

MALDEN PUBLIC SCHOOLS
K-8 STUDENT and PARENT/GUARDIAN HANDBOOK
2016-2017



BEEBE SCHOOL



FERRYWAY SCHOOL



FORESTDALE SCHOOL



LINDEN S.T.E.A.M. ACADEMY



SALEMWOOD SCHOOL

This handbook can be translated into different languages upon request.

Table of Contents

Page Number(s)

504 Accommodation Plans	22 & 46
Accelerated and Enriched Academic Program (A.E.-A.P.)	6
Adjustment Counselor	27
Assaults, Drugs, Weapons Law	31
Assemblies	24
Attendance Guidelines	13-15
Band	18
Bathroom Privileges	23
Bullying and Harassment	8-11
Cell Phones	23
Change of Address	20
Cheating Policy	17
Child Custody	13
Civil Rights	6
Connect-Ed Messaging System	5
Crutches in School	24
Detention	28
Directory of Personnel for Civil Rights	5-6
Discipline of Special Education Students	31-32
Discipline of Students on 504 Plans	47
District Curriculum Accommodation Plan	21
Dress Code	22
Drug/Alcohol Code	36-37
Drugs, Assaults, Weapons Law	31
Early Childhood/Pre-Kindergarten Program	6
Electronic Devices	23
Elevator Use	24
English Language Learner Program	7
Expulsion	31-32
Extracurricular and Co-Curricular Activities	17
Felony Charges	32
Field Trips	18
Fire Alarm Law	51
Fire Drill Procedures	25
Fireworks Law	51
Grading	16
Guidance Counselor	27
Handgun Law	36
Harassment and Bullying	8-10
Hazing Law	37-38
Home Instruction/Hospitalization	27
Homework Policy	15-16
Immunization Requirements	25-26
Internet Acceptable Use Policy	51-55
K-8 School Definition	8
Kindergarten Program	6
Liability Waiver Signature Page	57
Library/Media Center Permission Slip	56

Lockers	24
Lost Books and Materials	24
Lunch Program	25
Make Up Work	15-16
Medication in School	27
MPS Administration (Central Office)	4
Non-Discrimination Policy and Grievance Procedure	38-46
Nurse/First Aid	25
Parent-Teacher Conferences	17
Passes	24
Passing in Corridors	24
PCSM (Partnership for Community Schools Malden)	7-8
Phone Calls and Messages	24
Physical Education Requirements	17-18
Physical Examination Requirements	27
Physical Restraint Law	46-51
Principal's Discretion	28
Progress Reports	16
Report Cards	16
Retention Guidelines	16-17
Safety Drills	25
School Dropouts	33-34
School Hours	13
School Records	18-20
School Transfers	20
School Visitation Policy	11-12
Schools and Principals/Assistant Principals	5
Search and Seizure Law	36-37
Snow Days	23
Special Education Services	21-22
Staying After School	27-28
Student Behavioral Expectations	34-35
Student Contract for Acceptable User Policy and Internet Access	52-55
Student Grievance Procedure	40-46
Student Support Team (SST)	21
Student/Parent Handbook Signature Page	57
Suspensions	28-33
Title IX	6
Title One Services	7
Tobacco-Free Environment	23
Use of Cell Phones	23
Valuables in School Building	23
Video/Photograph Release Form	56
Weapons, Assaults, Drugs Law	31



MALDEN PUBLIC SCHOOLS ADMINISTRATION

SCHOOL COMMITTEE

Mayor Gary Christensen	Chairperson	781-397-7000
Mr. Michael Drummey	Ward 1	781-974-2347
Mr. Emmanuel Marsh	Ward 2	781-526-8724
Mr. Lawrence Silverman	Ward 3	781-912-3000
Mr. Leonard Iovino	Ward 4	781-321-3568
Ms. Tara M. Beardsley	Ward 5	617-417-9297
Mr. Jerry Leone	Ward 6	781-635-7070
Ms. Catherine Bordonaro	Ward 7	781-389-0948
Mr. John Froio	Ward 8	781-321-0339

SUPERINTENDENT OF SCHOOLS

Dr. Charles A. Grandson IV
781-397-6100

ASSISTANT SUPERINTENDENTS

Carol Keenan, Curriculum, Instruction and Assessment
781-397-6100
Maura Johnson, Student Services
781-397-7245

DIRECTORS/MANAGERS

Janice Raymond, Literacy and Title I
781-397-6100 x2210
Paul Teixeira, English Language Learners and Title III
781-397-6100
Michael Schiavo, Data and Assessment
781-397-7279
TBA, STEM
781-397-6001
Patrick Dailey, Humanities
781-397-6025
Charlie Conefrey, Physical Education and Athletics
781-397-6006
Michele Magner, Instructional Technology
781-397-6028
Karen Reynolds, Nursing and Health
781-397-7271
Joan Federico, Parent Information Center (PIC)
781-397-7271
Elinor Perry, Supervisor Food Services
781-397-6035

PURPOSE

The purpose of the handbook is to present information which is important for all members of the administration, faculty and staff of the Malden Public Schools to understand and implement. Thus, all students should thoroughly review this information and will be held accountable for the responsibilities contained herein. However, it should be understood that this Handbook is in no way intended as a contract, and the content of this Handbook may be changed from time to time as the need arises.

SCHOOLS AND PRINCIPALS/ASSISTANT PRINCIPALS

<u>ELC:</u>	Principal	Rebecca Gordon	Phone: 781-397-7025
<u>Beebe:</u>	Principal K-8 Assistant Principal 5-8 Assistant Principal K-4	Susan Vatalaro Kevin Kilbride Kate Greco	Phone: 781-388-0622 Phone: 781-388-0629 Phone: 781-388-0634
<u>Ferryway:</u>	Principal K-8 Assistant Principal K-8 Assistant Principal K-8	Michael Ciampa Erin Franscescone Earl Fitzpatrick	Phone: 781-388-0659 Phone: 781-388-0659 Phone: 781-388-0659
<u>Forestdale:</u>	Principal K-8 Assistant Principal K-8	Don Concannon Karie Carpenito	Phone: 781-397-1507 Phone: 781-388-0880
<u>Linden:</u>	Principal K-8 Assistant Principal K-4 Assistant Principal 5-8	Richard Bransfield Peter Dolan David Hochheiser	Phone: 781-388-0868 Phone: 781-397-1510 Phone: 781-388-0873
<u>Salemwood:</u>	Principal K-8 Assistant Principal K-4 Assistant Principal 5-8	Abdel Sepulveda Van Huynh Michelle Massa	Phone: 781-388-0647 Phone: 781-388-0643 Phone: 781-388-0647
<u>Supervisor of Attendance:</u>		John Parcellin	Phone: 781-322-4469

CONNECT-ED MESSAGING SYSTEM

As part of our communication system with parents, the Malden Public Schools uses the Connect-Ed system. The Connect-Ed system allows the superintendent or principals to send information that is time sensitive and relevant to the safety and education of students in our schools. You will be asked to provide the school with a current phone number and an alternate number. During the school year you will receive school messages, for example, student absences, snow days, parent nights, academic events, and reminders such as early release days. If your phone number changes, please let your child's school know of the change in a timely manner.

CONTACTS FOR DIRECTORY OF PERSONNEL

Charlie Conefrey, Athletics and Physical Education	Title IX	781-397-6006
Carol Keenan, Assistant Superintendent	Title II	781-397-6100
Janice Raymond, Director of Literacy	Title I	781-397-6100

Paul Teixeira, Director of English Language Learners	Title VI	781-397-6100
Carol Keenan, Assistant Superintendent	MGL Chapter 76	781-397-6100
Maura Johnson, Assistant Superintendent	603 CMR 46.00 & 504	781- 397-7245

Title II: Title II of the Americans with Disabilities Act of 1990

Prohibits discrimination, exclusion from participation, and denial of benefits on the basis of disability in the areas of educational programming and activities.

Title VI: Title VI of the Civil Rights Act of 1964

Prohibits discrimination, exclusion from participation, and denial of benefits based on race, color, and national origin.

Title IX: Title IX of the Education Amendments of 1972

Prohibits discrimination, exclusion from participation, and denial of benefits in educational programs based on sex.

Section 504: Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination, exclusion from participation, and denial of benefits based on disability.

MGL, Ch.76, Section 5: Massachusetts General Laws, Chapter 76, and Section 5

Prohibits discrimination in all public schools on the basis of race, color, sex, gender identity, national origin, religion, and sexual orientation.

Age Discrimination Act of 1975

Prohibits discrimination based on age in programs or activities that receive federal financial assistance.

603 CMR 46.00:

Massachusetts Board of Education Physical Restraint Regulations governing the use of physical restraint on students in publicly funded elementary and secondary education programs.

Please see pages 41-47 of this handbook regarding the policy and grievance procedures related to Title II, Title VI, Title IX, Section 504, Age Discrimination Act and M.G.L. c. 76 §5. Please see p. X for more information related to Physical Restraint (603 CMR 46.00)

SCHOOL PROGRAMS

Early Childhood Education/Pre-Kindergarten

Please refer to The Early Learning Center Handbook. For more information about Malden’s Early Childhood Program, call Principal Rebecca Gordon at 781-397-7029.

Kindergarten

Kindergarten classes are open to all children who will be **5 years of age by September 1st** and are Malden residents. Full-day kindergarten classes are located at all schools. For more information, contact the Parent Information Center at 781-397-7271.

Accelerated and Enriched Academic Program (A.E.-A.P.)

The Accelerated and Enriched Academic Program (A.E./A.P.) is located at The Linden School and is an academically challenging program for students in grades 3-8 who have met specific criteria established for incoming students in August 2012. Students in grades 1 and 2 are encouraged to enroll and participate in our Pre-A.E.-A.P. Program and will be considered for final selection after grade 2. Please note that final selection to the program is done at the end of 2nd grade. There is no guarantee that all Pre-A.E.-A.P. students will meet the criteria. It is possible that in exiting the

program, your child may have to attend another in-district school. The criterion for A.E.-A.P. include, but are not limited to, the following:

1. Students should have “Secured” skills as indicated on their Report Card in Reading and Math Readiness (Kindergarten, 1st and 2nd grades).
2. Teacher and Principal recommendations, including teacher observation rubric.
3. Other assessments as determined by the screening committee, including state and district assessments.

The academic curriculum for each grade level is based on the high standards set for all of Malden’s K-8 schools. However, the Accelerated and Enriched Academic Program will offer opportunities for advanced enrichment and specialized instruction by teachers specially trained in accelerated educational pedagogy. This is to ensure the students’ academic needs are being met throughout the program. To apply for the Accelerated and Enriched Academic Program, parents/guardians need to complete and submit an Application Form (available at the Parent Information Center) together with documentation of the criteria listed above to the Parent Information Center, Salemwood School, 529 Salem Street. For more program information, contact School Principal Richard Bransfield at 781-397-7218. For application information, contact the Parent Information Center at 781-397-7271.

Programs For English Language Learners

The district offers Sheltered English Language Immersion (SEI) classes to students whose first language is not English and cannot perform ordinary class work in English. In these classes, the curriculum and presentation are designed for children who are learning the English language. Books and instructional materials are in English and all reading, writing, and subject matter are taught in English. English as a Second Language (ESL) support will be offered to English Language Learners at all K-8 schools.

For more information, contact Paul Teixeira, Director of English Language Learners, at 781-397-6100.

Title One Services

What is Title One? It is the largest federal aid program for our nation’s schools. It began in 1965 during President Johnson’s administration. The federal government provides funding to states each year for Title One. Title One resources are directed to schools with high poverty levels. To acquire the funds, each state must submit a plan describing high quality standards of performance that all children are expected to meet and ways to measure progress. After the proposals are accepted, the states receive money based on the number of low-income families residing there. The states then distribute the money to the local districts according to the percentage of children from low-income families. Malden’s Title One program focuses on Reading and/or Mathematics in the K-8 schools. Title One teachers identify students in need of educational help in those subjects and provide them with appropriate services. The teachers use a variety of teaching methods and materials to assist students to attain grade level proficiency in reading and mathematics. The Director of Literacy is **Janice Raymond** whose office is in the Malden Public Schools Central Office, Malden High School, 77 Salem Street. An integral facet of the Title One project is the Family Support Center on Highland Avenue at the old Emerson School staffed by the Title One Parent Coordinator. The Center is open weekdays from 8:00 a.m. to 12 noon. All parents/guardians are welcome, whether or not their children are in the Title One program. For more information about the Family Support Center, call (781) 388-0690.

For more information about Title One, contact Janice Raymond, Director of Literacy and Title I at (781) 397-6100.

Partnership for Community Schools in Malden

The Partnership for Community Schools (PCSM) is a collaboration between the City of Malden, the Malden Public Schools, and partner agencies and organizations including the Malden YMCA, the Malden YWCA, Healthy Malden 2000, and others. The primary focus of the PCSM is to provide academic, enrichment, recreational, social, and cultural activities to students in the Malden Public Schools during out-of-school times. These times include before school, after-school, vacation, and summer. Our programs are run at each of the five K-8 schools in Malden. All programs are fee-based with financial aid available.

Program:	Time:	Location:
Before-school Programs	7:00 a.m. to 8:00 a.m.	at selected schools
After-school Programs	2:15 p.m. to 5:30 p.m.	at selected schools
Vacation Programs	9:00 a.m. to 4:00 p.m.	at selected schools

Summer Programs

9:00 a.m. to 4:00 p.m.

(open to all public school children)
at selected schools
(open to all residents of Malden)

The Partnership also runs adult-education, youth summer programs, and recreational programs throughout the year. For more information, you may call Karen Steele at (781) 397-7320.

WHAT IS A K-8 SCHOOL?

It is a school for students making the transition from childhood to adolescence. It is a school addressing the uniqueness of students from kindergarten to grade 8. A K-8 school stresses the importance of academics while giving the student opportunities to explore new and varied courses. Students in grades 5-8 follow a middle school model and are placed on an interdisciplinary team. Our primary responsibility to our students is to promote and support their learning PreK-12. We expect every child in the Malden Public Schools to be educated in learning centered classrooms where:

- There is a decent and respectful classroom atmosphere.
- Students are coached by teachers who have a good rapport with their students, are enthusiastic, and demonstrate passion for their work.
- Students are encouraged to be curious, inventive, and creative.
- There is equitable access to high level learning for all students.
- Students are learning knowledge, skills, and processes as individuals and as team members.
- Instruction is deliberate, thoughtful, and standards based.
- Teachers use a variety of instructional strategies and activities to build on student knowledge and experience.
- Student work including projects, products, and services is shared and exhibited.
- Technology is used to support teaching and learning.

HARASSMENT and BULLYING

Bullying Policy: Bullying (including cyber-bullying and harassment) are major distractions from learning. The grades of the victims can suffer. Fear can lead to chronic absenteeism, truancy, or even dropping out of school. Bystanders feel both guilty and helpless for not standing up to the bully. Bullying behavior often starts in elementary school and peaks in the middle school years. However, it can attract more attention from adults when it appears in high school. Most bullying by students starts out verbally — teasing and put-downs — and may become progressively worse and assume physical dimensions. Bullying of any type, including cyberbullying, is unacceptable in our schools and our community. The Malden Public Schools, in partnership with our students and families, will endeavor to maintain a learning and working environment free of bullying.

Definition of Bullying: Bullying, including cyber-bullying, as defined by M.G.L. c. 71 §37O, is the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the victim's property,
- places the target in reasonable fear of harm to himself or of damage to his property,
- creates a hostile environment at school for the target,
- infringes on the rights of the target at school, or
- materially and substantially disrupts the education process or the orderly operation of a school.

Cyber-bullying, as defined by M.G.L. c. 71 §37O, 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 also includes:

- the creation of a web page or blog in which the creator assumes the identity of another person or
- the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions included in the definition of bullying above.

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 included in the definition of bullying above.

Jurisdiction: Bullying is prohibited on school grounds and property immediately adjacent to school grounds as well as:

- at a school-sponsored or school-related activity, function, or program whether on or off school grounds
- at a school bus stop, on a school bus, or other vehicle owned, leased or used by the school district
- through the use of technology or an electronic device owned, leased or used by a school district or school, and
- at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the education process or the orderly operation of a school.

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

- Retaliation against a person who reports bullying, provides information during an investigation of bullying, witnesses bullying, or has reliable information about bullying shall be prohibited.
- Malden Public Schools recognizes that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school or district will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

District Responsibilities: Each year, the district shall...

- Provide all staff members with written notice of the bullying policy.
- Provide students and parents/guardians with written notice of the relevant, student-related sections of the bullying policy in age-appropriate terms and in the languages which are most prevalent in the district.
- Provide age-appropriate instruction on bullying prevention in each grade through an evidence-based curriculum.
- Provide professional development to build the skills of all staff members to prevent, identify, and respond to bullying. The content of such professional development shall include, but not be limited to:
 - developmentally appropriate strategies to prevent bullying incidents
 - developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents
 - information regarding the complex interaction and power differential that can take place between and among an aggressor, target, and witnesses to the bullying
 - research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment
 - information on the incidence and nature of cyber-bullying, and
 - internet safety issues as they relate to cyber-bullying.
- Inform parents and guardians about:
 - the bullying prevention curriculum of the school district
 - how parents and guardians can reinforce the curriculum at home and support the school district
 - the dynamics of bullying, and

- online safety and cyber-bullying.
- Institute a policy regarding internet safety measures to protect students from inappropriate subject matter and materials that can be accessed via the internet and notify the parents or guardians of all students attending the school of the policy.
- Include the skills and proficiencies needed to avoid and respond to bullying, harassment, or teasing in Individualized Education Plans for children with a disability that affects their social skills development and for children who are vulnerable to bullying, harassment, or teasing because of the child's disability.

Administrative Guidelines and Procedures: The principal of each school is responsible for the implementation and oversight of the bullying policy at his or her school, including the following guidelines and procedures.

- Students, parents, and other witnesses will report incidents of alleged bullying or retaliation to any staff member, orally or in writing, in a timely manner. Reports may be made anonymously though no disciplinary action may be taken against a student solely on the basis of an anonymous report.
- Staff members including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, who witness or are informed of alleged bullying or retaliation shall immediately report the incident to the principal or assistant principal right away and complete a Student Disciplinary Referral form by the close of the school day (or by the following morning should the incident happen during an after-school activity). If an assistant principal receives the report, s/he will immediately inform the principal.
- Any principal or assistant principal who receives a report of alleged bullying or retaliation will complete an investigation of the alleged incident within 24 hours of having received the report, including meeting(s) with involved students and witnesses.
 - If the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the Malden Police Department will be notified immediately in a method to which the Malden Police Department and District agree.
 - If the allegations of bullying or retaliation are substantiated, the principal or assistant principal will determine the appropriate disciplinary response, which may include mediation, detention, suspension (in or out-of-school), or expulsion (depending on the surrounding circumstances). The principal or assistant principal will also complete an Incident Report detailing: 1) his/her findings, 2) the disciplinary response, 3) actions that will be taken to prevent further acts of bullying or retaliation, and 4) the procedures and supports that will be used to restore a sense of safety for the target, as necessary. The principal or assistant principal will attach any related Student Disciplinary Referral form that s/he has received to his or her Incident Report.
 - The parents of the aggressor will be notified.
 - The target's parent/guardian will be notified, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation.
 - Repeated incidents of bullying by a student will result in more severe disciplinary actions.
 - Depending on the factual circumstances, Malden Public Schools may provide counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students.
- The administrator will notify parents/guardians of the action(s) taken to prevent any further acts of bullying or retaliation.
- The administrator/principal will provide strategies for protection for a person who
 - *Reports bullying
 - *Provides information during an investigation of bullying
 - *Witnesses or provides reliable information about an act of bullying.
- Any student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action, which may include a warning, detention, or suspension (in or out-of-school).
- If any aggressor of bullying is a staff member, appropriate disciplinary actions will be taken and may include a reprimand, suspension, or termination depending on the severity of the incident.
- The Malden Public Schools will take actions to restore a sense of safety for a victim and assessing that victim's needs for protection.
- If an incident of bullying or retaliation involves students from more than one school in or outside the district, the

school district or school first informed of the bullying or retaliation shall promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

- If an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the district, the Malden Police Department will be contacted immediately if the principal has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

MALDEN PUBLIC SCHOOLS BULLYING PREVENTION AND INTERVENTION

On May 3, 2010 Governor Patrick signed an *Act Relative to Bullying in Schools*. This law prohibits bullying and retaliation in all public and private schools, and requires schools and school districts to take certain steps to address bullying incidents. Parts of the law (M.G.L. c. 71, § 37O and 603 CMR 49.00) that are important for students and parents or guardians to know are described above, with the necessary definitions explained below. These requirements are also included in the school's or district's Bullying Prevention and Intervention Plan ("the Plan").

Definitions of Terms Associated with Bullying:

Aggressor is a student or member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional who engages in bullying, cyberbullying, or retaliation towards a student.

Bullying see definition in section above.

Cyberbullying see definition in section above.

Hostile environment is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of the student's education.

Target is a student against whom bullying, cyberbullying, or retaliation is directed.

Retaliation is any form of intimidation, reprisal, or harassment directed against a person who reports bullying, provides information during an investigation about bullying, or witnesses or has reliable information about bullying.

IF YOU OBSERVE BULLYING OR HARASSMENT -TAKE ACTION.

- When you observe adults or students mistreating, disrespecting or condemning others, you **MUST** speak out. Don't "put up with put downs." These would include comments regarding: gender, race, national origin, sexual orientation, and other groups.
- Students should report examples of observed harassment or mistreatment. You should speak to a teacher, counselor, or administrator if you witness violations of the policy, and you may do so confidentially. If you wish, you may place a note in administrator's mailbox in the main office.

IF YOU ARE A VICTIM OF BULLYING OR HARASSMENT –REPORT IT

If you feel you have been a victim of any form of harassment (as an individual or as a group) you should report it **IMMEDIATELY** to either the school's principal, an assistant principal, counselor, or a teacher, who will channel it to the appropriate person. Get support. **DO NOT REMAIN SILENT.** If you have been harassed, or, if your civil rights have been violated in any way, you will be listened to, supported, and assisted to the fullest of the school's capabilities.

IF YOU BULLY OR HARASS - IT WILL NOT BE TREATED LIGHTLY AND WILL NOT BE TOLERATED.

The "mildest" consequence for actions that are deemed to be thoughtless and not malicious is a written warning. From there, consequences proceed through parent conferences, mandatory counseling, prohibition from all school sponsored events, suspensions, and possible expulsion from school, depending on the circumstances.

SCHOOL VISITATION POLICY

All visitors entering the Malden Public Schools must report to the main office and sign-in at the time of arrival and departure.

- Parents/guardians and visitors are responsible for obeying traffic rules: this involves drop off and pick up areas and parking in areas around the buildings.
- Guests and visitors, including parents and members of the media, must register in the main office of the school. Sign-in logs and visitor badges will be provided. Signs will be posted on all outside doors directing visitors to register in the school's main office. Guests and visitors must sign-out when leaving the building.
- Classroom visits should be planned in advance with the consent of the principal and notice given to teachers when deemed appropriate by the principal.
- In order not to interfere with the education of children, and in order not to overcrowd a particular school or instructional area, the principal shall have the right to deny a request to visit a particular classroom at a particular time, to restrict the number of visitors to a classroom, and to determine reasonable times for visitors to remain in a classroom or instructional area.
- Students wanting to bring a guest to school must obtain prior approval from the principal.

Observations for Current or Proposed Special Education Programs

In accordance with M.G.L. c. 71B §3, the Malden Public Schools permits parents and their designees (defined by law as parent designated independent evaluators and educational consultants) to conduct in-school observations of their student's current or proposed special education program.

When a parent or designee wishes to conduct such an observation, the following procedures shall be followed:

1. The parent shall contact the Special Education office and indicate that an observation is requested. The parent will indicate the name of the person who will conduct the observation and the affiliation of that person to the child and/or parent.
2. If the request for the observation comes from someone other than the parent, the school district will need to confirm with the parent the identity of the observer and ensure that the parent consents to the observation. If the designee wishes to observe the student's records, the school district must obtain written consent from the parent before allowing the designee to access the student's record in accordance with the Massachusetts student record regulations.
3. Upon notification of the request for the observation, the school district will provide timely access to the student's current or proposed educational program. The school district will contact the parent and/or designee to schedule a mutually convenient time for the observation. Please be advised that there may be certain times of the year such as when the MCAS is being administered that the district generally will not schedule observations due to the disruption the observation would cause during these particular time periods. If the observation is requested during one of these time periods the district will work with the observer to find another mutually agreeable time for the observation.
4. The school district will also discuss with the parent and/or designee in advance of the observation a reasonable time allotment for the observation. The observer will be permitted to observe both academic and non-academic activities if requested. Observation times will be determined on an individual basis depending on the circumstances of the particular student and/or program to be observed. The observation times will be of sufficient duration to enable the observers to evaluate a child's performance in the current program and the ability of a proposed program to enable such child to make effective progress.
5. The Malden Public Schools is responsible to ensure the safety of its students at all times. If, in the opinion of the school district, the observation threatens to compromise the safety of the students in the observed program, the integrity of the program during the observation, or if there is the threat of disclosure by the observer of confidential or personally identifiable information he or she may obtain while observing the

program, the school district may impose reasonable limitations and restrictions on the observation. The school district will discuss these concerns with the observer prior to the observation and the school district will make reasonable efforts to work with the observer around these issues to ensure a safe and productive observation. Any limitation and restrictions imposed pursuant to this paragraph will be done on a case by case basis.

6. The Malden Public Schools may exercise its discretion at any time to reschedule or terminate an observation in the event of a building emergency or a disruption that impacts the physical or emotional well-being of the children in the school or the program being observed.

K-8 SCHOOL HOURS

Beebe School Hours: 8:15-2:15

Ferryway School Hours: 7:45-3:30 (ELT School)

Forestdale School Hours: 8:15-2:15

Linden School Hours: 8:00-2:30 (Innovation School)

Salemwood School Hours: 7:40-3:25 (ELT School)

*Late Bell is 5 minutes after entrance time.

No student may leave the school after arriving, unless there is an early dismissal as outlined below. Any student not in his/her seat by the appropriate time is tardy and must report to the main office for a tardy slip. At dismissal, all students will immediately leave the school grounds. Remaining for an extended period may be considered loitering and may result in further actions up to and including detention, suspension, and parental and/or police notification.

CHILD CUSTODY

If you are divorced (or separated) and have legal custody of your child through a court order, please see that the school administration has a copy of this document. Please do not assume that school employees know about custody issues. Be sure that the principal knows if any family member/adult is not to pick up your child from school. If at any time during the year, a court order is changed or issued, please notify the principal.

ATTENDANCE GUIDELINES

Grades K-8*

Parental Responsibility

The Malden Public Schools seeks to promote excellent school attendance. Massachusetts General Laws, Chapter 76 states that parents/guardians are legally responsible for ensuring that a child under their control attends school daily. The school system employs an attendance officer to support families and encourage regular compliance with the state statute. Parents/guardians and other concerned individuals may contact the supervisor of attendance at (781) 322-4469 regarding school attendance issues.

Absences:

STUDENT ABSENCES AND EXCUSES

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

Therefore, students may be excused temporarily from school attendance for the following reasons: illness or quarantine; bereavement or serious illness in family; inclement weather as to endanger the health of the child; and observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the Principal or designee.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his character. Parents can help their children by not allowing them to miss school needlessly.

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

To ensure continuity and maximum advantage of the school program, students must attend school each day and arrive on time. Parents/guardians are expected to telephone the school office prior to 8:00AM to report that their child will be absent on any given day. In addition, a written excuse from the parent/guardian must be presented the day any pupil returns to school from an absence. Any situation resulting in an absence that may have serious extenuating circumstances must be brought to the attention of the principal, by the parent, as soon as those circumstances are apparent. Absent notes are given to the child's homeroom teacher. The date(s) of the absence, the student's full name, the reason for the absence, and the student's homeroom number should be on the note. Notes are necessary even when a parent has spoken to the principal, assistant principal, or the main office about the absence. Any student who is absent over three (3) consecutive days must report to the main office with his/her note and may be asked to see the school nurse.

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

Student Absence Notification Program

Each Principal will notify a student's parent/guardian by telephone within 3 days of the student's absence in the event the parent/guardian has not informed the school of the absence.

Each Principal or designee shall notify and meet with any student, and that student's parent/guardian, who has missed five (5) or more unexcused school days (a school day shall be equal to two (2) or more class periods in the same day) in a school year. The meeting shall be to develop action steps to improve student attendance and shall be developed jointly by the Principal or designee, the student, and the student's parent/guardian. The parties may seek input from other relevant school staff and/or officials from relevant public safety, health and human service, housing, and nonprofit agencies.

Attendance Policy for The Ferryway School, The Forestdale School, and The Salemwood School

All grades 7 and 8 students who attend the Ferryway School, the Forestdale School, and the Salemwood School will be piloting the attendance policy used at Malden High School. The purpose of this is to expose our middle school students to what will be expected of them in grade 9 regarding school attendance. Three unexcused absences per quarter will be allowed. Four or more unexcused absences in a quarter will require the teacher to give the student a 59 for that quarter. A lower grade will be given if the student's actual average is lower than 59. Absences will be considered "excused" for the following reasons only.

Excused absences are limited to the following:

1. An illness or injury that prevents the student from attending school upon receipt of doctor's note.
2. A death in the immediate family (parent, sibling, grandparent, aunt, uncle, cousin).
3. A significant personal or family crisis that prevents the student from attending school as approved by school admin.
4. Court appearances: Students must present evidence of the required appearance.
5. Medical or psychological tests during the school day that cannot be scheduled after school or on the weekend: Students must show evidence (such as a note from the health center) that the tests could not be scheduled after school.
6. Religious holy days that require an absence from school to meet religious obligations.
7. Other extraordinary situations approved by the school administration.
8. Disability-related absences.

Vacations other than regularly scheduled school vacations **are unexcused absences**. “**Skipping school**” is considered **truancy** and an unexcused absence.

The penalties for **truancies** are as follows:

FIRST OFFENSE:	Parents contacted: may result in up to five (5) hours of detention
SECOND OFFENSE:	Parents contacted; may result in school suspension
THIRD OFFENSE:	Parents contacted: may result in school suspension/courts may be notified

Tardies:

Students are tardy to school after the late bell has rung and are expected to report to the office as soon as they enter the building. Tardy pupils should bring a note explaining the tardiness, including a phone number at which the parent/guardian may be reached. Administration will determine if the tardiness is excused. The student will receive a tardy slip, which should be given to the homeroom teacher. Any unexcused tardiness will require the student to stay for ½ hour after school in detention. Habitual tardiness may result in extended detention, parental involvement, and/or school suspension

Dismissals:

Ordinarily, students are not dismissed before the designated school’s dismissal time. If circumstances warrant, a student may be dismissed earlier as long as the parent writes a note explaining the need for the early dismissal and the time of the early dismissal. The note must also contain the student’s name and his/her homeroom number. The student must bring the note to the office before the start of school for approval. After approval, dismissal notes are to be given to the homeroom teacher. Any time a student is dismissed, a parent or guardian must report to the office to sign the student out of school.

ACADEMIC INFORMATION

Parent/Guardian Responsibilities:

- Parent and student should talk to one another about homework assigned.
- Parents should monitor their child and provide an appropriate area to do homework.
- Parents should check their child’s agenda book daily (where applicable) and/or messages from teachers.
- Students should have an assignment notebook and parents are encouraged to check homework.
- Student assignments should be neat and completed on time.
- Student excuses for not completing an assignment should be in the form of a note from a parent.
- If a student neglects to do a homework assignment, teachers may require him/her to stay after school and complete the assignment.

Homework Policy

- Homework has an important function in a student’s learning process, and students should generally expect to receive homework assignments each day.
- Teachers use homework in evaluating student progress and achievement.
- The length of time that it takes to complete homework may vary depending on the student’s individual pace.
- It is important that students remember that homework does not mean only written work; reading and reviewing material in class and looking ahead to new materials are parts of homework that are often overlooked by students.
- Long-term assignments help students to learn planning and pacing skills needed to complete these projects.
- Each grade and/or class, in consultation with the principal, will implement his or her own homework requirements. These requirements are based on specific goals and particular needs of each child and are developed by and adhered to by the child’s teachers.
- The homework policy ensures that every student will be provided appropriate homework activities to reinforce and expand the concepts being taught and to enhance everyday understanding of course content.
- The following guidelines are set by the Malden School Committee as the minimum amount of time students are expected to spend on daily homework assignments:

Grades K-2	15 minutes per day
Grades 3 and 4	45 minutes per day at the teacher's discretion
Grade 5	45-60 minutes per day
Grade 6	60- 90 minutes per day
Grades 7 and 8	2 hours per day

Teachers are encouraged to coordinate assignments.

Make Up Work When Absent From School

It is the responsibility of each student to make up work missed, including homework, when they return from any absence. This is done by seeing his/her teacher(s) after school and working out a schedule to complete the work missed.

Each teacher is available ½ hour after school each day Monday through Thursday to be of assistance to students or to confer with parents. Once a week grades 7 and 8 teachers will be after school for an extra 30 minutes to assist students.

Grading

Grades K-4 use a Standards Based Report Card.

Grades 5-8 use the following grading scale:

A+ = 98 – 100	C = 73 – 76
A = 93 – 97	C- = 70 – 72
A- = 90 – 92	D+ = 67 – 69
B+ = 87 – 89	D = 63 – 66
B = 83 – 86	D- = 60 – 62
B- = 80 – 82	F = below 60
C+ = 77 – 79	

There will be two designations for the Honor Roll:

HIGH HONORS – a student must achieve all As on his/her report card in all subjects including exploratory subjects.

HONORS – a student must achieve Bs or better on his/her report card in all subjects including exploratory subjects.

Quarterly Progress Reports and Report Cards

Student progress is reported to parents in several ways. Students receive a Progress Report and a Report Card four times a year. There are also individual conferences between parents and teachers and two parent visitations. The teachers may also call parents at any time to discuss a student's progress. Parents who wish to make immediate visits with teachers should call or e-Mail the principal or assistant principal's office or send a note to the teacher requesting an appointment. Students and parents/guardians also have access, via their own password, to our X2 On-Line Grading System which allows for students and parents/guardians to check their grades/averages on a regular basis.

REPORT CARDS – In grades 1-8 the report cards are issued quarterly. The first three must be signed by a parent/guardian and returned to school within three days. Kindergarten report cards are issued twice yearly.

PROGRESS REPORTS – The purpose of the mid-term progress report is as follows:

- To provide parents with information on how their child is doing in school
- To provide positive feedback to students who are doing well
- To provide information to students who are not doing well and to give them the opportunity to improve their performance before the marking period ends.

An unsatisfactory notation may be given to a student for a number of reasons. For example, low or failing performance on tests, incomplete homework, not working up to expectations, not passing in work on time, lack of effort,

inappropriate behavior, etc. The progress report is an indicator and is intended to be a motivator for improvement. Progress reports are to be signed by a parent/guardian and returned within three school days.

Retention Guidelines for Grades K-5

- Upon the closing of 2nd quarter, parents/guardians will be notified by the principal or designee via letter and meeting that their child is at risk of not being promoted with justification rationale (attendance, academic progress, educational history). A meeting will be held with the parents/guardians, principal, teacher(s), and support personnel to discuss the child's progress using academic, behavioral, and/or intervention data.
- Via a letter and meeting, the final determination of retention will be discussed with parents/guardians in late spring by the principal or designee. Above-mentioned data, and progress since first meeting, will be used to make this determination. The principal is the final arbiter of all decisions regarding retentions.

Retention Guidelines for Grades 6-8

- Students who fail 4 out of 4 major subjects (English, Math, Social Studies, and Science) will be retained and are not eligible for Summer School. Parents/guardians will be notified by the principal via letter.
- Students who fail 3 out of 4 major subjects (English, Math, Social Studies, and Science) will be retained in June and are eligible for Summer School. Upon successful completion of Summer School, student will be promoted to the next grade level in August. Parents/guardians will be notified by principal via letter.
- Students who fail 2 out of 4 major subjects (English, Math, Social Studies, and Science) will be retained in June and are eligible for Summer School. Upon successful completion of Summer School, student will be promoted to the next grade level in August. Parents/guardians will be notified by principal via letter.

Cheating Policy

Any teacher who determines that a student has committed an act of cheating will inform the student and parent/guardian, give a zero for the quiz, test, or assignment, and will not allow the work to be redone or a test to be retaken. The teacher will file an incident report with the appropriate administrator. If a student feels unjustly accused, he/she may request a meeting with the teacher and the administrator before action is taken. The teacher will keep evidence of the cheating incident.

Cheating includes, but is not limited to, the following:

- Copying another student's homework and/or giving a student your work to copy
- Submitting another person's work, as your own (e.g., compositions, research projects, etc.)
- Using a crib sheet or any other type of concealed answers during a test or quiz
- Looking at another student's quiz or test to copy answers
- Leaving a classroom during a test and obtaining answers
- Deliberately ignoring test instructions
- Obtaining copies of a test or test questions illegally
- Plagiarism in any form (e.g., copying of notes, magazines, encyclopedias, etc. without proper documentation and downloading and/or copying from Internet)
- Unlawful use of computer software programs and CD-Rom materials
- Use of any unauthorized electronic devices (ex. Text messaging, cameras)

Parent/Guardian - Teacher Report Card Conferences

Parent visitation provides an opportunity for parents to become better acquainted with the school and their child's teachers. There are two scheduled parent visitations during the school year. The dates and times of the parent visitations will be determined by each school's administration. Parents should check for flyers, notices, the Malden Public School website (www.maldenps.org), MATV, and Connect-Ed.

Extracurricular and Co-Curricular Activities

It must be clearly understood that participation in athletic activities in the Malden Public Schools is a privilege- not a right- extended to those students who conformed to the rules and regulations of eligibility and behavior set by the Massachusetts Interscholastic Athletic Association and the Malden Public Schools. A student must be present on the day in order to participate in an activity. The student athletes who exercise their privilege to participate are representing their school, community, family, and themselves, and therefore assume a greater responsibility for their

behavior. The student participating must represent the Malden Public Schools and the ideals that it stands for and must act in a manner, which illustrates ideals of leadership, high moral character, loyalty, and academic “good standing”.

Physical Education Requirements

All students in K-8 have physical education as part of the school requirements. Students in grades 5-8 taking physical education may be required to bring a change of clothing. Showers are available in the locker rooms. For the safety of all, we do not allow in the locker rooms:

- Glass
- Aerosol cans/Spray bottles
- Hairspray
- Nail polish
- Cologne/Perfume

In order for a student to be excused from gym class he/she must obtain a note from a parent, or the approval of the physical education teacher, the office, or the school nurse. Students must have a doctor’s written statement for any condition requiring two or more consecutive absences from gym. Unless a student has been excused from physical education for medical reasons, he/she will be required to make up all classes missed.

Field Trips

During the school year teachers may schedule educational or recreational field trips for their classes. Before a student is allowed to attend a field trip, he/she must turn in a permission slip signed by their parent/guardian. Students may be ineligible to attend a field trip if teachers and/or the administration feel that their schoolwork has been neglected or their behavior has been inappropriate.

When representing our school and community on a field trip, students will:

- Remember to observe all school rules and behaviors
- Respect all adults
- Stay with their assigned groups
- Follow directions of teachers and chaperones
- Always let their assigned adults know where they are
- Use appreciative responses – “please, thank you,” etc.
- Follow bus rules

Band

Band is an academic course that provides the opportunity for students to perform and to enhance their musical skills. Students selecting this course are required to make a commitment of time and energy that includes parades, evening performances, and after school rehearsals, as well as completing missed academic work.

SCHOOL RECORDS

Providing Student Records

A student transferring into the Malden Public Schools must provide a complete school record. Said record shall include, but not be limited to, any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act. M.G.L. c. 71 §37L.

Release of Information About Students

The Malden Public Schools’ treatment of student records shall be consistent with applicable state and federal law. 603 CMR 23.00 describes parents’ and students’ rights of confidentiality, inspection, amendment, and destruction of students’ records in Massachusetts.

A parent (or student who has entered the 9th grade or is at least 14 years old, called the ‘eligible student’) has the right to inspect all portions of the student record upon request. The record must be made available to the parent or eligible student as soon as practicable and within 10 days after the request, unless the parent or student consents to the delay.

The parent and eligible student have the right to receive copies of any part of the record. A reasonable fee may be charged for the cost of duplicating the materials, unless charging the fee would effectively prevent the parent or eligible student from exercising their right under federal law to inspect and review the records.

The parent and eligible student may request to have parts of the record interpreted by a qualified professional of the school or may invite anyone else of their choosing to inspect or interpret the record with them.

It is necessary for divorced parents to submit a copy of the custody agreement or order, and any subsequent changes made thereto, to the District so that District personnel may identify which of the parents has legal and physical custody of the child. The non-custodial parent may access his/her child's record unless:

1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student, and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. the parent has been denied visitation, or
3. the parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

The District shall place in the student's record any documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).

Non-Custodial Parent Access: In the case of a non-custodial parent who is eligible to access the student record, i.e., does not fit any of the four (4) categories under 1-4 above, the non-custodial parent must submit a written request for the student record to the school principal. Upon receipt of the request, the principal and/or his/her designee shall immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth under 1-4 above.

When the student record is released to the non-custodial parent, the school will delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records will be marked to indicate that they shall not be used to enroll the student in another school.

Please consult your school principal for further information.

Confidentiality of School Records

All information regarding students is confidential. No individuals or organizations but the parents/guardians, student, and school personnel working directly with the student are allowed to have access to information in the student record without the specific, informed, written consent of the parent or student. Teachers have a moral responsibility to protect the wellbeing of their students. For this reason, students should be aware that some information that they share with school personnel cannot remain confidential. This includes any information, which is reported to a staff member, which could result in personal harm to the student, such as abuse or neglect, drug use, suicide, etc.

Amendment of School Records

The parent or eligible student has the right to add relevant comments, information or other written materials to the student record. In addition, the parent or eligible student has the right to request that information in the record be amended or deleted. The parent or eligible student has the right to a conference with the school principal to make their objections known. Within a week of the conference or receipt of the objection in writing, the principal must render a decision in writing stating the reason or reasons for the decision. If the parent or eligible student is not satisfied with

the decision, the regulations contain provisions through which the decision may be appealed higher to the superintendent. 603 CMR 23.09.

Destruction of School Records

After five years after the student transfers, graduates or withdraws from the school system, everything is removed from the folder with the exception of the “permanent record” which includes the student’s vital statistics, course record and grades. Written notice must be provided about the approximate date of destruction and the right to receive the information in whole or part must be made at the time of the transfer, graduation or withdrawal. State law mandates that the school keep this basic information for 60 years. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school system. Before any such information may be destroyed, the parent and student must be notified, and have an opportunity to receive a copy of any of the information before its destruction.

School Transfers Out of District

Parents should call the office to inform the school of a transfer to another school. The office will need to prepare the records and make out a Massachusetts Transfer Card. In order to complete the card the student’s new address and the name of the new school is needed. Students should report to the office the morning of their last day. They should return all school materials and equipment before leaving. When all responsibilities have been taken care of, the parent/guardian of the student will be given his/her transfer card and a copy of his/her immunization record to take to the new school. The Malden Public Schools will forward student records to the school/s in which the student seeks or intends to enroll without written consent from the parent or eligible student pursuant to 603 CMR 23.07(4)(g).

School Transfers within the Malden Public Schools For The Next School Year

Parents/Guardians of children attending the Malden Public Schools who are interested in transferring their child for the **next school year** may complete a **Request for Transfer Form** at the Parent Information Center in May. These requests will be processed throughout the summer, once the district has confirmed the number of openings in each school.

School Transfer Requests For The Current School Year

Parents/Guardians of children attending the Malden Public Schools who are interested in transferring their child **during the current school year** must request a transfer at the Parent Information Center. Current school year transfer requests will be evaluated on an individual basis. No more than one school transfer per year shall be granted. No requests will be honored after the first 15 days of school.

Change of Address

Any time a student changes his/her address or telephone number the school office should be notified immediately. The parent/guardian must provide the school with a utility bill/ lease etc. which shows the parent/guardian’s name and current address. Any change in contact information, including telephone numbers, should be submitted to the office immediately. If a student is moving from Malden, the parent must come to the school office to sign transfer documents.

(See TRANSFERS)

Access of Third Parties

With certain exceptions, no third party shall have access to student records without written consent of the parent or eligible student. According to Student Record Regulations the following information may be released by the school administration without consent, unless a student or parent specifically requests that it not be released without their prior consent.

- Name, address, telephone listing, date/place of birth, major field of study, dates of attendance, weight/height (for members of athletic teams), class, participation in officially recognized activities and sports, degrees, honors and awards, post high school plans.

The student records regulations allow other exceptions to the requirement for written consent, such as the ability to disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals, upon the

receipt of a court order, or when given anonymously in a statistical form to the Department of Elementary and Secondary Education (DESE), or as requested by representatives of the DESE acting for the Commissioner in connection with the enforcement of federal and state education laws.

(The above is only a summary of some of the more important provisions of the regulations pertaining to student records that relate to student and parent rights. If more detailed information is desired, a copy of the regulation may be reviewed at the school's guidance office. See 603 CMR 23.00).

District Curriculum Accommodation Plan

As required by law (Chapter 71 M.G.L Section 38Q ½), school districts in Massachusetts must develop a District Curriculum Accommodation Plan (DCAP). The intent of the plan is to guide educators in ensuring that all efforts are made to accommodate a student's needs in regular education. The law states, "A school district shall adopt or implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet the students' needs in regular education. The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom in providing appropriate services and support within the regular education programming, including, but not limited to, direct and systematic instruction in reading and provision of services to address the needs of children whose behavior may interfere with learning, or who do not qualify for special education services under Chapter 71B. The curriculum accommodation plan shall include provisions encouraging teacher mentoring and collaboration and parental involvement." The objectives of Malden Public Schools' DCAP are to assist the general education teachers in meeting the diverse needs of all students, to recommend instructional interventions for struggling learners, and to highlight resources available to teachers in the areas of student support, mentoring, professional development, and coaching.

STUDENT SUPPORT TEAM (SST)

As part of the DCAP, the general education staff serves on the Student Support Team, where teachers can receive assistance for difficulties a general education student may be experiencing. In many cases, prior to referral for a Special Education Evaluation within the general curriculum there are instructional and remedial services for students having difficulty. Then, in addition, there is a Student Support Team.

The Student Support Team is comprised of an administrator and various classroom teachers and specialists. The role of the team is:

1. To provide a forum for the discussion of any child demonstrating difficulties (both academically and/or behaviorally) whose teacher desires advice or support.
2. To brainstorm possible strategies, modifications, and/or resources for the classroom teacher to implement; along with implementing interventions with fidelity including data collection and analysis.

SPECIAL EDUCATION SERVICES

The purpose of Special Education State and Federal Law is to ensure that eligible Massachusetts students receive specialized instruction designed to develop individual students' educational potential in the least restrictive environment.

Eligible students shall mean a student ages three through twenty-one who has not attained a high school diploma or its equivalent, who has been determined by the Team to have a disability (ies), and as a consequence is unable to progress effectively in the general education program without specially designed instruction or is unable to access the general curriculum without a related service (603 CMR 28.02(9)).

A disability shall mean one or more of the following impairments:

- Autism
- Development Delay
- Intellectual Impairment
- Sensory Impairment
 1. Hearing
 2. Vision
 3. Deaf / Blind

- Neurological Impairment
- Emotional Impairment
- Communication Impairment
- Physical Impairment
- Health Impairment
- Specific Learning Disability

A referral for a Special Education evaluation may be made by a parent or any person in a care giving or professional position concerned with the student's development (603 CMR 28.04 (1)). Once a referral has been made, a consent form describing the types of testing suggested is sent to the parent/guardian. In addition, a Parent's Rights brochure is provided as well as information on the opportunity to consult with the Special Education Administrator, prior to the evaluation, to discuss the recommended assessments and the evaluators. Once consent has been received from the parent/guardian, a multi-disciplinary, appropriately credentialed, team will complete a thorough and comprehensive evaluation, including assessments in all areas of the suspected disability. A team meeting of all the evaluators and the parent/guardian then meet to review the testing and to determine eligibility for Special Education. Once eligibility is determined, the team then develops an Individualized Education Program (IEP) for the student in the least restrictive setting possible. There is a wide range of services available to students with disabilities and what is provided will depend on the specific student's needs. In addition, special educators work with general education teachers to assist them in making accommodations and modifications for students with disabilities within the general curriculum.

For questions regarding special education please contact the Special Education Administrator. Additional information is also available on-line at the Massachusetts Bureau of Special Education Appeals website, at <http://www.doe.mass.edu/bsea/>.

504 ACCOMMODATION PLANS

Section 504 of the Rehabilitation Act of 1973 is a non-discrimination statute that ensures disabled students have educational opportunities and benefits provided to non-disabled students. Students may be eligible for educational services under Section 504, as well as under State and Federal Special Education laws. Eligibility under 504 requires that a student has, or has a record of having, or is regarded as having a physical or mental impairment, which substantially limits major life activity, such as learning, self care, walking, seeing, hearing, speaking, breathing, working or performing manual tasks. Services are available to students meeting the above criteria through a 504 Accommodation Plan.

GENERAL GUIDELINES

Dress Code

In accordance with Massachusetts State Law, there is an expectation that students dress in keeping with reasonable standards of safety, health, and cleanliness, so as not to detract from the education process. There is an expectation that students dress in a manner that is appropriate for a place of work or study. An individual's grooming, the way he/she dresses, and how he/she behaves does have a bearing on how others react to him/her. Dress and grooming should be clean and neat. If style demonstrates that it is disruptive to the educational process, constitutes a threat to the safety and health of self and others, or is in violation of any statute, it will not be permitted in school.

Clothing that creates a risk of substantial and material disruption or disorder within the school is not acceptable. This may include:

- Clothing with any picture and/or wording that relates or infers to sex, alcohol, drugs, tobacco, or displays lewd, vulgar, indecent or "plainly offensive" language
- Hats, headbands, hoods, bandanas, or any other head coverings (except for religious reasons) and sweatbands or wristbands
- Clothing worn in such a manner as to reveal underwear, cleavage, or bare skin between the upper chest, belly area, and mid-thigh.
- Spaghetti straps, strapless tops, and halter tops

- See through and/or mesh garments
- Visible undergarments
- Clothing that is excessively baggy or tight.
- Skirts and shorts shorter than mid-thigh – even if wearing tights.
- ‘Wheelie’ sneakers/shoes (those containing wheels, hidden or visible, for skating)
- Sunglasses worn inside the school building
- Clothing that advertises adult entertainment symbols (Playboy, Playgirl, etc)
- Clothing or article that suggests gang activities
- `Chains (wallet, belt, large neck chains, etc.)
- Spiked collars, spiked belts, spiked bracelets
- Pants, when the waist falls below hip or the length of the pant touches the floor
- Any other article of appearance that is physically revealing or provocative

The school principal, having discretion to render judgments regarding what is and what is not appropriate, may, if necessary, waive these policy restrictions in religious and/or medical situations. The principal will determine what consequences should follow when a student does not comply with this policy. A student may be sent home to dress appropriately or a parent may be required to bring in a change of clothing.

All outer garments (ex. jackets/parkas/windbreakers etc.) and book bags must be removed and left in the student’s locker during the school day.

Electronic Devices

The following articles will be considered inappropriate and not allowed to be used in school:

- Cell phones, radios, tape players, CD players, MP3 players, IPODs, and/or any headset players
- Hand held video games
- Roller blades and/or skate boards
- Scooters
- Trading Cards of any kind
- Laser Pointers which are considered dangerous weapons and will not be returned. See page 33
- Any student in possession of stated articles will have the following occur:

FIRST TIME – Said article will be taken from student and may be picked up after school.

SECOND TIME – Said article will be taken from student and returned to parents only.

THIRD TIME- Said article will be taken from student and returned on the last day of school.

Use of Cell Phones

- Cell phones and/or pagers may be brought with the permission of a parent/guardian. Use of cell phones during the school day is prohibited, and the power must be turned off. Cell phones are not allowed in bathrooms or locker rooms. Cell phone usage is not allowed within the school building. It is the students’ responsibility to ensure that their cell phones are turned off and put away. Students who violate the above restrictions shall be deemed to have created a disruption to the instructional environment and are subject to disciplinary action including suspension, as well as confiscation and return of the phone to the students’ parents or guardians.
- Students should be personally and solely responsible for the security of their cell phones. Malden Public Schools shall not assume responsibility for theft, loss, or damage of a cell phone, or unauthorized calls made on cell phones.

Valuables

The school will not assume responsibility for valuables left in desks, homerooms, coat pockets, or unlocked lockers. Parents should put name labels on all students’ personal belongings. These markings will help school staff locate lost items. Do not allow your child(ren) to bring extra money, valuable items, toys, and electronic devices to school unless written approval has been given by the child’s teacher.

Snow Days

School cancellation announcements will be made on Connect-Ed, as well as the following radio and television stations:

- WBZ radio 1030 AM
- WBZ TV channel 4
- WHDH radio 850 AM
- WHDH TV channel 7
- WEEI radio 590 AM
- WCVB TV channel 5

Please do not call the school, the police, or the fire department for this information.

Tobacco-Free Environment

No one is allowed to smoke or to use smokeless tobacco on school buses, school property before or after school, anytime during the school day, or at co-curricular or athletic activities. M.G.L. c.71 § 37H.

Bathroom Privileges

Bathrooms are available during school hours. If a student needs to use the bathroom during class time, it is with the permission of the teacher, who must sign his or her bathroom pass and/or log book. If the teacher feels that any student is asking to leave class too often, the school nurse will be asked to contact the home, and perhaps a doctor's note will be needed to verify that a student needs unlimited use of the bathroom.

Passes

Every student is expected to follow his or her daily schedule. Students must have a pass to deviate from this schedule. Any student out of a classroom during class time must have a written pass signed by a teacher. **NO EXCEPTIONS WILL BE ALLOWED.** Said pass must have a departure time designated. Students found in an unauthorized area of the building without permission may be subject to discipline, including, but not limited to suspension.

Lockers

Students are assigned a locker. This locker is designed only as a place to deposit coats, hats, boots, books, and lunches. Lockers should only be used at designated times. All lockers are loaned to students. When their assigned lockers are unattended, students in Grades PreK –6 may be required to keep them locked with a combination lock. Students in Grades 7 and 8 are required to keep them locked. School lockers are school property and, therefore, lockers may be searched at any time for any reason, and students have no expectation of privacy in the contents of the locker.

Passing in Corridors

It is understood by teachers and administrators that students need time during the day in which to talk over the day's events and plan activities for after school. Therefore, quiet discussion will be allowed while passing in the corridors. In no way are the following rules an attempt to take this activity away from students. The short period of time between classes, the distances traveled, the number of students enrolled in school where classes are being conducted, make it necessary to list the following rules for behavior in corridors:

- Walk at a normal pace
- No running, jumping, or pushing
- Stay to the right
- No yelling or loud conversation
- Take the most direct route
- No physical contact

Phone Calls and Messages

Students may not receive any incoming phone calls. Messages will be given to students. Parental and emergency messages only will be delivered. A student will be allowed to use the office phone for emergencies. The pay phone may be used with permission from the office.

Lost Books and Materials

Students are responsible for all texts, paperback books, and other school supplied materials and must pay for loss or damage. At the end of the year, report cards may be withheld from those students who have not made restitution.

Elevator

If for medical reasons using the elevator becomes necessary, student(s) will bring in a doctor's note. The school nurse will issue an elevator pass to the student for a prescribed number of days. Students with permission are to take one friend, to help carry their books, on the elevator.

Crutches

If a student requires crutches while in school, a doctor's note is required, which must state the duration of use and that the child has been properly instructed in crutch use. If a student also requires the use of the elevator, the note must include treatment plan for crutches and length of elevator use. If any student reports to school on crutches without written permission as indicated, the parent will be notified and the student will be sent home. Elevator passes will not be issued without a doctor's note.

Assemblies

We may ask teams, grades, or the entire school to gather for an assembly program. We hope that students enjoy these programs because they are designed to be educational, informative, and entertaining. When students are invited to the auditorium, we ask that they arrive promptly, sit with their class, behave, relax, and enjoy the program. Polite applause is expected and rude behavior will not be tolerated.

Safety Drills

In order to provide the safest and most secure learning environment for our students, we will be practicing three types of Safety Drills throughout the school year: Shelter-In-Place, Lockdown, and Evacuation. This insures that all students will know what to do in the event of an actual emergency.

Fire Drill Procedures

Students will follow the directions of the teacher and obey the posted fire drill procedure for each room. The following rules will be observed:

- Look for the fire drill instructions in every room.
- Walk in silence and at a normal pace.
- Stay with the class at all times and assemble in an area outside the building designated by the teacher.
- Do not return to the building until told to do so by the teacher.
- Upon your re-entry to the building, proceed directly back to the classroom.
- If any alarm is sounded when a student is not in a classroom, leave by the closest exit and report to the nearest teacher.

Lunch Program

Students will eat lunch in the cafeteria where they may purchase a hot lunch, sandwich, or bring their own lunch from home. Applications will be available for students qualifying for the free/reduced lunch program. For safety reasons, students are not allowed to bring glass bottles containing food or beverages to school. All eating and drinking is confined to the cafeteria, unless otherwise has been approved by the principal.

HEALTH SERVICES

Nurse/First Aid

If a student becomes ill in school, the student must ask his/her teacher for permission to see the nurse. If the nurse is not in the building, the student is to go to the principal or assistant principal's office. Students are not dismissed for illness unless the school contacts a parent or guardian. All students dismissed by the nurse will report to the main office before leaving the building. Any student having any kind of physical confrontation/incident shall be seen by a school nurse.

Immunization Requirements

THE STATE LAW CHAPTER 76, SECTION 15, INDICATES THAT NO CHILD SHOULD BE ADMITTED TO SCHOOL UNLESS HE OR SHE HAS BEEN IMMUNIZED AGAINST DIPHTHERIA, TETANUS, PERTUSSIS, MEASLES, POLIO AND OTHER COMMUNICABLE DISEASE SPECIFIED BY DEPARTMENT OF HEALTH except for medical or religious reasons. If it is for medical reasons, the parent must provide a certification from a physician that he or she has personally examined the child and that the physical condition of the child is such that the child would be endangered by the vaccination. The certification must be provided at the beginning of the school year. If it is for religious reasons, the parent must say so in writing. PARENTS MUST INDICATE DATES OF IMMUNIZATION. All immunizations must meet Massachusetts's minimum requirement and must be certified in writing by a licensed physician, before a student accompanied by a parent/guardian, is admitted to school. Immunization inoculations may be obtained from a private physician or by appointment from the Board of Health Clinic.

Department of Public Health regulations effective March 1, 1990, require children to present evidence of having been previously screened for lead poisoning or to be screened as a condition for entry into kindergarten. Parents should provide documentation from their child's pediatrician.

Massachusetts State law requires the following immunizations:

Students entering **pre-school** need:

- 3 doses of Hepatitis B or laboratory proof of immunity,
- at least 4 doses of DtaP/DTP/DT/Td/Tdap,
- at least 3 doses of Polio,
- 1- 4 doses of Hib,
- 1 dose of MMR or laboratory proof of immunity,
- 1 dose of Varicella or documentation of chicken pox, by physician or laboratory proof of immunity,
- a physical exam (within 6 months),
- Lead screening – most recent, date and results
- TB test and results, treatment if necessary

Students entering **kindergarten** need:

- 3 doses of Hepatitis B or laboratory proof of immunity,
- 5 doses of DTaP/DTP/DT/Td/Tdap,
- 4 doses of Polio,
- 2 doses MMR or laboratory proof of immunity,
- 2 doses of Varicella or documentation of chicken pox, by physician or laboratory proof of immunity,
- a physical exam (within 6 months), if not on file,
- vision screening (within previous 12 months)
- Lead screening - most recent, date and results
- TB – test and results, treatment if necessary

Students entering grades **1-6** need:

- 3 doses of Hepatitis B or laboratory proof of immunity,
- at least 4 doses of DTaP/DTP or at least 3 doses of Td,
- at least 3 doses of Polio,
- Grades 1-4= 2 doses of MMR or laboratory proof of immunity,
- Grade 5 = 2 doses of measles, 1 mumps and 1 rubella or laboratory proof of immunity (to become 2 doses of MMR in 2016),
- Grade 6= 2 doses of measles, 1 mumps and 1 rubella or laboratory proof of immunity (to become 2 doses of MMR in 2017),
- Grades 1-4=2 doses of Varicella or documentation of chicken pox, by physician or laboratory proof of immunity,

- Grade 5 = 1 dose of Varicella or documentation of chicken pox, by physician or laboratory proof of immunity (to become 2 doses in 2016),
- Grade 6= 1 dose of Varicella or documentation of chicken pox, by physician or laboratory proof of immunity (to become 2 doses in 2017),
- a physical exam within six months, if not on file, and 5th graders need updated physical,
- Tb test or documentation of low risk

Students entering grades 7-12

- 3 doses of Hepatitis B or laboratory proof of immunity,
- Grades 7-11 = 1 dose of Tdap,
- Grade 12 = 4 doses of DTaP/DTP or 3 doses of TD plus 1 dose of Tdap (to be 1 dose of Tdap in 2016)
- 3 doses of Polio,
- Grades 7-11 = 2 doses of MMR or laboratory proof of immunity,
- Grade 12 - 2 doses measles, 1 dose mumps, 1 dose rubella or laboratory proof of immunity (to be 2 doses of MMR in 2016),
- Grades 7-11= 2 does of Varicella or documentation of chicken pox, by physician or laboratory proof of immunity,
- Grade 12= 1 dose, or documentation of disease by physician or documentation of chicken pox, by physician or laboratory proof of immunity (to be 2 doses of Varicella in 2016),
- Physical exam – within 6 months, if not on file,
- TB test and results, treatment if necessary
- **Failure to meet these requirements will result in exclusion from school until written documentation has been submitted.**

Medication in School

Students are not allowed to carry prescription or over the counter medication on their person or in their locker except inhalers and epi-pens, and only if a medication administration plan has been developed by the nurse for the student. See 105 CMR 210. All medication must have a written parent permission form filled out and submitted with medication to the nurse. Prescription medications must also have physician consent form filled out and submitted to nurse. Finally, there must be a proper medication order, unless the administration is for ten days or fewer. The school does not supply over-the-counter medications. Students in grades K-8 must have medication brought in by parent/guardian. Students are not to transport medication to and from school. All medication must be brought into school in the original containers.

Physical Examination Requirements

A complete physical examination is required of all children entering Malden Public Schools for the first time and at least three or four years thereafter. Completed physical examination forms must be presented no later than the first day of school in September. No child will be able to attend school without providing all required medical documentation. Only upon completion of this process will a child be fully registered and allowed to begin school. For more information about immunizations and physical examination requirements, contact Ms. Karen Reynolds, Health and Nursing Manager, at 781-397-7271.

Guidance Counselor

The guidance counselor is an integral part of the educational team providing services to students, parents, teachers and administrators. The counselor's goal is to help each student to identify his/her needs, interests, and aptitudes and to use this information to get the most from their educational experience.

The guidance counselor will provide the following services:

- Individual counseling regarding personal problems, school, or home related.
- Information regarding school programs and course selections.
- Academic appraisal through interpretation of test results.
- Vocational and career information and educational opportunities beyond high school.

If a student wants to see the guidance counselor, he/she should go before school to make an appointment. If an emergency exists, other arrangements will be made.

Adjustment Counselor

The adjustment counselor or team chairperson may be responsible for setting up and chairing Evaluation Meetings under Chapter 766. An administrator, teacher, or parent refers students to the adjustment counselor. The adjustment counselor also provides individual and group counseling to students as well as consultations to staff and parents/guardians as needed.

Home Instruction/Hospitalization

Per the Massachusetts Department of Elementary and Secondary Education, “upon receipt of a physician’s written order verifying that any student enrolled in a public school or placed by the public school in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than fourteen school days in any school year, the principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student.”

DISCIPLINARY ACTIONS

When Students Have to Report After School For More Than 1 Teacher:

When two or more teachers ask a student to report after school for misconduct on the same night, the student should report to the teacher who told them to stay first. When the student leaves the teacher, he/she should ask for a note to show the second teacher. If a student is told by two teachers to stay for make-up work, the student should stay first for the teacher whose make-up night it is that day. If an assistant principal had told a student to report to a teacher after school, the student should bring a note from that teacher to the assistant principal’s office before leaving school. If a student’s behavior requires staying after school, then this takes precedence over staying after school for extra help. Discipline always takes precedence over make-up work.

Detention

There are two types of detentions assigned to students, teacher detention and/or office detention. A teacher detention can be assigned whenever a teacher feels that student behavior is not appropriate or when academic work is not complete. Only an administrator assigns an office detention for behavior which violates the school’s rules and policies. Office detention runs for 30- 60 minutes depending on the grade level of the student and the disciplinary infraction.

PRINCIPAL’S DISCRETION

In every case of student misconduct for which suspension may be imposed, the principal, or his/her designee, shall exercise discretion in deciding the consequence for the offense. The principal shall consider ways to reengage the student in learning and shall attempt to avoid long term suspension as a consequence until alternatives have been tried. These alternatives may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

PROCEDURES FOR SHORT-TERM SUSPENSION

(exclusion of a student from school premises and regular classroom activities for a specified period of not more than ten school days.)

The principal, or his/her designee, may suspend students on a short-term basis. Unless a student poses a danger to persons or property, substantially and materially disrupts the order of school, possesses a firearm, controlled substance, or assaults a school staff member, the student will receive the following prior to a short-term suspension:

1. Oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:

- i. The disciplinary offense;
 - ii. The basis for the charge;
 - iii. The potential consequences, including the potential length of the suspension;
 - iv. The opportunity to have a hearing with the principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
 - v. The date, time, and location of the hearing;
 - vi. The right of the parent and student to interpreter services at the hearing; and
 - vii. If the student may be placed on a long-term suspension following the hearing with the principal:
 1. The rights set forth under the "Procedures for Long-Term Suspension"; and
 2. The right to appeal the principal's decision to the superintendent.
2. At the hearing, the principal shall discuss the disciplinary offense, the basis for the charge and any other pertinent information. If the student and/or parent elects to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct the hearing without the parent, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal 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.
 3. Based on the available information, the principal shall make a determination as to whether the student committed the disciplinary offenses and what remedy shall be imposed. The principal shall notice the student and parent in writing of his/her decision, the reasons for it, and, if applicable, the type and duration of the suspension and the opportunity to make up assignments and other academic work.
 4. 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, before the suspension takes effect.

PROCEDURES FOR EMERGENCY REMOVAL

If the student's continued presence poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption, the principal shall temporarily remove the student from the school. This temporary removal shall not exceed two (2) school days following the day of the emergency removal. Additionally, the principal shall make immediate and reasonable efforts to orally notify the student and student's parent of the emergency removal, the reason for the emergency removal, and the other information required in a short-term suspension notification. The principal shall also provide the short-term suspension notice in writing to the student and parent. The opportunity for a hearing with the principal shall occur within two (2) school days, unless otherwise extended by the school and parent. A decision regarding the student's continued suspension or other removal shall be rendered orally the same day as the hearing and written notice shall be provided the following school day. This written notice shall include all the information required based on the type of discipline imposed (short-term suspension, in-school suspension, long-term suspension, or expulsion).

The principal may also remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on a student's misconduct. This type of removal is not subject to the procedures for suspension and expulsion outlined in this policy.

PROCEDURES FOR AN IN-SCHOOL SUSPENSION

An in-school suspension may be used as an alternative to short-term suspension for disciplinary events. An in-school suspension means the 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 in one school year.

If the principal chooses this alternative, the principal shall inform the student of the disciplinary offense charged and the basis for that charge and provide the student an opportunity to dispute the charge and explain the circumstances surrounding the charge. If the principal determines that the student committed the disciplinary offense, the principal

shall inform the student of the length of the student's in-school suspension. If an in-school suspension is issued, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense on the same day as the in-school suspension, the reasons for concluding that the student committed the offense, and the length of the in-school suspension.

The principal 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. This meeting shall be scheduled on the day of the suspension, if possible, or as soon as possible thereafter. The principal shall also send written notice to the student and parent about the in-school suspension, including the reason and length of the in-school suspension, and inviting the parent to the above described meeting, if such meeting has not already occurred. The principal 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 other method of delivery agreed to by the principal and the parent.

PROCEDURES FOR LONG-TERM SUSPENSION

(exclusion of a student from school premises and regular classroom activities for more than ten school days.)

The principal, or his/her designee, may issue long-term suspensions at the building level.

1. In the event of a long term suspension, the student will be provided oral and written notice of the charges in English and the primary language of the home if other than English. This notice shall include:
 - i. The disciplinary offense;
 - ii. The basis for the charge;
 - iii. The potential consequences, including the potential length of the suspension;
 - iv. The opportunity to have a hearing with the principal and the parent concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident;
 - v. The opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
 - vi. The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
 - vii. 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;
 - viii. The right to cross-examine witnesses presented by the school district;
 - ix. The right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording provided to the student or parent upon request. If the student or parent requests an audio recording, the principal 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;
 - x. The date, time, and location of the hearing;
 - xi. The right to appeal the decision to the superintendent; and
 - xii. The right of the parent and student to interpreter services at the hearing.
5. The principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. To conduct the hearing without the parent, the principal must be able to document reasonable efforts to include the parent. The principal is presumed to have made reasonable efforts if the principal 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.
2. At the hearing, if the student and/or parent elect to attend, the student shall have the opportunity to present his/her version of the relevant facts and any mitigating circumstances. The student shall also have the right to produce witnesses and the right to cross-examine witnesses presented by the school. The parent, if present, shall have the opportunity to discuss the student's conduct and other information, including mitigating circumstances, that the principal should consider in determining consequences for the student.
3. The principal shall make a determination as to whether the student committed the disciplinary offenses and what consequences shall be imposed. The principal shall notice the student and parent in writing of his/her decision, including the following information:
 - i. The disciplinary offence, the date on which the hearing took place, and the participants in the hearing;
 - ii. The key facts and conclusions reached by the principal;

- iii. The length and effective date of the suspension and the date of return to school;
- iv. The notice the student's opportunity to receive education services to make academic progress during the suspension;
- v. The student's right to appeal the principal's decision to the superintendent or his/her designee if a long-term suspension has been imposed. 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. This notice of appeal shall include the process for appealing the decision, which requires the parent or student to file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension. It shall also notify the parent and student that the long term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.
 - a. The superintendent shall hold the hearing within three (3) school days of the student's request, unless an extension is mutually agreed to. The extension can be for no more than seven (7) calendar days.
 - b. The superintendent shall make a good-faith effort to include the parent in the hearing.
 - c. The hearing shall be conducted to determine whether the student committed the disciplinary offense and, if so, what the consequence shall be. The hearing shall be audio recorded and a copy of the recording shall be provided to the student or parent upon request. The superintendent 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.
 - d. All of the same rights that are afforded in the above long-term suspension principal's hearing shall apply to the student in a superintendent's hearing.
 - e. The superintendent shall issue a written decision within five (5) calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or lesser consequence than the principal, but cannot impose a suspension greater than the principal.
 - f. The decision of the superintendent shall be the final decision of the school district.
- vi. If the student is in grades K-3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for the suspension before the suspension takes effect.

EXPULSION

Expulsion is the removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) days, indefinitely, or permanently. Conduct that may lead to expulsion includes but is not limited to possession of a dangerous weapon, assault on school personnel or upon other students, possession of a controlled substance, and certain felony convictions and charges.

ADDITIONAL PROCEDURAL PROTECTIONS FOR SPECIAL EDUCATION STUDENTS

In general, special education students may be excluded from their programs for up to ten school days per school year just as any other student. However, when the district seeks to exclude a special education student from his/her program for more than ten school days in the school year, the student's special education Team must first determine whether the student's behavior was caused by, or was directly and substantially related to his/her disability or whether the conduct in question was the direct result of the district's failure to implement the student's IEP (a "manifestation determination"). If the Team determines that the behavior was a manifestation of his/her disability or was caused by a failure to implement the IEP, it must conduct a functional behavioral assessment and develop a behavior plan (or review and modify an existing plan, if necessary), and return the student to his/her current program, unless the student's parents and the district agree to a change in placement.

If the Team determines the behavior was not caused by, or directly and substantially related to the student's disability or failure to implement the IEP, the school may discipline the student according to the school's code of student

conduct, except that during the period of suspension or expulsion, the district must continue to provide the student with a free appropriate public education (FAPE) and, if appropriate, conduct a functional behavior assessment and provide intervention services and modifications to prevent the conduct from recurring. If the conduct involves weapons, drugs, or serious bodily injury, a special education student may be removed to an interim alternative educational placement for up to 45 school days regardless of the behavior's relationship to his/her disability.

A child who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for special education students if the school had knowledge (as determined by the IDEA) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

Additional information regarding the procedural protections for students with disabilities can be obtained from the Assistant Superintendent of Student Services at 781-397-7245.

POSSESSION OF WEAPONS OR CONTROLLED SUBSTANCES **ASSAULT OF EDUCATIONAL PERSONNEL**

Massachusetts General Law Ch. 71, § 37H authorizes the principal to expel students as follows:

1. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in Chapter Ninety-Four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
2. Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
3. Any student who is charged with a violation of either paragraph (1) or (2) shall be notified in writing of an opportunity for a hearing; provided, however that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, a principal may, at his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (1) or (2).
4. Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
5. Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.
6. Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.
7. Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

A copy of this law may be obtained in the main office.

SUSPENSION/EXPULSION BASED UPON A FELONY CHARGE/CONVICTION M.G.L. c. 71, § 37H½

Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal of a school may suspend a 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 shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

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

The principal may expel a student who has been convicted, adjudicated, or admitted guilt with respect to a felony or felony delinquency, if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

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

A copy of this law may be obtained in the main office.

**EDUCATIONAL SERVICES AND ACADEMIC PROGRESS
DURING SUSPENSIONS AND EXPULSION**

Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up assignments, test, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom. The principal shall inform the student and parent of such opportunity in writing when such suspension or expulsion is imposed.

Any student expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through a school-wide education service plan. This plan will be developed by the principal at each school and shall describe the services that the school district will make available to students who are expelled or suspended for ten (10) or more consecutive days. The plan will include the process for notifying such students and their parents of the services and arranging the services.

LEGAL AUTHORITY: M.G.L. c. 71, § 37H
M.G.L. c. 71, § 37H ½
M.G.L. c. 71, § 37H ¾
M.G.L. c. 76, § 21
603 CMR 53.00

SCHOOL DROPOUTS

No student who has not graduated from high school shall be considered permanently removed from school unless an administrator of the school has sent notice to a student, and that student's parent/guardian, who has been absent from school for ten (10) consecutive days of unexcused absence. The notice shall be sent within five (5) days of the tenth consecutive day of absence and shall offer at least 2 dates and times within the next ten (10) days for an exit interview with the Superintendent or designee, the student, and the student's parent/guardian to occur prior to the student permanently leaving school. The notice shall be in both English and the primary language of the home, if applicable. The notice shall include contact information for scheduling the exit interview and shall indicate the parties shall reach an agreement on the date/time of the interview within the ten (10) day timeframe. The timeframe may be extended at the request of the parent/guardian and no extension shall exceed fourteen (14) days.

The Superintendent or designee may proceed with any interview without a parent/guardian present, provided the Superintendent has documented a good faith effort to include the parent/guardian.

The Superintendent or designee shall convene a team of school staff to participate in the exit interview and shall provide information to the student and, if applicable, the student's parent/guardian on the detrimental effects of early withdrawal from school, the benefits of a high school diploma, and the alternative education programs and services available to the student. The exit interview shall be to determine the reasons that the student is permanently leaving school. The team will include personnel such as the principal, guidance counselor, teachers, attendance officers and other relevant school staff.

RULES AND REGULATIONS

It is our policy to recognize, preserve, and protect the individual rights of all students through the enforcement of rules and regulations that ensure proper conduct and student discipline.

Guidelines

- School is a place for learning academic and exploratory skills, as well as how to work and interact with others.
- Respect for the rights of others and the individual is the basis for all relationships within the school.
- Each student performs to the best of his/her ability.
- Each student is responsible for his/her behavior.
- Inappropriate behavior may lead to a parent/guardian being contacted.

School-Wide Expectations

- Treat adults and classmates with respect.
- Listen, follow directions, and complete assigned tasks.
- Accept responsibility for your actions.
- Attend school daily and be punctual at all times.
- Eat lunch in the cafeteria using good manners.
- Play safely at recess without fighting or disrupting the activities of others or hurting someone.
- Enter and leave the building in an orderly fashion.
- Be courteous and use appropriate language in and around the building.
- Leave classrooms only with a pass.

- Pass quietly in corridors without stopping at water fountains or bathrooms.
- Leave building only with permission from a school administrator.
- Maintain habits of personal cleanliness.
- Take responsibility for personal property.

Cafeteria Responsibilities

- Follow the correct traffic patterns.
- Be respectful of fellow students in line.
- Keep hands and feet to yourself.
- Seat yourself properly in the assigned area.
- Respond to announcements or hand signals to be quiet.
- Always use good manners while eating.
- Stay at your assigned tables.
- Use quiet voices.
- Finish food and drink before leaving.
- Pick up all trash and trays around your assigned area.
- Return in a quiet orderly manner to your classroom.

Behaviors to Avoid

All cases of student behavior will be treated individually. In the Malden Public Schools, our main objective is to educate students but in certain cases a student's behavior will require administrative and/or teacher action. These actions include, but are not limited to:

- Running in the building
- Hitting, pushing, shoving another student or any other inappropriate physical contact
- Refusing to identify one's self when asked to do so by any staff member
- Being part of any action, which could cause injury to one's self or other
- Being in any area of the building without a pass
- Being tardy to class
- Chewing gum or eating candy
- Using a cell phone without permission during school
- Leaving a room before being dismissed
- Loitering in or around the school building after dismissal time
- Bringing distracting or inappropriate articles to school
- Bringing wallet and/or neck chains to school
- Using roller blades, skateboards, scooters etc. in or around the outside of the school building, including handicapped ramps, stair rails, parking areas, and access roads (including before and after school hours)

The following behaviors may result in parental involvement, police involvement, suspension, and/or expulsion depending on the nature of the offense:

- Smoking on or around school grounds
- Using improper language (swearing)
- Spitting
- Physical or verbal harassment of school personnel
- Physical or verbal harassment of students
- Leaving school without permission
- Fighting or instigating a fight; verbal and/or physical
- Vandalism, defacing, or destroying school property
- Insubordination (refusal to follow directions)
 - Throwing snowballs, ice, rocks, or any objects that could endanger others
 - Card playing or gambling
 - Failing to follow schedule
 - Possession of cigarettes, matches, lighter, and/or smoking materials

- Possession and/or selling of fire crackers, stink bombs, other small explosives, etc.
- Stealing, cheating, giving out or copying homework
- Possession of weapons (ex. knives, firearms, ninja stars, scissors, laser pointers etc.) (See Weapons Policy)
- Possession of images, drawings, and/or pictures of weapons
- Possession of drugs/alcohol (See Drug Policy)
- Possession of images, drawings, and/or pictures of drugs/alcohol
- Forging a parent or guardian's signature
- Extortion (forcing a student to give up money or personal property)
- Any other inappropriate or offensive behavior
- Inappropriate use of text messaging, emailing, and social network sites
- Any form of "computer hacking"
- Changing grades on Progress Reports and/or Report Cards
- Any violation of the Internet Acceptable Use Policy

POLICIES AND LAWS

IMPORTANT NOTE

While every attempt has been made to cover the normal daily activities of the school, it is possible that situations may arise that are not covered under the terms of this Guide. Malden Public Schools reserves the right to initiate and to enforce additional rules or to make rule changes during the school year.

Malden Public School Drug/Alcohol Code

School is a place for learning. Drugs and alcohol interfere with a student's ability to learn. Therefore, there is no justification for them in school. The use of illicit drugs and the unlawful possession and use of drugs/alcohol is **WRONG** and **HARMFUL**. Students are reminded that the presence of drugs and alcohol in a school building, or at a school event, is in itself a criminal offense. Any person of any age, in violation of such statutes is subject to punishment under criminal code, and will be immediately under arrest. Compliance with the Malden Public Schools Drug/Alcohol Code is mandatory for all students.

Definition of a Drug

Any substance that alters mood, perception, or consciousness, and is misused to the apparent injury of the individual or society is deemed a drug. In the case of any student found under the influence of, possession of, selling, exchanging, or giving illegal and/or harmful drugs, narcotics, drug paraphernalia, imitation drugs or alcohol in school, on school grounds, or at any school-sponsored event regardless of location or time, may be suspended from school based on the procedures in M.G.L. c. 71, § 37H.

Punishment for use and/or possession of drugs:

1. First Offense

- a. Five day suspension (Principal's/Assistant Principal's discretion)
- b. Parental Conference
- c. Possible referral to outside agency

2. Second Offense

- a. Ten day suspension (Principal's Discretion)
- b. Parental conference (Assistant Principal and Principal)
- c. Mandatory outside counseling

4. Third Offense

- a. Potential expulsion (Principal's discretion)

Punishment for the sale of drugs:

1. First Offense

- a. Minimum ten-day suspension (Principal's Discretion)

2. Second Offense

- a. Parent/Police notification.
- b. Potential expulsion (Principal's discretion)

All drug offenses are cumulative.

Handgun Law

M.G.L. c. 269 §10(j):

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

Weapons, Assaults, Drugs Law

Please see M.G.L. c.71 §37H and M.G.L. c.71 §37H ½, referenced above.

Search and Seizure Law

Equipment assigned to students, such as lockers and desks belong to the school system, and the school system reserves the right to inspect such equipment in accordance with the procedures set forth below. The School Department reserves the right to conduct at any time without notice searches and inspections of school property. School property includes, but is not limited to, lockers and desks. A school administrator or teacher may search a student and a student's personal belongings and personal effects, such as a book bag, sports equipment bag, lunch boxes, etc. based on a reasonable suspicion that a student is, or has been, in possession of contraband or materials indicating a violation of the discipline code or the law or where the student has violated or is violating the either the discipline code or the law at the school, a school sponsored event, or athletic event. The search itself will be conducted in a reasonable manner, given the age and sex of the student as well as the nature of the infraction. Any illegal, dangerous, or unauthorized articles discovered may be taken into custody and may be turned over to law enforcement officials. In addition, any student who refuses to submit for a proper and lawful search or who is found in possession of prohibited articles or items, will be subject to disciplinary action up to and including expulsion.

Hazing Law

Be it enacted by the Senate and House of Representative in General Court assembled, and by the authority of the same, as follows that adding the following three sections hereby amends chapter 269 of the General Laws:

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

The term "hazing" as used in this section and in sections 17 and 19 shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drugs or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of

any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest, or extended isolation.

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

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

Section 19 –

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

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

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

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

Hazing – Disciplinary Action

Any student found violating the Hazing Law, above, will be suspended from the organization he/she is a member of for a period of one year. Any organization, which knowingly sanctions a violation of this law, will have its right to function as an organization in the Malden Public Schools suspended for a period of one year.

MALDEN PUBLIC SCHOOLS

NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

Title VI, Title IX, Section 504, ADA, Age Discrimination Act M.G.L. c. 76 §5, M.G.L. c.151C,
603 C.M.R. §26.08

I. Introduction

The Malden Public Schools has a commitment to maintaining an educational environment where bigotry and intolerance, including discrimination such as harassment on the basis of race, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age, are not tolerated. Discrimination, including harassment, is contrary to the mission of the Malden Public Schools and its commitment to equal opportunity in education.

The Malden Public Schools does not discriminate against students, parents, employees or the general public. No person shall be excluded from or discriminated against in admission to the Malden Public Schools, or in obtaining the advantages, privileges and courses of study of the Malden Public Schools on account of race, color, sex, gender identity, religion, national origin, or sexual orientation. (M.G.L. c. 76 §5). Additionally, the Malden Public Schools does not tolerate harassment based upon race, color, sex, gender identity, religion, national origin, or sexual orientation. (603 CMR 26.08).

It will be a violation of this policy for any student, district employee or third party based on a student's, employee's or third party's actual or perceived protected class status to: (1) harass a student, district employee or third party through conduct or communication (e.g., physical, verbal, graphic or written) or to (2) inflict, threaten to inflict or attempt to inflict violence; or to (3) discriminate against a student, District employee or third party.

This policy applies to all of the academic and nonacademic (for example, athletic and extracurricular) programs of the district and will be enforced before, during, or after school hours on all school property, including the school bus, school functions, or events held at other locations. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students, employees or third parties to be free from a hostile school environment, taking into consideration the totality of the circumstances on and off campus.

Any retaliation against an individual who has complained about discrimination, including harassment, or any retaliation against any individual who has cooperated with an investigation of a discrimination, harassment or retaliation complaint, is also unlawful and will not be tolerated.

The Malden Public Schools takes allegations of discrimination, including harassment, seriously and will respond promptly to complaints that are known or reasonably should be known by the Malden Public Schools. Where it is determined that conduct that violates the law and this policy has occurred, the Malden Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, including disciplinary action where appropriate, which may include school-related discipline.

II. Definition of Discrimination and Harassment

"Discrimination" includes conduct that excludes a person from participation in, denies an individual the benefits of, or otherwise subjects an individual to different treatment on the basis of race, color, sex, gender identity, religion, national origin, sexual orientation, age, or disability. Harassing conduct involving these bases can be a form of discrimination.

"Harassment" is defined as unwelcome conduct, whether verbal or physical, that is based on: race, color, national origin, sex, gender identity, sexual orientation, religion, disability, or age and that creates a hostile environment. Harassment is prohibited by the Malden Public Schools, and violates the law. Harassing conduct may take many

forms, including but not limited to verbal acts and name-calling, as well as nonverbal behavior that is physically threatening, harmful, or humiliating. Conduct is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.

Examples of harassment include:

- Display or circulation of written materials or pictures that are degrading to a person or group based upon the criteria listed above.
- Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above because of one of the criteria listed above.
- Any action or speech that contributes to, promotes or results in a hostile or discriminatory environment to an individual or group described above.
- Any action or speech that is sufficiently severe, pervasive or persistent that it either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from a school program or activity of the Malden Public Schools; or (ii) creates an intimidating, threatening or abusive educational environment.

Many forms of harassment have been recognized as violations of the civil rights laws (including Section 504 of the Rehabilitation Act of 1973, the ADA, Title VI, Title IX and state statutes like M.G.L. 151C) by federal courts, state courts, the U.S. Department of Education, Office for Civil Rights, and the Massachusetts Commission Against Discrimination.

"Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly as a term or condition of employment, academic standing, school-related opportunities, or as a basis for employment decisions.
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating, or sexually offensive work or educational environment.

While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that violate the law and policy and which, if severe and pervasive, constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not.
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess.
- Discussions of one's own sexual activities or inquiries into others' sexual experiences.
- Displaying sexually suggestive objects, pictures, cartoons.

The definitions of discrimination, harassment and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school environment that is hostile, offensive, intimidating, or humiliating may constitute discrimination, harassment and/or sexual harassment.

“Gender-based harassment” is defined to include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, although they are not necessarily sexual in nature, including harassment based on gender identity and expression. Gender-based harassment includes, but is not limited to, harassment based on the person’s nonconformity with gender stereotypes, regardless of the actual or perceived sex, gender identity, or sexual orientation of the harasser or target of the harassment.

Examples of conduct that may constitute gender-based harassment include: (1) disparaging remarks made to a student or aggression toward a student because that student displays mannerisms or a style of dress perceived as indicative of the other sex; (2) hostility toward a student because that student participates in an athletic activity more typically favored by a student of the other sex; (3) intimidating a student to discourage that student from enrolling in a particular area of study because of his/her gender; (4) use of gender-specific slurs, whether written or spoken; (5) taunting a student who wishes to participate in an extracurricular activity because that activity is more typically favored by a student of the other sex.

“Sexual assault” is defined as the act of committing unwanted physical contact of a sexual nature, whether by an acquaintance or by a stranger. Such contact is unwanted when it occurs without the consent of one or both individuals, when one of the individuals is incapacitated or incapable of giving consent, or occurs with the use of force.

III. Grievance Procedure: Reporting Complaints of Discrimination and Harassment

a. Introduction

If any Malden Public Schools student, parent, visitor or employee believes, in good faith, that he or she has been subjected to sexual harassment or any other form of harassment or discrimination described above or who has witnessed or learns about the harassment or discrimination of another person in the school environment has a right to file a complaint with the Malden Public Schools. This may be done informally or formally, as described below.

Teachers or other staff members who observe or receive reports of incidents of harassment or discrimination involving students shall report such incidents immediately to the student's Principal. Delays between the date of the alleged incident and the reporting date may make investigations more difficult. Individuals aware of harassment or discrimination involving any employee or if a principal is the person alleged to be engaged in the discrimination/harassment shall report such incidents to the Civil Rights Coordinator, listed below, or to the Superintendent.

Please note that while these procedures relate to the Malden Public Schools' policy of promoting an educational setting free from discrimination and harassment, including sexual harassment, as detailed further in this policy, these procedures are not designed nor intended to limit the Malden Public Schools' authority to discipline or take remedial action for conduct which the Malden Public Schools deems unacceptable.

b. Grievance Procedures

i. District Contact

District Civil Rights Coordinator for Title VI (race, color, national origin); Title IX (sex); Section 504 (disability); Title II of the ADA (disability); Religion, Sexual Orientation, Gender Identity and Age is:

Assistant Superintendent Maura Johnson or Assistant Superintendent Kelly Chase
Malden Public Schools, 200 Pleasant Street, Malden, MA 02148
781-397-7204

Students, parents or employees who wish to initiate the complaint process may also put their complaint in writing to the building Principal, although a writing is not required. Oral reports will be considered a complaint as well.

Any teacher or other employee who receives a formal or informal complaint of discrimination or harassment shall immediately forward the complaint to the building Principal.

Any Principal receiving such a complaint shall promptly (**within 48 hours**) determine whether the alleged victim wants to utilize formal or informal procedures and if the alleged victim chooses formal procedures, immediately forward the complaint to the District Coordinator listed above, who will then begin the formal procedure described below. If the alleged victim wants to use informal procedures, the principal will follow the process described above.

The District Coordinator shall handle the investigation and resolution of the complaint, unless the Superintendent chooses to investigate the complaint or designates another person to investigate it on his/her behalf. Any complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any complaint about the Superintendent should be submitted to the chairperson of the school board, who should consult with legal counsel concerning the handling and investigation of the complaint.

ii. Internal Grievance Procedure

1. **Informal Resolution of Discrimination and Harassment Complaints**

Before initiating the formal procedure, the student/parent/employee may wish, if possible, to resolve the complaint on an informal basis through discussion.

A student who has a complaint against another student may choose to use the Informal Procedure.

An employee who has a complaint against another employee may choose to use the Informal Procedure.

A student who has a complaint against an employee shall be handled only through the Formal Procedure.

Complaints of sexual assault will not be resolved through the informal process.

A student or parent can discuss the issue with his/her teacher or building Principal. An employee can discuss the issue with his/her immediate supervisor or the building Principal. Both the alleged victim and the alleged perpetrator may be accompanied by a person of his/her choice for support and guidance.

The person receiving the complaint shall attempt, within his/her authority, to work with the individual to resolve the issue fairly and expeditiously within ten (10) working days of receiving the complaint. If the complainant is not satisfied with the resolution from the informal process, or if he/she does not choose informal resolution, then he/she can begin the formal complaint procedure described below.¹

The informal process is entirely voluntary and the complaints can opt out at any time and trigger the formal complaint process.

¹ Informal resolution may not be appropriate in all cases, including but not limited to more severe or egregious allegations of discrimination or harassment.

Contact information for building principals and for the Superintendent is located below.

In certain cases, the harassment of a student may constitute child abuse under state law. Malden Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse and will report suspected criminal activity to the appropriate authorities.

2. Formal Resolution of Discrimination and Harassment Concerns:

A student, parent or employee who is not satisfied with the informal resolution process or who chooses not to participate in the informal resolution process or who cannot participate in the informal resolution process may initiate the formal complaint procedure at any time by putting the complaint in writing to the District Civil Rights Coordinator. An employee, at the request of the student, may put the complaint in writing for the student or employee or third party.

a. What the complaint should include

The student/parent/employee's complaint should include: the name of the individual making the complaint, the name of the individual aggrieved, the name of the individual(s) accused of committing the harassing or discriminatory practice, the location of the school/department where the alleged discriminatory practice occurred, the basis for the complaint, witnesses (if any) and the corrective action the student is seeking.

If the written complaint does not contain this information, the District Civil Rights Coordinator will ask the complainant for this information.

b. When to file a complaint

Efforts should be made to file such complaint within twenty (20) calendar days after the alleged discriminatory practice occurred in order for an expeditious investigation to be conducted, unless extenuating circumstances exist. However, the Malden Public Schools will investigate any complaint no matter when it is filed.

c. What will happen after the complaint is filed

Promptly after receiving the complaint, the District Civil Rights Coordinator will conduct the necessary investigation, including making good faith efforts to gather all relevant evidence for consideration. In the course of his/her investigation, the District Civil Rights Coordinator shall contact those individuals that have been referred to as having pertinent information related to the complaint. This process shall include, at a minimum, contacting the complainant; and the person against whom the complaint was filed and/or the appropriate authority involved; interviewing witnesses; and considering relevant documentation. During this process, complainants will have the opportunity to present witnesses and other relevant evidence to the District Civil Rights Coordinator conducting the investigation. The investigation may also consist of any other methods and documents deemed pertinent by the District Civil Rights Coordinator.

The complainant, the alleged victim and/or alleged perpetrator may be accompanied by a person of his/her choice. Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation, may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

Throughout the investigation the District will maintain on-going contact with the alleged victim. The District Coordinator or designee should use appropriate interim measures during the investigation of a complaint to ensure that the student is free from discrimination and/or harassment during the pending investigation. Examples of interim measures include, but are not limited to:

- Providing counseling services via the school adjustment counselor and/or school psychologist for both the alleged victim and the alleged perpetrator;
- Providing academic support services;
- Ensuring no contact between the alleged victim and alleged perpetrator in District programs and activities (e.g., through stay away orders); the District will take care to minimize the burden of such steps on the alleged victim;
- Providing an alternate schedule to ensure that the alleged victim and alleged perpetrator do not attend the same classes;
- Informing the alleged victim of how to report any recurring conduct or retaliation;
- Providing the alleged victim with alternative movement between classes and activities; and
- Making community based referral to medical and counseling services.
- In the case of alleged sexual assault, the grievance officer or the discrimination/harassment complaint official will take additional steps as necessary to ensure the alleged victim is safe. This may include, for example, referring the student to a rape crisis center, creating a safety plan and designating an individual at the site level to act as a support person during the investigation. If the circumstances suggest a threat to others, the grievance officer or the discrimination/harassment complaint official will ensure that the District informs relevant members of the school community. This may include, for example, notifying parents and employees, if a student is sexually assaulted on the way home from school, or notifying employees of areas where harassment frequently occurs.

Barring extenuating circumstances, the District Civil Rights Coordinator, will complete the investigation within thirty (30) working days. When more than thirty (30) working days is required for the investigation, the District Civil Rights Coordinator shall inform the complainant that the investigation is still ongoing.

Confidentiality of the complaint and investigation will be maintained to the extent consistent with the school's obligations under law and under applicable collective bargaining agreements. The District Civil Rights Coordinator will inform witnesses and others involved in the resolution process of the importance of maintaining confidentiality.

After completing the formal investigation of the complaint, the District Civil Rights Coordinator shall make a decision on the complaint within fifteen (15) working days and shall inform the complainant and the person(s) against whom the complaint was made, of the results of the investigation in writing. A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. If the District Civil Rights Coordinator finds that the preponderance of the evidence supports that a discriminatory or harassing practice has occurred, the District Civil Rights Coordinator will refer the matter to the Superintendent of the Malden Public Schools and/or his or her designee for appropriate action, up to and including discipline for either the employee or the student(s) who engaged in the harassing or discriminatory conduct.

The seriousness of the offense including the nature and degree of harm caused shall be considered when deciding the appropriate disciplinary action.

- If the person alleged to have violated this policy is a staff member, possible discipline includes, but is not limited to, letters of reprimand, reassignment, and other disciplinary actions including suspension or job termination.

- If the person alleged to have violated this policy is a student, possible discipline includes reprimand, an education component, counseling, class transfer, detention, suspension or expulsion, consistent with the Student Code of Conduct, as outlined in the MPS student handbook.

The grievance officer or the discrimination/harassment complaint official will, if appropriate, take action to remedy the harm to the subject of the alleged harassment, to assist students who have engaged in harassment and others. Possible remedial action includes, but is not limited to:

- Interventions for the student targeted, such as counseling, academic support, health services, assigning an escort to allow the student to move safely between classes, and instruction on how to report other incidents of harassment or retaliation.
- Training or other interventions for the larger school community to ensure that students, staff and parents understand the types of behavior that constitute harassment, discrimination or violence that the District does not tolerate it, and how to report it.
- Interventions for the individual who engaged in the conduct, such as parent notification, counseling, guidance, education about the impact of the conduct, positive behavior support, referral to a student success team, transfer to alternative programs, denial of participation in extracurricular or co-curricular activities or other privileges, and discipline.

The District Civil Rights Coordinator will contact the individual harassed or discriminated against within fourteen (14) work days following the conclusion of the investigation to assess whether there has been on-going harassment, discrimination or retaliation and to determine whether additional supportive measures are needed.

d. What you can do if you are not satisfied with the outcome of the formal complaint procedure

If the complainant is not satisfied with the District Civil Rights Coordinator's decision, he/she can appeal the District Civil Rights Coordinator's finding to the Superintendent within five (5) school days.

The Superintendent will review the information considered by the District Civil Rights Coordinator, collect any additional information he/she believes is necessary to make an informed decision and shall issue a written decision to the complainant and the person against whom the complaint was made. Again, strict timelines cannot be set for conducting the investigation because each set of circumstances is different. However, the Superintendent will make sure that the complaint is handled as quickly as feasible and will strive to complete the investigation within ten (10) working days.

If the complainant is not satisfied with the Superintendent's decision, or if he/she does not choose either of the internal resolution processes, he/she may follow the external grievance procedure described below.

Contact information for the Superintendent and the building principals is:

Dr. Charles A. Grandson IV, Superintendent781-397-6100
 Building Principals781-397-6100

iii. External Grievance Procedure

Any student, parent or employee who chooses not to use the district's internal grievance procedures or who is not satisfied with the district's internal grievance procedures may file a complaint of discrimination or harassment with an appropriate state or federal agency.

1. For complaints related to discrimination/harassment of students:

The Office for Civil Rights US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111 FAX: 617-289-0150 TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196

2. For complaints related to discrimination/harassment of parents:

The Office for Civil Rights US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: 617-289-0150
TDD: 877-521-2172

3. For complaints related to discrimination/harassment of employees:

The Office for Civil Rights
US Department of Education
5 Post Office Square, 8th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111
FAX: 617-289-0150
TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone: 617-994-6000
TTY: 617-994-6196

OR

The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

IV. General Policies

1. No reprisals or retaliation shall be invoked against any person for processing, in good faith, a complaint, either on an informal basis or formal basis, or for participating in any way in these complaint procedures.
2. No reprisals or retaliation shall be invoked against any person who, in good faith, has testified, assisted or participated in any manner in any investigations, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures.
3. Whenever possible, a conference should be scheduled during a time that does not conflict with regularly scheduled work and/or school programs.
4. The Malden Public Schools will work with an individual who files a complaint of discrimination or harassment; including conducting an investigation and holding conferences, in order to fairly and expeditiously resolve the complaint.

Discipline of Students on 504 Plans

Section 504 of the Rehabilitation Act of 1973 is a federal statute which prohibits a qualified individual with a disability from being excluded from the participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance because of his/her disability. 29 U.S.C. § 794 and its implementing regulations, 34 C.F.R. 104 *et seq.* School personnel may not suspend a student on a 504 plan for more than ten (10) school days without first conducting a manifestation determination. Please contact the building principal for more information on the discipline of students on 504 plans.

Physical Restraint Policy (603 CMR 46.00)

Physical restraint is defined as direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort. Physical restraint is an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances. In the event that physical restraint is required to protect the safety of school community members, the Malden Public Schools has enacted the following policy and procedures to ensure the proper use of restraint and to prevent or minimize any harm to the student as a result of the use of restraint. These procedures shall be annually reviewed, provided to school staff, and made available to parents or enrolled students. None of the paragraphs of the policy/procedures which follow precludes a teacher, employee or agent of the Malden Public Schools from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious harm.

1. Staff Training

- A. All staff/faculty will receive training regarding the school's restraint policy within the first month of each school year, and employees hired after the school year begins will receive training within one month of starting their employment.
- B. Required training for all staff will include review of the following:
 1. The role of the student, family, and staff in preventing restraint;
 2. The program's restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
 3. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;

4. When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
 5. Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
 6. Identification of program staff who have received in-depth training pursuant in the use of physical restraint.
- C. Designated staff members shall participate in at least sixteen hours of in-depth training in the use of physical restraint.
1. At the beginning of the school year, the Principal will identify those staff who will participate in in-depth training and who will then be authorized to serve school-wide resources to assist in ensuring proper administration of physical restraint.
 2. In-depth training will include:
 - a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
 - b. A description and identification of dangerous behaviors on the part of the student that may indicate the need for physical restraint and methods for evaluation the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
 - c. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
 - d. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - e. Demonstration by participants of proficiency in administering physical restraint.
- D. Staff/faculty will review any behavior plans pertaining to special techniques for identified students.

2. Administration of Physical Restraint

- A. Physical restraint may only be used in the following circumstances.
1. When non-physical interventions are deemed inappropriate; and
 2. When a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions.
- B. Physical restraint is prohibited in the following circumstances:
1. As a means of discipline or punishment;
 2. When the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;
 3. As a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or
 4. As a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.
- C. Only school personnel who have received required training or in-depth training pursuant to this policy shall administer physical restraint on students with, whenever possible, one adult witness who does not participate in restraint. The training requirements, however, shall not preclude a teacher, employee or agent of the school from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

- D. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- E. A person administering physical restraint shall use the safest method available and appropriate to the situation. Floor or prone restraints may only be administered by staff who has received in-depth training as specified in this policy and, when in the judgment of the trained staff member, such method is required to provide safety for the student or others. Prone restraint shall be prohibited except on an individual student basis, and only under the following circumstances:
1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
 2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
 3. There are no medical contraindications as documented by a licensed physician;
 4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
 5. The program has obtained consent to use prone restraint in an emergency as and such use has been approved in writing by the principal; and,
 6. The school has documented this information in advance of the use of prone restraint and maintains the documentation.
- F. Physical restraint shall be discontinued when it is determined that the student is no longer at risk of causing imminent physical harm to self or others or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.
- G. Additional safety requirements:
1. A restrained student shall not be prevented from breathing or speaking. A staff member will continuously monitor the physical status of the student, including skin color and respiration, during the restraint.
 2. If at any time during the physical restraint, the student demonstrates significant physical distress, as determined by the staff member, the student shall be released from the restraint immediately, and the school staff shall take steps to seek medical assistance.
 3. Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
 4. If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
- H. At an appropriate time after release of a student from physical restraint, a school administrator or other appropriate school staff shall:
1. Review the incident with the student to address the behavior that precipitated the restraint;
 2. Review the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed; and
 3. Consider whether any follow-up is appropriate for students who witnessed the incident.

1. Methods of Physical Restraint

CPI and CALM

2. Medication/Mechanical Seclusion Restraints Prohibited

- A. Medication restraint, the administration of medication for the purpose of restraint, is prohibited. Medication prescribed by a licensed physician and authorized by the parent for administration in the

school setting in not medication restraint.

- B. Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed.
1. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.
- C. Seclusion restraint, the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving, is prohibited.
1. The use of "time out" which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming, shall not be considered a "seclusion restraint". During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed. A principal must approve of any time-out that is to continue for more than thirty (30) minutes based on the individual student's continuing agitation.

5. Reporting Requirements

- A. Program staff who administered such a restraint shall verbally inform the principal of the restraint as soon as possible and by written report no later than the next school day.
1. The written report shall be provided to the principal or his/her designee, except the principal shall prepare the report if the Principal administered the restraint and submit it to an individual or team designated by the superintendent;
 2. The Principal or his/her designee shall maintain an on-going record of all reported instances of physical restraint, which shall be made available for review by the Department of Elementary and Secondary Education, upon request.
- B. The Principal or his/her designee shall verbally inform the student's parent(s)/guardians(s) of such restraint within twenty-four (24) hours and by written report postmarked no later than three (3) school days following the use of such restraint.
1. If the school customarily provides school related information to the parent(s)/guardian(s) in a language other than English, the written restraint report shall be provided in that language.
 2. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
- C. The written report required by Section B above shall include:
1. Name of the student;
 2. Names and job title of staff who administered the restraint, and observers, if any;
 3. Date of restraint and time restraint began and ended;
 4. Name of administrator who was verbally informed following the restraint;
 5. Name of the principal or designee who approved continuation of the restraint beyond 20 minutes;
 6. Description of the activity the student, other students, and staff in the area were engaged in immediately preceding the use of physical restraint;
 7. Student's behavior that prompted the restraint;
 8. Efforts made to de-escalate the situation and alternatives to restraint that were attempted;
 9. Justification for initiating physical restraint;
 10. Description of administration of restraint including;

- a. the holds used and reasons such holds were necessary,
 - b. the student's behavior and reactions during the restraint,
 - c. how the restraint ended, and
 - d. Documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided;
11. Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student; and
 12. Information regarding opportunities for the student's parent(s)/guardians(s) to discuss with school officials the administration of the restraint, any disciplinary sanctions, and/or other related matters.

E. The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent shall lead the review team's discussion. The assessment shall include at least the following:

1. Review and discussion of the written reports submitted and any comments provided by the student and parent about such reports and the use of the restraints;
2. Analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
3. Consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions as appropriate, with the goal of reducing or eliminating the use of restraint in the future; and
4. Agreement on a written plan of action by the program.

F. The principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

G. When a physical restraint has resulted in an injury to a student or program staff member, the program shall send a copy of the written report to DESE postmarked no later than three (3) school working days of the administration of the restraint. The school shall also send DESE a copy of the record of physical restraints maintained by the principal for the thirty-day (30) period prior to the date of the reported restraint. The Department shall determine if additional action by the program is warranted and, if so, shall notify the program of any required actions within thirty (30) calendar days of receipt of the required written report(s).

6. Grievance Procedures

This grievance procedure is established to meet the requirements of the Physical Restraint Policy. Any individual who believes that a physical restraint of a student may have been unwarranted or conducted inappropriately may file a complaint by utilizing this procedure:

The complaint must be submitted in writing or on audiotape to Asst. Superintendent Maura Johnson.

Asst. Superintendent Maura Johnson will meet with the complainant within ten (10) school days of receipt of the complaint.

A thorough investigation will be conducted which may include interviewing witnesses, staff involved and/or the student; reviewing all written documentation leading up to and pertaining to the incident and all reports filed with the Superintendent or his designee and the Department of Elementary and Secondary Education.

A written report of findings will be developed by the Maura Johnson and provided to the complainant.

M.G.L. c. 71, § 55A par. 2

No public school teacher and no collaborative school teacher, no principal, secretary to the principal, nurse or other public school or collaborative school employee who, in good faith, renders emergency first aid or transportation to a student who has become injured or incapacitated in a public school or collaborative school building or on the grounds thereof shall be liable in a suit for damages as a result of his acts or omissions either for such first aid or as a result of providing such emergency transportation to a place of safety, nor shall such person be liable to a hospital for its expenses if under such emergency conditions he causes the admission of such injured or incapacitated student, nor shall such person be subject to any disciplinary action by the school committee, or collaborative board of such collaborative for such emergency first aid or transportation.

Fireworks

According to the General Laws of the Commonwealth of Massachusetts, M.G.L. c. 148, § 39, “No person shall sell, or keep or offer for sale, or have in his possession, or under his control, or use, or explode, or cause to explode, any combustible or explosive composition or substance, or any other article, which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation. . . . Whoever shall sell or keep for sale any fireworks in violation of this section shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars or by imprisonment for not more than one year or both. . . .Whoever shall have in his possession or under his control, or whoever shall use or explode any fireworks in violation of this section shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.” These excerpts are taken directly from the Law of Massachusetts. The public law on fireworks will be strictly enforced within the buildings and on the grounds of the Malden Public Schools. Students in violation of the above laws will be suspended immediately and/or referred to the authorities for court action.

Fire Alarms

Massachusetts law provides for imprisonment in a jail or house of correction for up to one year, or for a fine of not less than one hundred dollars (\$100) for anyone who causes to be made a false alarm of fire (M.G.L. c. 269, § 13). Anyone apprehended making a false alarm on school property will be suspended and referred to the authorities for court action.

**ACCEPTABLE USE POLICY: MALDEN PUBLIC SCHOOLS
INFORMATION TECHNOLOGY RESOURCES IN THE SCHOOLS**

Adopted by the Malden School Committee January 7, 2013

The school's information technology resources, including email and Internet access, are provided for educational purposes. Adherence to the following policy is necessary for continued access to the school's technological resources:

Students and staff members must:

1. Respect and protect the privacy of others.
 - Use only assigned accounts.
 - Not share account information with others.
 - Not view, use, or copy passwords, data, or networks to which they are not authorized.
 - Not distribute private information about Malden Public Schools, others or themselves.
2. Respect and protect the integrity, availability, and security of all electronic resources.
 - Observe all network security practices, as included in student or staff handbooks or otherwise posted.
 - Report security risks or violations to a teacher or network administrator.
 - Not destroy or damage data, networks, or other resources that do not belong to them.
 - Conserve, protect, and share these resources with other students, staff and Internet users.
 - Not engage in activities designed to, or that might reasonably be foreseen to, expose Malden Public Schools technology or other computers to computer viruses, other harmful software, or other injury or damage.

- Not use proxy websites that allow a user to browse the internet anonymously and intentionally bypasses firewall and content filters or modifying policies, machine settings or infrastructure to gain unauthorized access to resources or to evade established security configurations.
3. Respect and protect the intellectual property of others.
 - Not infringe copyrights (no making illegal copies or downloads of software, music, games, or movies!).
 - Not plagiarize.
 4. Respect and practice the principles of community.
 - Communicate only in ways that are kind and respectful.
 - Report threatening or discomforting materials to a teacher or administrator.
 - Not intentionally access, transmit, copy, or create material that violates the school's code of conduct (such as messages that are pornographic, threatening, rude, discriminatory, or meant to harass).
 - Not intentionally access, transmit, copy, or create material that is illegal (such as obscenity, drug or alcohol use, stolen materials, or illegal copies of copyrighted works).
 - Not use the resources to further other acts that are criminal or violate the school's code of conduct.
 - Not send spam, chain letters, or other mass unsolicited mailings.
 - Not use the resources for gambling.
 - Not buy, sell, advertise, politically lobby or otherwise conduct business, unless approved as a school project.

Students and staff members may, if in accord with the policy above:

1. Design and post web pages and other material from school resources.
2. Use direct communications such as IRC, online chat, or instant messaging with a teacher's permission.
3. Install or download software, if also in conformity with laws and licenses, and under the approval of the Director of Technology, or their building technology specialist designate.
4. Use the resources for any educational purpose, as assigned or approved by their teacher or school administrator.
5. Use a personal electronic device for any educational purpose, as assigned or approved by their teacher or school administrator.

Jurisdiction: This policy is in effect...

- on school grounds and property immediately adjacent to school grounds
- at school-sponsored or school-related activities, functions or programs whether on or off school grounds
- at school bus stops and on a school bus or other vehicle owned, leased or used by the school district
- through the use of technology or an electronic device of any sort, owned, leased or used by the school district, school, or student and
- at home or other locations, activities, functions or programs that are not school-related, if the improper use creates a hostile environment at school for any student or staff member, infringes on the rights of a student or staff member at school, or materially and substantially disrupts the education process or the orderly operation of a school.

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

Consequences for Unacceptable Use:

If a *student* violates any part of this policy, the consequences will be...

First Offense: Students will lose their computer or internet privileges for one week and the teacher or school administrator will phone the parent or guardian. Any assigned work will be completed without the use of Malden Public Schools' technology.

- Students will be provided with the opportunity to make up work that has been missed either through supervised, after-school sessions or at the end of the suspension of privileges.

Second Offense: Students will lose their computer or internet privileges for one month and the teacher or school administrator will phone the parent or guardian. Any assigned work will be completed without the use of Malden Public Schools' technology.

- Students will not be provided with the opportunity to make up work that has been missed either through supervised, after-school sessions or at the end of the suspension of privileges.

Third Offense: Students' computer or internet privileges will be revoked for one semester, the teacher or school administrator will call the parent or guardian, and a written violations form will be sent home. To reapply for new privileges, students will need to appeal to the designated administrator in their school.

- Students will not be provided with the opportunity to make up work that has been missed either through supervised, after-school sessions or at the end of the suspension of privileges.

If a *staff member* violates any part of this policy, s/he may be disciplined by his/her supervisor, pending the exercise of appropriate due process.

Supervision and Monitoring:

School and network administrators and their authorized employees monitor the use of information technology resources to help ensure that users are secure and in conformity with this policy. Administrators reserve the right to examine, use, and disclose any data found on the school's information networks in order to further the health, safety, discipline, or security of any student or other person, or to protect property at any time and without notice. No user shall have any expectation of privacy regarding such materials. All users are expected to use appropriate judgment and caution in communications concerning students and staff to ensure that personally identifiable information remains confidential. This includes, but is not limited to, any and all electronically stored information and electronic files, electronic mail communications, and Internet website history.

As public material, all information maintained on Malden Public Schools' technology (except those specifically excluded by law) is subject to the Massachusetts Public Records law and the Freedom of Information Act. No user should expect that electronic mail messages (even those marked "Personal") are private or confidential. Deleting an e-mail message does not actually 'delete' it. Any e-mail sent through the Malden Public Schools' technology may be kept separate from the user's computer, and is property of the Malden Public Schools. Copies of all information created, sent or retrieved may be stored on the network's back up files. They may also use this information in disciplinary actions, and will furnish evidence of crime to law enforcement.

Active Restriction Measures:

The Children's Internet Protection Act, known as CIPA requires schools and libraries to certify that they are enforcing a policy of Internet Safety that includes measures to block or filter Internet access for both minors and adults to certain visual depictions. They must also have adopted and implemented an Internet Safety Policy that addresses specific issues.

In compliance with CIPA, the Malden Public Schools, either by itself or in combination with the Internet Service Provider (ISP), utilizes firewalls to protect the network from hackers and filtering or blocking software to prevent users from accessing visual depictions that are (1) obscene, (2) child pornography, (3) harmful to minors, or (4) deemed by the Malden Public Schools to be inappropriate to the educational mission of the Malden Public Schools. The content filtering software is updated on a regular basis and sites can be blocked per a request.

The term "harmful to minors" is defined by federal statute (47 U.S.C. §254), as meaning any picture, image, graphic image file, or other visual depiction that

- (i) taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

- (ii) depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
- (iii) taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

While the necessary technology protection measures have been taken to protect students from accessing inappropriate material on the Internet, it is impossible to guarantee that students will not accidentally or purposely find material that is not consistent with the educational mission, goals and policies of the school. Students' access to and use of the Internet will be available only through a student account and as such, will be under teacher direction. The district requires teachers and staff to monitor and supervise students when accessing the Internet and evaluate all Internet resources prior to student use. While students may be able to access Internet resources for research that have not been previewed by staff, the students shall be provided with guidelines and a list of resources that support the curriculum. When students are using the Internet, the content filtering software cannot be disabled even with parental or teacher permission and supervision. The Technology Department may disable content filtering software only for adults who are using the school computers for bona fide research or other lawful purposes.

Warranties and Indemnification:

Malden Public Schools makes no warranties of any kind, either express or implied, in connection with its provision of access to and use of its technology provided under this Policy. Malden Public Schools shall not be responsible for any claims, losses, damages, injuries or costs or fees (including attorney's fees) of any kind suffered or incurred, directly or indirectly, by any user arising from use of Malden Public School's technology. Malden Public Schools specifically denies any responsibility for the accuracy or quality of information obtained through the Internet.

By signing this Policy and Agreement, the user and parents of users, in the case of students under the age of eighteen (18), take(s) full responsibility and agrees to hold harmless and indemnify the Malden Public Schools, its Internet Service Provider (ISP), and all of the Malden Public Schools' and ISP's officers, agents, servants, representatives, administrators, teachers, volunteers and staff from any and all claims, losses, damages, injuries or costs or fees (including attorney's fees) of any kind resulting from the user's access to the Malden Public Schools' technology, including, but not limited to, any fees or charges incurred through purchases of goods or services by the user.

All users and parents of users, in the case of students under the age of eighteen (18), hereby agree to cooperate with Malden Public Schools in the event of Malden Public Schools' initiating or involvement in an investigation of any user's access of the Malden Public Schools' technology, whether that use is on a Malden Public Schools' computer or on another computer outside Malden Public Schools' network.

THESE RULES ALSO PROVIDE A GOOD FRAMEWORK FOR YOUR STUDENT'S USE OF COMPUTERS AT HOME, AT LIBRARIES, OR ANYWHERE.

FOR MORE INFORMATION, SEE www.cybercrime.gov.

Video/Photograph Release Form 2016-2017

Dear Parent/Guardian:

Often during the course of the school year students are photographed and/or videotaped in the classroom or at special school events.

Please fill out the form below if you give permission for your child to be photographed and/or videotaped. These materials may be used in local newspapers, local access television shows, and/or our school website. No personal information about the students, such as home address or telephone number will be published. The students' names will be used and the name of the school, teacher's name and grade may be used.

Student's Name: _____

School: _____

Grade: _____

Teacher: _____

I give permission for my child to be videotaped and/or photographed at school or school related events.

Parent/Guardian Signature: _____

Date: _____

Library Permission Slip 2016-2017

I give my child _____ permission to check out books from the _____ School Library /Media Center. I, along with my child, accept responsibility for lost or stolen materials and agree to pay replacement costs of \$5.00-\$15.00.

Child's Signature: _____

Grade: _____ Room Number: _____

Parent/Guardian Signature: _____

