



CODE OF CONDUCT

2022-23 SCHOOL YEAR



Dr. Ligia Noriega-Murphy
Superintendent of Schools

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TABLE OF CONTENTS

MESSAGE FROM THE SUPERINTENDENT	5
MISSION, VISION & CORE VALUES	6
ACADEMIC, SOCIAL & CIVIC EXPECTATIONS	7
RATIONALE FOR THE CODE OF CONDUCT	9
RIGHTS & RESPONSIBILITIES	10
Guidelines for Student Rights and Responsibilities	10
District Commitments	11
School & Staff Responsibilities	11
Student Rights	11
Student Responsibilities	12
Parent/Caregiver Responsibilities	12
APPROACHES TO PROMOTE SAFE & SUPPORTIVE SCHOOLS	13
Promoting Positive Student Behavior	13
STUDENT CONDUCT	14
INFRACTIONS	15
STUDENT DISCIPLINE	17
Mediation/Restorative Justice	17
Suspension	17
Removal from Extracurricular Activities & Attendance at School Events	17
Opportunity for Academic Progress During Suspension/Expulsion	17
STUDENT DUE PROCESS RIGHTS	18
SUPERINTENDENT HEARING	21
DISCIPLINE & STUDENTS WITH DISABILITIES	22
CELL PHONE POLICY	23
SUBSTANCE ABUSE & INTERVENTION	24
District-Wide Policy	24
Substance Misuse Response	24
Voluntary Self-Disclosure Response	24
Student Athletes	24
Mandated Reporting of Abuse	24
Incident Report	25
STUDENT DRESS CODE	26
BULLYING PREVENTION & INTERVENTION	27
Priority Statement	27

Identifying Resources	29
Counseling & Other Services:	29
Massachusetts Aggression Reduction Center K-12 Anti-Bullying Program	30
Policies & Procedures for Reporting & Responding to Bullying/Retaliation	31
Problem Resolution System	35
Parent Education & Resources	35
Definitions	36
Relationship to Other Laws	36
STUDENT ACTIVITIES	37

MESSAGE FROM THE SUPERINTENDENT

Dear Students, Families & Caregivers,

Welcome to the 2022-23 school year in the Malden Public Schools! We appreciate you taking the time to review our Code of Conduct, which features an overview of key policies and sets the expectations necessary to establish a safe and nurturing learning environment for everyone in our buildings.

In the Code of Conduct, you will find important information related to schools' behavioral expectations, disciplinary procedures, bullying policies, dress code, cell phone policy and more.

The Code of Conduct reflects our core values of equity, integrity, resilience, and respect. We encourage all our students, staff, and administrators and parents/caregivers to ensure a safe, healthy, nurturing, welcoming, and positive learning environment across our Malden Public Schools.

We want to thank all parents, caregivers, students, teachers, directors, and community members for their invaluable feedback and support.

We are excited to learn and grow with you this school year!

Sincerely,

Dr. Ligia Noriega-Murphy



MISSION, VISION & CORE VALUES

Our Mission

Malden Public Schools, in partnership with parents/caregivers and our diverse community, is committed to providing a welcoming and inclusive environment for all students to cultivate a lifelong joy of learning, achieve their academic potential, and engage as compassionate global citizens.

Our Vision

Our vision is that Malden Public School students will develop the skills, knowledge, and character necessary to become informed, compassionate, and engaged members of a diverse local community.

Our Core Values

Equity | Integrity | Resilience | Respect

Theory of Practice

If we...

- Provide an early studenthood education that is aligned PK-12, connects with parents/caregivers, and builds lifelong joy of learning,
- Create and maintain a culturally responsive social-emotional climate of support for students, parents/caregivers, and staff,
- Develop PK-12 pathways based on a standards-aligned curriculum that offer opportunities for exploration, real-life learning, and partnerships with community,
- Create and maintain a welcoming climate for parents/caregivers, students, and staff that is culturally sensitive and inclusive, and
- Provide educators with the curricula and training they need to prepare all students for success,

then we will develop the skills, knowledge, and character our students need to become informed, compassionate, and engaged members of a diverse local community.

ACADEMIC, SOCIAL & CIVIC EXPECTATIONS

We strive for academic excellence, and therefore we expect students to:

- Read critically for understanding.
- Listen critically for understanding.
- Write for a variety of purposes.
- Communicate clearly through speaking.
- Apply critical thinking skills for reasoning and problem-solving.
- Utilize technology to conduct research, to support critical thinking, and to present information.
- Work collaboratively with peers and staff.
- Develop personal interests and goals within a course of study.

We expect every student at Malden Public Schools to:

- Exhibit responsible, respectful, and appropriate personal behavior.
- Demonstrate teamwork and cooperation in their school and in their extended community.
- Make informed, healthful decisions in and out of school.
- Demonstrate respect for others in their school and in their extended community.
- Value and respect school and community property.
- Exercise the rights and responsibilities of citizenship in a democracy.

EARLY LEARNING CENTER

257 Mountain Avenue
781.397.7025

Ms. Lawrence,
Principal

8:00AM - 2:00PM

EARLY LEARNING



BEEBE SCHOOL

401 Pleasant Street
781.388.0622

Dr. Murphy,
Principal

Gr. K-6 8:15AM- 2:15PM
Gr. 7-8 7:45AM- 2:20PM

GRADES K - 8



FERRYWAY SCHOOL

150 Cross Street
781.388.0659

Mr. Ciampa,
Principal

Grades K-6 8:15AM-2:15PM
Grades 7-8 8:00AM-2:20PM

GRADES K - 8



FORESTDALE SCHOOL

74 Sylvan Street
781.397.7326

Mr. Concannon,
Principal

Gr. K-6 8:15AM- 2:15PM
Gr. 7-8 8:00AM- 2:20PM

GRADES K - 8



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

29 Wescott Street
781.397.7329

Mr. Garcia,
Principal

Grades K-6 8:15AM- 2:15PM
Grades 7-8 7:45AM- 2:20PM

GRADES K - 8



SALEMWOOD SCHOOL

529 Salem Street
781.388.0647

Ms. Huynh,
Principal

Grades K-6 8:15AM- 2:15PM
Grades 7-8 8:00AM- 2:20PM

GRADES K-8



RATIONALE FOR THE CODE OF CONDUCT

Malden Public Schools developed this Code of Conduct in order to create a safe learning environment for all schools, to consistently apply principles of restorative justice and foster the mission and vision of the Malden Public Schools. The Mission and Vision of MPS is as follows; Malden Public Schools, in partnership with families and our diverse community, is committed to providing a welcoming and inclusive environment for all students to cultivate a lifelong joy of learning, achieve their academic potential, and engage as compassionate global citizens. Malden Public Schools students will develop the skills, knowledge, and character necessary to become informed, compassionate, and engaged members of a diverse local community.

The Code of Conduct based upon the laws, rules, regulations, and policies that seek to allow access to education for all while protecting the due process rights of the individual. Discipline, as defined by the Code, must have the qualities of understanding, fairness, flexibility and consistency. It is the responsibility of the school personnel, students, parents/guardians, and the community to contribute to a school atmosphere which promotes a safe, healthy, and supportive whole-school environment that is conducive to learning. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, parents/guardians, and the community.

Malden Public schools believes that students learn best and have the most meaningful access to their education when caregivers, educators, staff, administrators, and students work together in shared responsibility of creating and sustaining safe, welcoming, inclusive, and consistent learning environments in which all members of the school community are valued.

The Malden Public Schools recognizes the diversity and worth of all individuals and groups in our community and their roles in society. Malden Public Schools' Code of Conduct is aligned with its Equity Mission and Goal. Malden is committed to interrupting inequitable practices, examining biases, and prioritizing the creation of and maintenance of inclusive multicultural school environments for students and adults. No discrimination or harassment of individuals or groups on the grounds of race, color, national origin, religion, sex, citizenship status, disability, age, genetic information, marital status, sexual orientation, gender identity, or military service] will occur in any educational program, activity, or employment.

The Malden Public Schools Code of Conduct is intended to be preventative and not punitive; and is based on the idea and principle of positive responses (ex. interventions and building of skills).

The Code of Conduct is intended to address the root causes of inappropriate behavior, resolving conflict, meeting students' needs, and keeping our students in class and in school. We acknowledge and understand that students may, at times, experience emotional and/or physical stressors that negatively impact their behavior. During these times, students are encouraged to share with a trusted adult. Staff are committed to supporting each student so they are fully able to participate in school every day. We are also committed to developmentally appropriate behavioral interventions.

RIGHTS & RESPONSIBILITIES

Guidelines for Student Rights and Responsibilities

The School Committee is legally responsible for the establishment of school policy, and every effort should be extended to include in the formulation of school policy consideration for the developing maturity of the student. Concomitant responsibilities flow from the exercise of rights and privileges. Tantamount among these are: (a) respect for oneself; (b) respect for others and their rights; (c) respect for individual dignity; (d) respect for legally constituted authority and legal responsibility of those in authority.

All rules and regulations to maintain the process of education must be common knowledge. Orientation programs and free student handbooks provide this information in clear and understandable language. Any changes will be widely publicized in print in both school and community media, and no regulation will be summarily drafted and enforced. The School Committee, Professional Staff, and Student Government will work cooperatively within the limitations prescribed by law in the establishment of these regulations. The amending, appeal, and enforcement of these rules will be clearly defined and made available to all interested and affected parties. Students must be free to establish and encouraged to participate in Student Government that provides all students, through a representative system, a voice in school affairs. Students must pass four courses to hold office in Student Government.

Schools are for education and students are involved in the educational process in their schools. Professional staff will solicit student suggestions and recommendations concerning curricular offerings. Curriculum offerings in schools strive to meet the needs and interests of all students. A committee of students and professional staff is formed to plan and organize school assembly programs. Suggestions from non-committee members are encouraged and considered. Such assemblies are an important part of the total instructional program, and topics or speakers of contemporary interest to students will be encouraged whenever possible. In cases of controversial topics or speakers, presentations will be balanced in terms of existing major points of view.

Freedom of speech is guaranteed to all citizens, and students must be allowed to exercise their constitutionally protected rights of free speech, petition, and assembly as long as they do not interfere with the educational process. Materials presented to students are relevant to the course and appropriate to the maturity level and intellectual ability of the student. Students have the opportunity to investigate different views related to topics and materials introduced or presented. Teachers strive to promote tolerance for the views and opinions of others and for the rights of individuals to form and hold differing views and opinions. The teacher is responsible to permit the expression of the views and opinions of others and encourage students to examine, analyze, evaluate, and synthesize all available information about such topics and materials. The school's newspaper, yearbook, literary magazine, and other publications, should be guaranteed the right of freedom of the press, subject to restrictions of existing laws including, but not limited to, libel and obscenity. As learning experiences within the schools, qualified advisors seek the highest publication standards. Other non-school sponsored student publications are subjected to locally determined procedures for distribution on school premises.

Students are allowed the use of school facilities for extracurricular activities and are encouraged to participate in these, including clubs, recreational events, and other such related activities.

These activities must be scheduled in keeping with normal School Committee regulations and provide for supervision according to school rules.

Students have a right to an education and the equality of educational opportunity. Disciplinary measures that deprive students of this right should be utilized only in extreme cases. Disciplinary actions of administrators and teachers should be fair and consistent in all cases and resorted to only when there are no other adequate options.

In cases of suspension, notification of parents or guardians, the District follows a prescribed procedure, depending on the offense and length of the suspension. The school will publish a clearly defined procedure for the consideration of student problems and the processing of student complaints. Students are guaranteed the right of Due Process.

District Commitments

- Each situation involving discipline may be complex with underlying factors that require staff to understand the function of students' behaviors;
- Students, parents, and guardians have a right to be active partners in providing input prior to the school engaging in the disciplinary decision-making process;
- Those involved with the disciplinary decision-making process should consider mitigating circumstances and alternatives to suspension; and
- There is an undeniable negative impact on student engagement and graduation rates when exclusionary practices have been used.

School & Staff Responsibilities

- Promote racial equity in our educational system;
- Seek out, attend, and engage in professional development opportunities that promote anti-racist practices and enhance instructional skills and practices and de-escalation strategies;
- Examine their own implicit bias, work from a culturally-responsive and trauma-informed lens that utilize verbal de-escalation skills;
- Collaborate with students in creating healthy, safe, supportive, culturally-responsive classrooms and school environments;
- Advocate for the educational, cultural, social, and emotional needs of students.
- Hold all students to high expectations and provide culturally-responsive, quality and effective social emotional and academic instruction where students are engaged and invited to contribute to learning;
- Provide culturally-appropriate resources and support for students, parents, guardians, and staff;
- Create opportunities for student voices to be heard and influence changes in course content and practice;
- Know, care for, and establish positive relationships with students;
- Assess, enhance, model and explicitly teach social, emotional, and behavioral skills to students;
- Understand the purpose of discipline is to support positive behavior change and not to exclude or punish;
- Engage early on with students, parents/guardians, community-based organizations, and other staff to identify alternative disciplinary responses;
- Use a variety of ways to support student behavior once it has occurred, while minimizing the use of exclusionary practices and encouraging the resolution of problems within the school setting;
- Implement disciplinary responses that are least disruptive to the student-school relationship, while also maximizing instructional time and;
- Be responsible for teaching and modeling accountability, repairing and restoring relationships with students, and ensuring fair and transparent responses to practices.

Student Rights

As a member of the school community, students have the right to:

- A safe and welcoming school and classroom based on co-created expectations that promote identity safety and celebrate you being your authentic self;
- A quality education with high expectations and appropriate support that includes equitable access to culturally-responsive content, high-quality instruction, services, resources, and extracurricular activities;
- Be treated with respect and dignity;

- Experience visibility and representation of your culture in your school's staff and throughout the curriculum;
- Be listened to and have your voice heard;
- Feel a sense of community, like you belong, and are cared for at school;
- Have your parents and guardians involved in efforts to support you in meeting expectations and acquiring your education;
- Be given the opportunity to learn from mistakes and be supported to make desired changes as identified by you, your parent and guardian and school staff;
- Choose to have you and your parent/ guardian be involved with your school and larger learning community;
- Stay informed in your identified home language;
- Be a part of an anti-racist education system with a clear pathway for reporting racist activity without retaliation (for more information on how to report incidents, please contact your school leader);
- Culturally- appropriate support, particularly when racist incidents occur that have the potential to interfere with your right to feel safe and learn;
- Ask for a parent/guardian to be part of any conversation that is in response to a disciplinary incident at school;
- Continued access to activities and education, while school-wide information is being gathered about a disciplinary incident;
- Due process that complies with Massachusetts state laws and regulations, as well as federal law, when facing possible suspension.

Student Responsibilities

As a member of the school community, you should take personal responsibility to:

- Share with a trusted adult when you are experiencing emotional and/or physical stressors for the purpose of obtaining culturally- appropriate resources or support;
- Ask for help with meeting your educational, cultural, social, and emotional needs;
- Engage in mutually respectful dialogue with staff and other students;
- Attend school and be prepared for classes to the best of your ability;
- Contribute to a safe and welcoming environment;
- Respect and be mindful of the rights of others;
- Follow reasonable requests from school staff;
- Respect the property of others and the school.
- When a student does not follow these responsibilities, they may experience a disciplinary response.

Parent/Caregiver Responsibilities

As a member of the school community, you should take personal responsibility to:

- Keep informed about their students' behavior and achievement at school
- Become familiar with the Code of Conduct and the Civil Rights and Safety Policy
- Instill respect for all school staff and students and property
- Support school rules
- Consult the school principal/counselor/teacher when issues arise
- Work with school personnel to implement appropriate consequences and/or interventions when a child violates the Code of Conduct
- Ensure that children attend school regularly and monitor that they arrive on time each day
- Communicate with school personnel about their child including attending school conferences

APPROACHES TO PROMOTE SAFE & SUPPORTIVE SCHOOLS

There are a variety of approaches to promote safe and supportive schools. Tiered interventions are provided by departments across Malden Public Schools. MPS has adopted school-wide positive and preventative approaches as outlined in the Massachusetts tiered system of support (MTSS) and (PBIS) positive behavioral interventions and supports.

Promoting Positive Student Behavior

Each school is expected to promote a positive school culture and climate that provides students with a supportive environment to grow both socially and academically. Schools are expected to take a proactive role in nurturing students' social-emotional development and behavior by providing them with a range of positive behavioral supports.

Effective social emotional learning helps students develop fundamental skills for life effectiveness, including: self-awareness, self-regulation and establishing positive supports. Such skills help prevent negative behaviors and the disciplinary consequences that result when students do not comply with behavioral standards.

School staff members are also responsible for addressing inappropriate student behaviors which disrupt learning.

Administrators, teachers, counselors and other school staff are expected to engage all students in intervention and prevention strategies that address a student's behavioral issues and discuss these strategies with the student and his/her parent(s).

STUDENT CONDUCT

Students are expected to conduct themselves in a manner consistent with school rules and regulations to the end that a positive learning atmosphere be established. Among other things, student conduct shall reflect care and respect for all other members of the MaldenMalden Public schools community.

Certain breaches of conduct are so serious that the Principal may long term suspend or expel a student under the provisions of M.G.L. c. 71, §37H and 37H ½. These include:

- Possession of a dangerous weapon while on school grounds or at a school-sponsored event
- Possession of a controlled substance while on school grounds or at a school-sponsored event
- An assault on a School Administrator, teacher, teacher's aide, or other staff person.
- A felony charge or conviction

Violations of the code of conduct will subject a student to disciplinary action up to and including mediation, detention, suspension, or expulsion.

INFRACTIONS

- Violations of the code of conduct will subject a student to disciplinary action up to and including mediation, detention, suspension, or expulsion.
- Cheating, Plagiarism
- Forgery and/or impersonating a parent/guardian
- Truancy
- Cutting class/excessive tardiness
- Leaving school without permission
- Being in an unauthorized area – Any student who is in an area of the building without a pass and permission will be considered to be in an unauthorized area
- Vandalism, Destruction and/or willful damage to school property, or stealing, or attempting to steal school property
- Theft
- Obscene, profane, or abusive language and gestures
- Willfully falsifying information
- Insubordination - Students shall not deliberately refuse to carry out a valid request of any staff person
- Endangering safety and well-being of others
- Failure to correctly identify yourself to any staff member
- Any student who provokes, incites, or otherwise causes a confrontation which risks harm to any other student or disrupts the normal educational process
- Verbal or physical assault
- Endangering the physical safety or mental health of another by the use of force or threats of force communicated by any means including written, spoken, or through the use of technology or any electronic means. This offense includes: threats of force (some overt act, expressed by any means, which reasonably places the victim in fear of imminent bodily injury), hazing [see Hazing], graffiti, and other threats communicated by any means: written, spoken, or through the use of technology or any electronic means.
- Threats/intimidation
- Extortion
- Smoking and possession of any tobacco products on school grounds
- Use of and/or possession of any electronic smoking device/vaporizer and/or E-Liquid substance to be used with an electronic smoking device
- Arson
- Possession of a weapon
- Fighting, defined as physical contact between two or more individuals with intent to do physical harm.
- Use of possession of alcohol, illegal drugs, and/or drug paraphernalia
- Throwing objects
- Violation of anti-hazing policy
- Violation of anti-harassment policy
- Violation of nondiscrimination policy including slogans and symbols

- Violation of another's civil rights – The term “students’ civil rights” refers to the right of students to be free from discrimination, including verbal or physical attacks based on race, color, sex, gender, gender identity, national origin, religion, sexual orientation, disability, homelessness or limited English language ability.
- Failure to meet expectations regarding dress. Students are not permitted to dress in any manner that interrupts the educational process or environment of the school. This may include clothing that promotes illicit or illegal activity, contains profanity, or does not comply with health and safety standards.
- Possession and/or use of a lighter or matches
- Demonstrations which disrupt the normal educational process
- Computer misuse; posting/retrieving unauthorized material on the Internet
- Violation of anti-bullying policy, including cyberbullying/Harassment-Bullying / Cyberbullying Definition and Prohibition: Bullying is defined as the repeated use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a victim that: • causes physical or emotional harm to the victim or damage to the victim's property; • places the victim in reasonable fear of harm to himself or of damage to his property; • creates a hostile environment at school for the victim; • infringes on the rights of the victim at school; or • materially and substantially disrupts the education process or the orderly operation of a school. Cyber-bullying is bullying through the use of technology or any electronic means. This includes both the creation of a web page or blog in which the creator impersonates another person or the distribution or posting of information online if these acts create any of the conditions listed above. State law prohibits bullying.
- Violation of Acceptable use policy
- Knowingly making false statements or knowingly submitting false information during a grievance process, including but not limited to bullying/harassment reports and investigations

STUDENT DISCIPLINE

The Principal has the authority to exercise discretion in deciding the consequences for a student who has violated disciplinary rules. The Principal shall first consider ways to re-engage the student offender in the learning process, and shall avoid using expulsion until other remedies and consequences have been employed.

Mediation/Restorative Justice

Mediation or Restorative Justice is an alternative to punitive discipline which allows students and staff to resolve disputes. It is a way of looking at a problem, identifying the issues, and thinking through the alternatives and consequences. Both are a voluntary activity, and are most successful when done before a situation escalates or a fight occurs, and may be an alternative to some disciplinary actions when approved by the school administration.

Detention

Students may be assigned to detention for infractions of major and/or minor school rules.

Suspension

A suspension is a short term or long term removal from regular classroom activities.

Short term suspension is the removal of a student from the school premises and regular classroom activities for 10 consecutive days or less.

Long-term suspension means the removal of a student from the school premises and regular classroom activities for more than 10 consecutive days, or for more than 10 days cumulatively for multiple disciplinary offenses in any school year.

A suspended student is restricted from entering the school buildings, or coming onto school grounds; and a suspended student may not participate in any school sponsored activities or functions during the suspension period. It is also recommended that parents restrict the activities of a student during the suspension period to reinforce the importance of the disciplinary consequence and to demonstrate cooperation between the school and family.

The Principal or his/her designee has the sole responsibility for determining who is suspended. The suspended student may not be permitted to return to school until a parental conference has been held.

Removal from Extracurricular Activities & Attendance at School Events

The principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in M.G.L. c. 71, § 37H¾ or 603 CMR 53.00.

Opportunity for Academic Progress During Suspension/Expulsion

Any student receiving in-school suspension, short-term suspension, or long-term suspension shall have the opportunity to make up assignments, tests, papers, and other school work as needed to make academic progress during the period of removal from the classroom or school.

Any student who is expelled or suspended from school for more than 10 consecutive days shall have an opportunity to receive educational services that will enable the student to make academic progress toward meeting state and local requirements through the school-wide educational services plan.

STUDENT DUE PROCESS RIGHTS

In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow.

1. DUE PROCESS RIGHTS FOR STUDENTS CHARGED WITH POSSESSION OF A DANGEROUS WEAPON, POSSESSION OF A CONTROLLED SUBSTANCE, ASSAULT ON SCHOOL STAFF AND/OR STUDENTS WHO HAVE BEEN CHARGED WITH OR CONVICTED OF A FELONY (M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½).

Short Term Disciplinary Sanctions: Prior to the imposition of any disciplinary sanction that might result in a student's suspension from school for ten (10) consecutive school days or less, the student will be given oral notice of the offense with which he/she is charged and an opportunity to respond. In the event that the Principal or designee determines that the student will be suspended from school, the student's parent(s)/guardian(s) will be notified by telephone and in writing.

Long Term Disciplinary Sanctions: Prior to the imposition of any disciplinary sanction that might result in the student's suspension from school for more than ten (10) consecutive school days or expulsion, the parents/guardians will be given written notice of a hearing at which they may be represented by an attorney at their expense and may examine and present witnesses and documentary evidence. Following this hearing, a written decision will be issued. The parent(s)/guardian(s) will have the right to appeal any decision imposing a long term suspension or expulsion from school to the Superintendent. Where the student is excluded in accordance with M.G.L. c. 71, §37H, the student shall have ten (10) days from the effective date of the exclusion to file a written appeal with the Superintendent of Schools. For exclusions imposed pursuant to M.G.L. c. 71, §37H ½, the student shall have five (5) days from the effective date of the exclusion to file a written appeal with the Superintendent. For exclusions imposed by the School Committee in accordance with M.G.L. c. 76, §17, the student shall have the right to file a written request for reconsideration by the committee within ten (10) days of the effective date of the exclusion. Pending the outcome of any such appeal, the disciplinary sanction imposed shall remain in effect. M.G.L. c. 76, §17, M.G.L. c. 71, §37H and M.G.L. c. 71, §37H ½.

2. DUE PROCESS RIGHTS FOR STUDENTS CHARGED WITH OTHER VIOLATIONS (M.G.L. c. 71, §37H ¾)

Notice and principal's meeting: For any suspension under this section, the principal or a designee shall provide notice of the charges and the reason for the suspension or expulsion to the parent(s)/guardian(s) in English and the primary language spoken in the student's home. The student shall receive written notice of the charges and the opportunity to meet with the principal or designee to discuss charges and reasons for the suspension and/or exclusion prior to suspension/exclusion taking effect.

The principal or designee shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. The meeting may take place without the student's parent(s)/guardian(s) so long as the principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification.

The purpose of the principal's hearing is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

The principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense.

a. Short-term Suspension

The principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal should consider in determining whether other remedies and consequences may be appropriate. The principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

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

The principal shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice.

b. Long Term Suspension

In addition to the rights afforded a student in a short-term suspension hearing, the student shall also have 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; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense; the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; the right to cross-examine witnesses presented by the school district; the right to request that the hearing be recorded by the principal, and to receive a copy of the audio recording 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.

If present, the Parent shall have an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

Based on the evidence, the principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent.

If the student is suspended for more than 10 days for a single infraction or for more than 10 days cumulatively for multiple infractions in any school year, the notice will include written notification of the right to appeal to the Superintendent and the process for appealing in English and the

primary language spoken in the student's home. No student will be suspended for greater than 90 days, beginning on the first day the student is removed from the building.

Emergency Removal:

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

In the event of an emergency removal, the principal shall make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal. The principal shall provide written notice to the student and parent as provided above, and provide the student an opportunity for a hearing with the principal as provided above, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent.

The principal shall render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements as described above.

In the event of an emergency removal from school, the principal will not release the student until adequate provisions have been made for the student's safety and transportation.

SUPERINTENDENT HEARING

The parent(s)/guardian(s) shall have 5 calendar days following the effective date of the suspension or expulsion to submit a written request for an appeal to the Superintendent but may be granted an extension of time of up to 7 calendar days. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Superintendent will hold a hearing with the student and the parent(s)/guardian(s) within 3 school days or the student's request for an appeal. The time may be extended up to 7 calendar days if requested by the parent(s)/guardian(s). The Superintendent's hearing may proceed without the parent(s)/guardian(s) if a good faith effort was made to include parent(s)/guardian(s). The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.

At the hearing, the superintendent shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the principal's hearing for long-term suspension. The Superintendent will issue a written decision within 5 calendar days of the hearing. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision. The Superintendent's decision is the final decision of the district.

DISCIPLINE & STUDENTS WITH DISABILITIES

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act and related regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services.

Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act, are, generally, also entitled to increased procedural protections prior to imposing discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

1. The IEP for every student eligible for special education or related services shall indicate whether the student can be expected to meet the regular discipline code of the school or whether the code should be modified to address the student's individual needs.
2. Students with disabilities may be excluded from their programs for up to ten (10) school days to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or ten (10) cumulative school days in a given school year, building administrators, the parents/guardians and relevant members of the student's IEP or 504 team will meet to determine the relationship between the student's disability and behavior (Manifestation Determination). During disciplinary exclusions exceeding ten (10) school days in a single school year, the student shall have the right to receive services identified as necessary to provide him/her with a free appropriate public education during the period of exclusion.
3. If building administrators, the parents/guardians and relevant members of the student's IEP or 504 Team determine that the student's conduct was not a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students but will continue to provide a free appropriate public education to those students with IEPs. The student's IEP team or 504 Team will identify the services necessary to provide a free appropriate public education during the period of exclusion, review any existing behavior intervention plan or where appropriate, conduct a functional behavioral assessment.
4. If building administrators, the parents/guardians, and relevant members of the student's IEP or 504 Team determine that the conduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further removal or exclusion from the student's current educational program based on that conduct (except for conduct involving weapons, drugs or resulting in serious bodily injury to others) until the IEP or 504 Team develops, and the parent/guardians consent to, a new placement, or unless the District obtains an order from a court or from the Bureau of Special Education Appeals (BSEA) authorizing a change in the student's placement. The Student's Team shall also review the student's IEP, and modify as appropriate, any existing behavioral intervention plan or arrange for a functional behavioral assessment.
5. If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may place the student in an interim alternative educational placement (IAES) for up to forty-five (45) school days. A court or BSEA hearing officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to forty-five (45) school days.

CELL PHONE POLICY

The use of electronic devices such as cell phones, earbuds, and headphones in classrooms is strictly prohibited. All such devices should be AWAY/OUT OF SIGHT (i.e., in backpacks or teacher-designated areas). “Use” includes texting, Snapchat, checking email, and having the cell phone face down on the desk. The only time it is acceptable to use an electronic device (cell phone, headphones, etc) is with EXPLICIT permission from teachers. In this case, the use of a cell phone is written into the lesson plan.

Though teachers have much latitude around cell phones in class, it should not be used as the primary media for school work; students should have and use a chromebook or computer.

Consequences for Violating Cell Phone Policy

If students violate the school’s cell phone policy, the following may occur:

First offense: The student’s cell phone will be confiscated by their Assistant /House Principal or designated faculty member and held until the end of the school day. Their teacher will notify their parent/caregiver of the incident and explain the cell phone policy.

Second offense: The student’s cell phone will be confiscated and held in the House Principal’s office until the end of the school day. The student’s parents will be contacted and informed that they must pick up the cell phone.

Third offense: The student’s cell phone will be confiscated and held in the House Principal’s office until the student’s parents or guardians are able to come to pick it up. The cell phone must remain at home for a period of 4 weeks. If the student is observed with the phone during this period, the phone will need to remain home for the remainder of the academic school year and a suspension hearing will be held with the House Principal.

**MPS is not liable or responsible for lost or stolen cell phones or other devices. We will not investigate such theft, therefore students are strongly advised to store their devices in their lockers, in their bags, or at home.*

***The MPS administration reserves the right to adjust these consequences on a case-by-case basis if needed. For example, extreme behaviors that break the law or engage in cyber bullying or harassment of other students may result in suspension and/phone privilege revocation.*

SUBSTANCE ABUSE & INTERVENTION

Any possession of Illegal or misused medication of substances is subject to the Malden Public Schools' Code of Conduct.

District-Wide Policy

The Malden Public Schools Substance Misuse and Abuse Prevention Policy ("Policy") was written in accordance with Massachusetts General Laws, Chapter 52 of the Acts of 2016, *An Act Relative to Substance Use, Treatment, Education and Prevention*, signed by Governor Baker in March 2016 requiring schools to have a policy regarding substance use prevention and the education of all students about the dangers of substance use. The Policy has been developed using the Department of Elementary and Secondary Education's (DESE) *Guidance on School Policies Regarding Substance Use Prevention and the Safe and Supportive Schools Model as its guide*.

As part of this model, the Policy outlines clear expectations for the behavior of students relative to substance use as well as to provide guidance for the faculty and staff when responding to all substance-related incidents.

Additional information and community resources can be found online at:

<https://www.cityofmalden.org/215/Substance-Use-Disorder-Resources>

Information can also be found in a paper form at any of our Schools' Main Offices.

Substance Misuse Response

In the event that a school employee suspects or identifies a student as being under the influence of, in possession of, or as using any ATMOD, that teacher is to report the student to the appropriate administrator immediately and the student shall be escorted from the classroom.

If a student is found to be in violation of the Policy, parent(s)/caregivers(s) will be notified to meet with an administrator. Students will be referred to their school counselor or administrator for assessment and will be subject to the following consequences and/or additional action at the Principal's discretion.

Voluntary Self-Disclosure Response

If a student voluntarily confides a substance-use problem to a school employee, the employee will refer the student to their school counselor or administrator. The counselor or administrator will make an assessment and help the student identify available support services. The counselor or administrator will advise the student of their confidentiality protections under the law and will work with this student to develop an intervention plan. The student will not be subject to the Substance Misuse Response Procedure unless under the influence or in possession of any substance or paraphernalia at the time of notification.

Student Athletes

In addition to the Malden Public School Substance Abuse Policy and consequences outlined in the Code of Conduct and Substance Misuse and Abuse Response Process, all student athletes will be held to Massachusetts Interscholastic Athletic Association (MIAA) standards and consequences as outlined in the MIAA Handbook and Guidelines on Chemical Health.

Mandated Reporting of Abuse

All members of Malden Public Schools are mandated reporters. In accordance with Massachusetts state law, Section 51A, a mandated reporter who, in his professional capacity, has reasonable cause to believe that a student is

suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the student's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; (iii) physical dependence upon an addictive drug at birth, *shall immediately communicate with the department orally and, within 48 hours, shall file a written report with the department detailing the suspected abuse or neglect; or (iv) being a sexually exploited student; or (v) being a human trafficking victim as defined by section 20M of chapter 233.* A mandated reporter may, in addition to filing a report under this section, contact local law enforcement authorities or the student advocate about the suspected abuse or neglect.

Incident Report

Any accident involving a student will be documented. The nurse or another school staff member will contact the parent/ caregivers; in the event that the parent/caregivers cannot be reached, the nurse will send a report home with the student. In emergencies, school staff will notify the people indicated on the students Emergency Contact, as well as law enforcement office or emergency medical personnel, as necessary or in the best judgment of the school nurse and/or school staff. In any emergency, Malden Public Schools absolute priority will be to first attend to the emergency and ensure the safety and health of the student or students involved in the incident, then secure the surrounding area to address the unsafe conditions, and then contact parents/caregivers, and/or emergency contacts.

STUDENT DRESS CODE

Malden Public Schools is a serious place of learning. There is an expectation that students dress in keeping with reasonable standards of safety, health, and cleanliness, so as not to detract from the educational process. Student attire should not disrupt the educational environment. If a student is wearing clothing that disrupts the educational process, such as clothes that promote drugs, alcohol, or violence, he or she will be asked to go home and change or to wear a t-shirt provided by the school staff. The discretion of administration will prevail in whether the clothing creates a disruption.

In accordance with Massachusetts State Law, students have the right to freedom of expression, provided that such right shall not cause any disruption or disorder within the school. There is an expectation that students dress in a manner that is appropriate for a place of study; and are obeying to reasonable standards of safety, health, and cleanliness, so as not to detract from the education process. 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. The intent of this document is to create a standard that will align with overall expectations of appropriate attire that contribute to a positive school environment. By no means is the desired outcome of this document for students to be judged or shamed.

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

- Clothing, including face masks with any picture and/or wording that relates, advertises, or infers to sex, alcohol, drugs, tobacco, or displays lewd, vulgar, indecent or “plainly offensive” language (masking is optional)
- Hats, hoods, bandanas, or any other head coverings (except for religious or cultural reasons)
- Clothing worn in such a manner as to reveal undergarments.
- Strapless tops and halter tops.
- Skirts and shorts where buttocks are visible.
- Sunglasses worn inside the school building.
- 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 the hip.

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 change to wear a school T-Shirt offered by the school, bring their own change of clothes, or a parent/caregivers may be required to bring in a change of clothing.

BULLYING PREVENTION & INTERVENTION

Introduction

This Bullying Prevention and Intervention Plan (“Plan”) addresses the prevention of bullying, cyberbullying, and retaliation, as required under M.G.L. c.71, § 370, added to Chapter 92 of the Acts of 2010 entitled *An Act Relative to Bullying in Schools* as signed by the Governor in May 2010. In addition to the following current efforts, the administration, faculty, and staff of the Malden Public Schools commit to improve, enhance, and update both the plan and its implementation annually in order to best serve the students, parents, and the citizens of Malden.

Priority Statement

The Malden Public Schools expects that all members of the school community will treat each other in a civil manner and with respect for differences. We are committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We recognize 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, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics. 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.

We will not tolerate bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will promptly investigate all reports and complaints of bullying, cyberbullying and retaliation, and take prompt actions to end that behavior and restore the target’s sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement. The Plan is a comprehensive approach to addressing bullying and cyberbullying, and the school or district is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established this Plan for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The building principal is responsible for the implementation and oversight of the Plan except when a reported bullying incident involves the principal or the assistant principal as the alleged aggressor. In such cases, the Superintendent or designee shall be responsible for investigating the report, and other steps necessary to implement the Plan, including addressing the safety of the alleged target. If the Superintendent is the alleged aggressor, the School Committee, or its designee shall be responsible for investigating the report, and taking all other steps necessary to implement the Plan, including addressing the safety of the alleged target.

Schools, as well as district leadership at all levels, will play a critical role in the ongoing development, implementation, and evaluation of the plan in the context of other whole school and community efforts to promote positive school climate in the Malden Public Schools. School leaders and others have the responsibility to model and teach students to be civil to one another and promote understanding of and respect for diversity and difference. School leaders also play a critical role in setting priorities and for currency with the research on ways to prevent and respond to incidents and behaviors that may lead to bullying.

As required by M.G.L. c. 71, § 37O, the Plan has been developed in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents, and guardians. Consultation with the school community will include notice and a public comment period before the Plan is adopted by the school committee or equivalent authority.

At least once every four years beginning with the 2015 - 2016 school year, the district will administer a Department of Elementary and Secondary Education (“Department” or “DESE”)–developed student survey to assess school climate and the prevalence, nature, and severity of bullying in our schools. Additionally, the school or district will annually report bullying incident data to the Department. In addition to the student survey, district leadership will administer a survey to faculty, staff, and parents/guardians to assist in determining school climate needs.

There will be ongoing professional development in order to:

- Establish a climate and common understanding of the tools necessary to promote safety, civil communication, and respect for differences; and
- Build the skills of staff on preventing, identifying, and responding to incidents that may lead to bullying. As required by M.G.L. c.71, §370 the content will be informed by research and will include information on developmentally and/or age appropriate strategies to prevent bullying, such as the following:
 - Developmentally and/or age appropriate strategies for immediate, effective interventions to stop bullying incidents;
 - Information regarding the complex interactions and power
 - differentials that can take place between 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 cyberbullying;
 - Internet safety issues as they relate to cyberbullying; and
 - Ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students’ individualized education programs (IEPs). This will include a particular focus on the needs of students whose disabilities affect social skill development. Additional areas identified by the school or district for professional development include, but are not limited to:
- Promoting and modeling use of respectful language;
- Fostering understanding and respect for diversity and difference;
- Building collaborative relationships and opportunities for ongoing communication with families;
- Constructive classroom management;
- Developing staff use of positive behavioral intervention strategies;
- Developing staff use of constructive disciplinary practices;
- Targeting development of social skills and fostering emotional well-being among students (e.g. positive communication, anger management, and empathy for others);
- Engaging students in school or classroom planning and decision-making;
- Maintaining a safe and caring classroom for all students; and
- Engaging staff and those responsible for the implementation and oversight of the Plan to distinguish between acceptable managerial behaviors designed to correct misconduct, instill accountability in the school setting, etc., and bullying behaviors.

Identifying Resources

The Malden Public Schools is staffed to be able to identify and provide counseling and other services for targets, aggressors, and their families aiming to support the creation of positive school environments / climates by focusing on the appropriate interventions and services. Identified resources include:

- Principals
- Assistant Principals
- School Attendance Officer
- School Counselors
- Licensed Social Workers/Adjustment Counselors
- School nurses
- School Psychologists
- After school activities and programs
- Extended Day Programs
- Restorative Practices

Counseling & Other Services:

- Clinical Health Care Agencies
- Malden Police Departments
- School Resource Officers
- Middlesex District Attorney / Project Alliance
- Department of Children and Families

How to access aforementioned resources, counseling and other services:

For access and/or referral to the following resources please contact the respective building principal, guidance or adjustment counselors, licensed social workers, school psychologist, school nurse, school attendance and consulting psychiatrist. Note: please refer to page four for a list of building principals across the district as well as our website maldenps.org.

Students with Disabilities:

As required by M.G.L. c. 71B § 3, amended by Chapter 92 of the Acts of 2010, when the IEP Team determines that a student has a disability that affects social skills development or that a student is susceptible to becoming an aggressor or target of bullying, harassment, or retaliation because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or retaliation.

The Malden Public Schools will review curriculum to be used during the upcoming school year and will modify the curriculum as necessary based on surveys from parents, students, and faculty and DESE guidelines. The Great Body Shop is a comprehensive health program which provides an articulated cross-curricular approach for the following areas:

- Substance Abuse Prevention
- Social and Emotional Health
- Character Education
- Violence Prevention Including Bullying
- Critical Thinking
- Asset Building

Massachusetts Aggression Reduction Center K-12 Anti-Bullying Program

This program stresses prevention and is designed to help schools change their culture to discourage incidents of bullying and violence. It is comprehensive in that it presumes that any attempt to change the culture of a school will only succeed if all persons in the school community have heightened awareness and education about the problem of violence and bullying in schools. Components include:

- Student programming that raises awareness of bullying and educates students on school climate. Related to older students programming will emphasize student-led programs, giving teenagers a primary responsibility for changing school climate;
- Teacher/faculty/support staff trainings; and
- Parents/guardians engagement

In addition the Malden Public Schools will adhere to the following guidelines and approaches from the DESE:

A. Specific bullying prevention approaches:

The bullying prevention curricula will be informed by current research which, among other things, emphasizes the following approaches:

- Using scripts and role plays to develop skills;
- Empowering students to take action by knowing what to do when they witness
- other students engaged in acts of bullying or retaliation, including seeking adult
- assistance;
- Helping students understand the dynamics of bullying and cyberbullying,
- including the underlying power imbalance;
- Emphasizing cyber-safety, including safe and appropriate use of
- electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and
- respectful communications; and
- Engaging students in a safe, supportive school environment that is respectful of
- diversity and difference.
- Initiatives will also teach students about the student-related sections of the Bullying Prevention and Intervention Plan. The Plan should include specific information about how and when the school or district will review the Plan with students.

B. General teaching approaches that support bullying prevention efforts:

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for
- students with disabilities, LGBTQ/non-gender conforming students, and homeless students; Using appropriate and
- positive responses and reinforcement;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors; Using positive approaches to
- behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive
- behavioral supports that aid in social and emotional development;
- Using the internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their
- areas of strength.

Policies & Procedures for Reporting & Responding to Bullying/Retaliation

Bullying (including cyber-bullying and harassment) are major distractions from learning and can adversely impact students' educational success and advancement. Fear can lead to chronic absenteeism, truancy, or even dropping out of school. Further, bystanders feel both guilty and helpless for not taking steps to address bullying.

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. The students are older and physically larger and the behavior is recognized as being less tolerable and more inappropriate.

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 that is free of bullying.

Definition: Bullying, including cyber-bullying, as defined by Chapter 92 of the Massachusetts Acts of 2010, is the repeated use by one or more students or by a member of school staff of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at a victim that:

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

Cyber-bullying, as defined by Chapter 92 of the Massachusetts Acts of 2010, 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
- 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 victim, infringes on the rights of the victim 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.

In addition:

- 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.

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 a perpetrator, victim 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.

In addition, the district shall:

- 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:

- Student and Parent Reporters
 - 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.
 - Students, parents or guardians, and others may request assistance from a staff member to complete a written report.
- Reports may be made anonymously. However, no disciplinary action may be taken against a student solely on the basis of an anonymous report.
- Staff Member Reporters
 - If a student is the alleged aggressor and staff witnesses or is informed of alleged bullying, cyberbullying, or retaliation, staff must report the incident to the principal or assistant principal immediately 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, they will immediately inform the principal.

- If a staff member is the alleged aggressor, then the staff member receiving the report shall reduce the incident to writing and will report the incident to the principal or assistant principal immediately.
- **Note:** the requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

Safety Measures

- Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents.
- Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, and/ or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target.
- The principal or designee will implement appropriate strategies for protecting the alleged target from bullying or retaliation, any student or staff who has reported bullying or retaliation, any student or staff who has witnessed bullying or retaliation, any student or staff who provides information during an investigation, or any student or staff who has reliable information about a reported act of bullying or retaliation.
- The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary. This may include following up with the target to ensure that no other incidents of bullying or retaliation have occurred in response to the investigation.

Selection of Investigator & Timing of Investigation

- Any principal or assistant principal who receives a report of alleged bullying or retaliation will begin an investigation, or select a designee to begin the investigation, of the alleged incident within 24 hours of having received the report, or as soon as practicable thereafter.
- If the alleged aggressor is the principal or an assistant principal, the Superintendent or designee shall be responsible for investigating the report, and taking other steps necessary to implement the Plan, including addressing the safety of the alleged target.
- If the Superintendent is the alleged aggressor, the School Committee, or its designee shall be responsible for investigating the report, and taking all other steps necessary to implement the Plan, including addressing the safety of the alleged target.

Procedures for Investigation

- Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate.
- During the investigation the principal or designee investigator will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary.
- The principal or designee will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.
- The principal or designee will remind the alleged aggressor, alleged target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.
- Students will be provided practical, safe, private, and age-appropriate ways to discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor.
- Upon the completion of the investigation, the investigator will also complete an Incident Report detailing in writing: 1) his/her findings, 2) the proposed disciplinary response, if any, 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 victim going forward, as necessary.

- The principal or assistant principal will attach any related Student Disciplinary Referral form that they have received to the Incident Report.
- There may be circumstances in which the principal or designee contacts parents or guardians of alleged targets and witnesses prior to any investigation and other circumstances under which investigations occur before parents or guardians are contacted. Notice will be consistent with state regulations at 603 CMR 49.00.

Procedures for Substantiated Allegations

- If the allegations of bullying, cyberbullying, or retaliation are substantiated, the investigator will determine the appropriate disciplinary response, which may include mediation, detention, behavior plans, suspension (in or out-of-school), or expulsion.
- The parents of the alleged target and the alleged aggressor will be notified immediately regarding the findings, regardless of whether or not the allegations are substantiated.
- All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.
- The parents of the aggressor will also be notified of any proposed suspension and will be given an opportunity to participate in a hearing to dispute the charges and afforded all other rights given to students and parents under Massachusetts school discipline law..
- Repeated incidents of bullying by a student will result in more severe disciplinary actions.
- Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee will work with appropriate school staff to implement them immediately.

Police Involvement

- At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the Malden Police Department.
- Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency.
- If an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.
- In making the determination to involve law enforcement, the principal or designee may, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

Miscellaneous Procedures

- 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.
- 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. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

- The principal or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.
- The school district shall update the Bullying Policy at least biennially.

Collaboration with Families

The Malden Public Schools will engage and collaborate with students' families in order to increase capacity to prevent and respond to bullying. Parents and guardians will be informed about the bullying prevention and intervention curricula used by the Malden Public Schools including:

- How parents and guardians can support and reinforce the curricula at home and support the Malden Public Schools' Plan;
- The dynamics of bullying; and
- Online safety and cyberbullying.

Parents will be notified in writing each year about the student-related sections of the Bullying Prevention and Intervention Plan in the language(s) most prevalent among the parents and guardians. The Malden Public Schools' specific approaches to partnering with families will take into account age, climate, socio-economic factors, linguistic and cultural makeup of the students and their parents/ guardians.

Problem Resolution System

Chapter 86 of the Acts of 2014 amended Section 37O of chapter 71 of the General Laws to include (g) (v):

The Plan shall inform parents or guardians of the alleged target about the Department's Problem Resolution System and the process for seeking assistance or filing a claim through the Problem Resolution System. This information will be made available in both hard copy and electronic formats:

Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education's Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information are also available at the Superintendent's office.

Parent Education & Resources

The Malden Public Schools will offer educational programs for parents and guardians that focus on the parental components of the anti-bullying curricula and the social competency curricula used by the individual schools and/or district. The programs will be offered in collaboration with the PTO's, School Councils, Special Education Parent Advisory Councils, Title I and other organizations.

Notification Requirements:

Each year the Malden Public Schools will inform parents or guardians of enrolled students about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyberbullying and online safety. The Malden Public Schools will send parents written notice each year about the student-related sections of the Plan and the Malden Public Schools Internet safety policy. All notices and information made available to parents or guardians will be in hard copy and electronic formats, and will be available in the language(s) most prevalent among parents or guardians. The Malden Public Schools will post the Plan, and is in the process of posting related information and resources including websites, etc. for parents on its website: <http://www.malden.mec.edu/mps/districtinfo.cfm>

Prohibition Against Bullying & Retaliation

Please see the Malden Public Schools Bullying Prevention Policy at the beginning of this document based on M.G.L. c. 71 § 370(b) which describes the law's requirements for this prohibition of bullying including Section V.

Definitions

Aggressor is a student or a member of school staff who engages in bullying, cyberbullying, or retaliation.

Bullying is the repeated use by one or more students or school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

1. causes physical or emotional harm to the target or damage to the target's property;
2. places the target in reasonable fear of harm to himself/herself or of damage to his/her property;
3. creates a hostile environment at school for the target;
4. infringes on the rights of the target at school;
5. materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyberbullying.

Cyberbullying is bullying through the use of technology or any electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings.

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 has been perpetrated.

School staff members include, but are not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, and/ or paraprofessionals.

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

Relationship to Other Laws

Consistent with state and federal laws, and the policies of the Malden Public Schools, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in this Plan prevents the Malden Public Schools from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or Malden Public Schools policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37 H, 37H $\frac{1}{2}$ or 37H $\frac{3}{4}$, M.G. L. c. 71, §§ 41 and 42, M.G.L. c. 71, § 5, other applicable laws, or local school or district policies, or collective bargaining agreements, in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

STUDENT 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 conform to the rules and regulations of eligibility and behavior set by the Massachusetts Interscholastic Athletic Association (M.I.A.A.) and the Malden Public Schools. A student must attend school on the day of an athletic activity in order to participate in that activity. The student athletes who exercise their privilege of participation in athletics 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”. Good behavior outside of Malden High School is considered part of the student-athlete’s responsibility. Infractions outside of school may lead to disciplinary action, including dismissal from a team.

Student athletes will be suspended or dismissed from their teams for violations of the MIAA Chemical Health Rule, which provides as follows:

“From the earliest fall practice date, to the conclusion of the academic year or final athletic event (whichever is latest), a student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol; any tobacco product; marijuana; steroids; or any controlled substance. This policy includes products such as “NA or near beer”. It is not a violation for a student to be in possession of a defined drug specifically prescribed for the student’s own use by his/her doctor.” MIAA Rule 62.1.

Student athletes will also be expected to follow their medication administration plans as developed by the Nurse. For more information see page 45 of this handbook.