required for entry into school
- All immunization records must be provided in English and include all dates in full.
- Immunizations are reviewed by the School Nurse. In the event of missing or incorrect information, your prompt attention in addressing the error/omission is imperative to assure compliance with state law.

- **Preschool Entry Requirements:**

4 Dtap/DTP, 3 Polio, 3 Hepatitis B, 1 MMR, 4 doses Hib, 1 dose Varicella or physician documented case of chickenpox, 1 lead test

- **Kindergarten Entry Requirements:**

5 Dtap/DTP, 4 Polio (\*\*1 after the 4<sup>th</sup> birthday), 3 Hepatitis B,

2 MMR, 2 Varicella or physician documented case of chickenpox,

1 lead Test

- **Grade 1-6 Entry Requirements:**

5 Dtap/DTP, 4 Polio, 3 Hepatitis B; 2 MMR, 2 Varicella, or physician documented cases of chickenpox for any grade.

- **Grade 7-12 Entry Requirements:**

Childhood series and 1 Tdap, 1 dose Meningococcal Vaccine (MenACWY) required for grade 7, through 10 and a second dose (2) for grade 11 and 12 (on or after the 16th birthday).

### **Medication Policies:**

Medications (both prescription and over the counter) should not be taken during school hours, if it is possible to achieve the medication regime at home. Medication to be taken three (3) times a day can be given at home before school, after school and at bedtime.

**A prescriber's order is required for ALL prescription and non-prescription (over the counter) medications.**

To ensure your child's safety, all medications are to be delivered to school:

- In a *pharmacy-labeled container*  
Ask the pharmacy to provide separate bottles for home and school
- By a parent/guardian adult, **NEVER WITH THE CHILD**

**MEDICATION WILL ONLY BE ACCEPTED IN THE PHARMACY LABELED CONTAINER.**

***IN THE EVENT OF A DELAYED SCHOOL OPENING, MEDICATION SCHEDULED FOR THE REGULAR START TIME WILL NOT BE ADMINISTERED.***

All medications which must be taken during school hours, either long or short term, require the following forms to be on file in the school health office before any medication can be administered at school:

- A current medication order, signed and dated by the prescribing physician
- A signed and completed Parent consent and medication administration plan
- Current photo of student for identification purposes
- Medication will be counted by the nurse in the presence of the parent/guardian/responsible adult and signed on the medication log.

According to the Nurse Practice Act and Health Department Policy, nurses are not allowed to take orders from a non- licensed person (parent or guardian). This applies to all prescription or over the counter medication.

**Medication Pickup:**

Parents/guardians may retrieve medications from the School Nurse and sign for them in the medication log. All unused, discontinued or outdated medications must be picked up by a parent/guardian at the end of the school year or it will be discarded.

**Physical Exam Requirements:**

Within 1 year prior to school entry or within 30 days after school entry. Physical exams are required for grades Pre K, K, 4, 7, and 10.

**Head Lice:**

**In accordance with the NO LICE POLICY**

Children must be treated, lice free and checked by the School Nurse before being readmitted to school. Prevention is the key to controlling this pesky problem. Please inspect your child's hair frequently and call the school nurse if you have any questions.

**Mandated Screening Programs:**

Vision, Hearing, Postural & BMI screenings will take place throughout the school year.

**If you do not want your child to participate in vision, hearing, postural or BMI screening please notify the nurse in writing.**

**Vision and Hearing: Vision:** year of school entry, PreK-5, grade 7 and 9. **Hearing:** year of school entry, K-3, grade 7 and 9. Parents/guardians will be notified of any problems that necessitate a medical follow up.

**Postural Screening:** The State of Massachusetts mandates that all students in grades 5 through 9 be screened for scoliosis. Parents/guardians will be notified of any problems that necessitate a medical follow up.

**Heights and Weights:** Students are screened in grades 1, 4, 7 and 10 to calculate BMI. Information is kept confidential.

**SBIRT:** (Screening, Brief Intervention and Referral to Treatment) In March, 2016, the Massachusetts Legislature enacted an Act relative to substance use, treatment, education and prevention (STEP Act) which outlines the requirements for public schools in the Commonwealth to engage in substance use screening and education. This screening occurs in grades 7 and 9 in the Lowell Public Schools. **Information with an opt out letter will be sent home prior to SBIRT screening.**

**Important Numbers:**

Freshman Academy Nurses Office: Telephone: 978-446-7356 Fax: 978-446-7011

Lowell High School Nurse's Office: Telephone: 978-937-8958 Fax: 978-275-6313

Lowell Community Health (outside agency): Telephone: 978-458-6642

## **Special Education**

The Individuals with Disabilities Education Act (IDEA) applies to all people ages three to twenty-two who have not graduated from high school and who meet the eligibility guidelines for special education services. Once a student with a suspected special need is identified and referred, the evaluation process begins. If the student is determined eligible for services, an Individualized Educational Plan (IEP) is designed to meet the student's needs.

### **Procedures Pertaining to Discipline of Students with Special Needs or 504 Plans**

The underlying principle of this section is that students with special needs must not be denied access to their education programs due to suspension for behavior that is directly related to their special needs, or the result of an inappropriate special education program. Suspension of such students is defined as any action resulting in the removal of such students from the program prescribed in their IEP.

Students may be removed/suspended from their program/school for up to ten (10) cumulative or consecutive school days per school year. Allowable removals/suspension include in-school suspension, emergency removal, short-term suspension, long-term suspension or assignment to an interim alternative educational setting. All removals/suspensions must comply with 603 CMR 53.

When a student is removed/suspended for ten (10) school days (consecutively or cumulatively) within the school year, it is considered a change of placement and the IEP Team must reconvene to conduct a manifestation determination review to determine if the behavior of concern is a manifestation of the child's disability.

The practice in the Lowell Public Schools is that preferably at three (3) infractions and/or no more than seven (7) cumulative days of removal/suspension, the Education Team Chairperson (ETC) will issue consents for a functional behavioral analysis (FBA) to the parent/guardian/guardian. The purpose of this is to collect data to complete a FBA for the development of an appropriate behavior intervention plan (BIP) to address the students' behaviors in question.

No later than ten (10) school days of the decision to change the student's placement, the school administrator, parent/guardian, and relevant members of the IEP Team must meet to conduct a review (manifestation determination). At this manifestation determination review meeting, the IEP Team will determine if the violation for which the student is subject to was (1) caused by or directly and substantially related to the student's disability or (2) was the direct result of a failure to implement the student's IEP or Section 504 Plan

During the manifestation determination review meeting, members of the IEP Team will review all relevant information in the student's file, including the IEP, the discipline referral packets if available, teacher observations, and any relevant information provided by the parent/guardian to determine if the misconduct resulted from the disability.

If "Yes" to either question then the behavior is a manifestation, and the following shall occur:

- Return the student to the previous placement and review and/or conduct a FBA, and develop and/or up-date and implement a BIP.

- If a BIP is already in place, the Team will review the plan and modify as needed to address the behavior problem, and return the student to the placement from which the student was removed.
- If the violation for which the student is subject to was the direct result of a failure to implement the student's IEP or Section 504 Plan, then the IEP Team should take the steps necessary to correct the failure to implement including, but not limited to involving the Principal and/or Director of Special Education.

If "No" to both questions then the behavior is not a manifestation, and the following may occur:

- The school may proceed with using the school's disciplinary procedures, including removal/suspension. During the suspension/removal the school must continue to provide the student with FAPE and must comply with the requirements of 603 CMR 53, including, but not limited to the opportunity to make up assignments and other work as needed to make academic progress during the period of suspension/removal.

If a parent/guardian disagrees with the Team's decision in regards to the "manifestation determination", the parent/guardian has the right to request an expedited due process hearing from the Bureau of Special Education Appeals (BSEA).

The Team may also decide not to return the student to their previous placement if (1) the parent/guardian and district agree to a different placement, (2) a hearing officer orders a new placement, or (3) the student is suspended for special circumstances.

Under special circumstances, school personnel may unilaterally remove a student and place the student in an interim alternative education setting for up to 45 school days, without regard to whether the behavior is determined to be a manifestation of the student's disability. The special circumstances are as follows:

- The student is in possession of a dangerous weapon on school grounds or at school-sponsored events;
- The student is in possession of or using of illegal drugs on school grounds or at school-sponsored events;
- The student engaged in solicitation of a controlled substance on school grounds or at school-sponsored events; or
- The student inflicted serious bodily injury to another at school or at school-sponsored events.

A special circumstances interim alternative education setting must enable the student to participate in the general curriculum, progress toward the goals in the IEP, and receive the special education and related services contained in the student's IEP. The interim alternative setting must also provide services and modifications designed to address the behaviors giving rise to the removal and to prevent the behavior from reoccurring.

At the conclusion of the forty-five (45) school day period, the student shall be returned to his/her previous placement unless the parent/guardian (or student if 18+) consents to an extension of the interim alternative setting or an Order is obtained from the Bureau of Special Education Appeal



authorizing the student's continued removal. Please note that if a parent/guardian disagrees with either the determination as to "special circumstances" and/or the "interim alternative education setting" the parent/guardian may also exercise their rights to a due process hearing from the BSEA.

However, absent special circumstances, the school may still remove the student to an interim alternative setting for forty-five (45) school days with: 1) parent/guardian consent or 2) by obtaining authorization from a court or BSEA Hearing Officer. In order to obtain an order from a court or BSEA Hearing Officer, the school must prove that maintaining the student's placement is substantially likely to result in injury to the student or others.

The parent/guardian shall have the right to appeal the manifestation Team's determination, the imposition of a disciplinary change in placement, and the student's placement in an interim alternative educational setting. The student will remain in the disciplinary placement imposed by school authorities pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. The link to this notice is as follows: <https://www.doe.mass.edu/sped/prb/>

## Alternative and Day School Programs

The **BRIDGE Program at the David J. McHugh Alternative Middle School** accepts LPS students between the ages of 12-16 who are in grades 6th through 8<sup>th</sup>. Students are referred to the BRIDGE based on school allocations if they are not experiencing success in their traditional middle school placement and have academic, behavioral and attendance issues. For students with an IEP, a placement meeting must be held prior to movement. In an effort to ensure that appropriate services can be delivered, students with IEPs will be evaluated on a case-by-case basis to ensure that enrollment does not exceed capacity to meet the needs of the students. Students diagnosed with an emotional disability and with limited English acquisition do not qualify for a referral to the BRIDGE. Students are accepted into the program throughout the school year, as needs present. General education students may remain in an alternative placement for 90 school days. Special education and 504 students may remain in the alternative placement for 45 school days. Prior to the end of the 90/45 school day placement, a meeting may be held to extend the student's stay or this meeting can be waived by the parents/guardians (allows the student to stay without holding such a meeting). This meeting would need to be held every 90 school days for general education students or it could be waived by parents/guardians for as long as the student remains in the placement. There is no need for this meeting for special education/504 students after the initial 45 school days meeting, because these students' IEPs/504s will have been amended to reflect the placement as their new placement in the IEP/504 and any meeting will be consistent with federal and state special education laws. The expectation is that students remain in the Bridge program for their middle school years. However, students may return back to their home school once they have made sufficient progress to be successful.

The **Laura Lee Therapeutic Day School** is a substantially separate Special Education Program that services students in Kindergarten through grade 7. All students that attend the Laura Lee must have an IEP with an emotional disability and a placement at a Public Day School. The sending school's special education team determines the identified disability and placement need. Students who attend the Laura Lee must have significant emotional disabilities together with behavioral challenges that require a more restrictive school environment and increased special education services that exceed what can be offered in the typical elementary and middle school settings. In addition, the student population also consists of students who are returning to a public school after stepping down from an out of district placement. Most enrolled students have been diagnosed with one or more major mental health diagnoses. Students in grades 8 through 12 transition to the LeBlanc Therapeutic Day School.

The **LeBlanc Therapeutic Day School** is a substantially separate Special Education Program that services students in grades 8 through 12. All students that attend the LeBlanc must have an IEP with an emotional disability and a placement at a Public Day School. The sending school's special education team determines the identified disability and placement need. Students that attend the LeBlanc must have significant emotional disabilities together with behavioral challenges that require a more restrictive school environment and increased special education services that exceed what can be offered in the typical middle/high school settings. Most enrolled students have been diagnosed with one or more major mental health diagnoses.

The **Janice Adie Day School** is a full day, five-day a week program which serves students in grades Pre K-12 with Autism. The students' unique needs require a smaller setting with more individualized and specialized programming. Our interdisciplinary teamwork in a supportive learning environment is designed to help every student succeed in class, the community and home through generalization of skills. Students are admitted to the Lowell Day School through the IEP/Team process. There are ten (10) classrooms, each consisting of one (1) teacher and three (3) paraprofessionals. All students at the Lowell Day School will participate in state and district-wide assessments as determined by their IEP.

## **Acceptable Use Policy**

The educational purpose of the Acceptable Use Policy is consistent with the mission and vision of the Lowell Public Schools' Technology Plan, and reflects the values of our learning community.

- There should be equal access to information technology.
- Technology should be used to teach, learn, and practice critical thinking skills.
- Technology when used responsibly allows for differentiation of instruction and learning, providing access to equal opportunities for all.
- Technology is a necessity in today's world. It is not a supplement to the curriculum but rather a vehicle by which the curriculum is driven.
- Staff must acquire a fundamental level of understanding of information technology in order to enable our students to avail themselves of the full breadth of resources that technology can provide.

### **Obligations and Expectations**

The Internet provides access to powerful educational resources that allow students to find information on networks anywhere in the world. It is a privilege not a right.

By signing this document, you agree to the following responsibilities:

- Use of personal devices attached to the school network must comply with the acceptable use policy.
- Using computers only for authorized purposes

Blogging and emailing are only to be used as forums for student learning and communication, and are subject to the rules and requirements of classroom teachers and the school district.

- Using only legal versions of copyrighted software which have been purchased by the Lowell Public Schools
- Conforming to all state and federal laws and the Children's Internet Protection Act (CIPA)
- Conforming to general school rules of good behavior is expected on school computer networks just as it is in a classroom or a school hallway.
- Parent permission is required for minors.
- Using network storage areas responsibly - Like school lockers, files and communications may be reviewed by the Network Manager at any time.
- Computer use can be monitored by teachers or computer staff at any time.
- Using school computer labs with adult supervision only.

### **Inappropriate Use**

Actions, which are considered inappropriate use of district technology, include, but are not limited to:

- Deliberately disrupting the network
- Attempting to evade or damage system security measures
- Using another person's data or files without permission
- Using another person's username or password or revealing your password to another student
- Pretending to be another user or acting in ANY anonymous fashion
- Downloading any programs, including music, videos, or pictures without the permission of the teacher
- Instant messaging or participating in non-educational chat discussion rooms on school

- computers including school iPads.
- Vandalizing, theft of, or modifying in ANY way hardware or software components
  - Copying files, data or programs from the Internet without permission
  - Downloading music files illegally
  - Using devices from home and plugging into the school computers for charging, transferring files, etc.
  - Attempting to access or download any site on the Internet that produces material that is offensive or pornographic or which may incite racial hatred
  - Using the network for commercial purposes, financial gain or fraud
  - Using obscene, vulgar or otherwise offensive language
  - Using the computer or any devices attached to the school network to harass, insult, or post derogatory information about another person or organization
  - Political lobbying
  - Plagiarism – copying material created by others and presenting as one’s own
  - Copyright infringement – reproducing a work that is protected by copyright without permission of the author or copyright owner
  - Using any programs or websites to bypass the schools content filter
  - Any other action that violates the Discipline Code of Conduct and/or substantially disrupts the educational process to include the use of personal devices

**Consequences of Violations of Acceptable Use Policy**

Teachers or the Network Manager have discretion to take appropriate action including but not limited to:

- Suspension/Revocation of network access
- Suspension/Revocation of computer access
- Referral to Principal or Assistant for disciplinary action:
  - Community Service
  - Detention
  - School suspension
  - School expulsion
  - Legal action/prosecution by authorities
  - Or any other action deemed appropriate by the Principal or Assistant

## **Parental Notification Relative to Sex Education**

In accordance with Massachusetts General Laws Chapter 71, Section 32A, the Lowell School Committee has adopted this policy on the rights of parents and guardians of our students in relation to curriculum that primarily involves human sexual education or human sexuality issues.

At the beginning of each school year, all parents/guardians of students in our schools will be notified in writing of the courses and curriculum we offer that primarily involve human sexual education or human sexuality issues. Each school principal will be responsible for sending this notice. Parents/guardians of students who enroll in school after the start of the school year will be given the written notice at the time of enrollment. If the planned curriculum changes during the school year, to the extent practicable, parents/guardians will be notified of this fact in a timely manner before implementation.

Each such notice to parent/guardians will include a brief description of the curriculum covered by this policy, and will inform parents/guardians that they may:

- Exempt their child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues, without penalty to the student, by sending a letter to the school Principal requesting an exemption. Any student who is exempted by request of the parent/guardian under this policy may be given an alternative assignment.
- Inspect and review program instruction materials for these curricula, which will be made reasonably accessible to parents/guardians and others to the extent practicable. Parents/guardians may arrange with the Principal to review the materials at the school.

A parent/guardian who is dissatisfied with a decision of the Principal concerning notice, access to instructional materials, or exemption for the student under this policy may send a written request to the Superintendent of schools for review of the issue. The Superintendent or Designee will review the issue and give the parent/guardian a timely written decision, preferably within four weeks of the request. A parent/guardian who is still dissatisfied after this process may send a written request to the Commissioner of Elementary and Secondary Education for review of the issue in dispute.

## **Parent Notification Relative to Mental Health Screening**

In an effort to promote the health and well-being of students in Lowell Public Schools, Students will be periodically provided with questionnaires, surveys, and screeners that address issues related to mental health. The information gained will support the school's ability to provide comprehensive and timely support for students if they require any assistance. Parents and guardians as well as students can opt out of filling out any questionnaire, survey, or screener that they are not interested in taking. A parent/guardian can opt out their child(ren), on an annual basis, at any time by contacting the social worker of their child(ren)'s school or by filling out an opt-out form that will be provided by the school or district prior to planned administration of a mental health screening. A parent/guardian can visit the District's Mental Health/Social Emotional Learning webpage to review a list of all of the surveys, questionnaires, and screening tools that are being administered.

## **Student Records Regulations**

A student record is any information that is kept about a student in school (grades, test scores, comments). It is made up of your “transcript” (name, address, courses taken, credits and grades) and the “temporary records” (progress reports, test scores, class rank, extracurricular activities, and any other relevant educational information).

For students 14 years of age or older, the rights noted below belong to the student and his/her parents. For students under the age of 14, the rights noted below belong only to the parents.

Lowell Public Schools is obligated to abide by the rules/laws/regulations dictated within The Family Educational Rights and Privacy Act (FERPA) and Massachusetts Regulation 603 CMR 23.00 details a Student and Parent(s) rights with respect to Student Records.

Section 23.10: Notification requires that at least once during every school year, the school shall publish and distribute to Students/Parents annual notice of their general rights relative to student records, as contained herein. Upon request, Lowell Public School will make available to Parents and Students a complete copy of the regulations which will detail their rights.

### **Seeing your Records**

The student and the parents have the right to see and have copies made of everything in the student’s record within 10 days of a request. The school may not charge you more than the cost of the copies.

### **Privacy of your Records**

School personnel who work directly with the student may see the records when it is necessary for them to perform their duties. With very few exceptions, no one else may see student records without written permission of the student or parents.

### **Destroying your Records**

Pursuant to 603 CMR 23.06 (2) during the school year that a student is enrolled in a school, the Principal or his/her Designee shall periodically review and destroy misleading, outdated or irrelevant information (including photocopies made of original documents) contained in the temporary record provided that the eligible student and his or her parent are notified in writing and are given opportunity to receive the information or a copy of it prior to its destruction. A copy of such notice will be placed in the temporary record. If you do not want the Principal or their designee to destroy such records, or you wish to take custody of the records that are marked for destruction, then the parent(s)/guardian(s) must notify the Principal or their designee in writing of that request shortly after receipt of the notice of destruction.

### **Amending your Record and Appealing It**

The student or parents may add any relevant written material to the record. If there is information in the record that the student or parents feel is inaccurate, misleading, or irrelevant and the student or parents want it removed, the student or parents may ask your Head of School to remove it (See Department of Education, Student Record Regulations 603 CMR 23:08).

If the request is denied, or if the student or parents have any other objections to the school records policy, there is an appeals process the student or parents can use. This process is described in Department of Education Records Regulations, 603 CMR 23:09.

This is just a summary of your rights under the regulations. You can get a copy of the regulations from the Massachusetts Department of Elementary and Secondary Education or its Website (Chapter 71; Sections 34D and 34EF of the General Laws, 1973).

**Release of Records to Other Schools:**

Pursuant to 603 CMR 23.07 (4) (g) during the school year that a student is enrolled, the Principal or his/her Designee may provide to the authorized school personnel of the school to which a student seeks or intends to transfer access to such student's record without the consent of the eligible student or parent. The student record may also be forwarded by the Principal or his/her Designee to the school to which student seeks or intends to transfer to.

Above is a summary of your rights under the Student Records Regulations. You can request a copy of the regulations from the Student Service Center of the Massachusetts Department of Elementary and Secondary Education (Chapter 71: Sections 34D and 34F of the General Laws, 1973).

**Notice to all Parents and Students Regarding the Destruction of Student Records**

In accordance with state regulation number 603CMR23.06, a student's temporary record (all information not contained in the student's transcript) shall be destroyed no later than 7 years from the date of the child's withdrawal, transfer or graduation. It is your right to obtain these records before they are destroyed. If the student or parents wish to have these records, they contact the guidance counselor at the student's school. If the records are not requested within 7 years of the student's withdrawal, transfer or completion date, records including, but not limited to test results, class rank, extracurricular activities and teacher evaluations may be destroyed. **The permanent record will be kept for sixty (60) years.**

**The following persons serving in a parental role shall have access to a student's records:**

- Student's father
- Student's mother
- Student's guardian
- A person or agency legally authorized to act on behalf of or in conjunction with the student's father, mother or guardian
- A divorced or separated parent (subject to any written agreement between parents or court order governing the rights of such parent that is brought to the attention of the school).

**Access to School Records for Non-Custodial Parents**

Massachusetts School Record Regulations Law Chapter 71 Section 34H requires the non-custodial parent to provide verification in the form of a probate court order or judgment relative to custody of the child, specifying in detail that s/he has not been denied, in court order, custody based on a threat to the safety of the child or the custodial parent.

**Non-custodial parents shall not have access to a student's school records when the:**

- Parent has been denied legal custody on a threat to the safety of the child or to the custodial parent.
- Parent has been denied visitation or has been ordered to supervised visitation.
- Parent's access to the child or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the student information described in the statute.

Massachusetts General Law Chapter 71 Section 34H requires the non-custodial parent to submit a written request to the school **annually**. For further information, contact your child's Principal.