BILLERICA PUBLIC SCHOOLS
2025-2026
Elementary Student Handbook

Billerica Public Schools Central Office
365 Boston Road
Billerica, MA 01821
(978) 528-7900 (phone) | (978) 436-9595 (fax)
www.billericak12.com
https://www.billericak12.com/district/school-committee

This handbook is to provide students and parents with information about policies and procedures that affect all students in the Billerica Public Schools. The policies contained in this book are derived from both federal and state laws and regulations or the Billerica School Committee policies and procedures. It is important that both students and parents thoroughly read and review the information contained in this handbook as it defines the rights that students have and responsibilities to which they are held accountable.

Essential to each student's lifetime development is acquiring and developing perception, reason, choice, and evaluation. To learn and exercise such skills it is necessary that students understand their rights and responsibilities so that they are able to make informed decisions throughout their school career.

Updated August 25, 2025

The Billerica Public Schools does not discriminate on the basis of sex and strictly prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates, including in admission and employment. Billerica Public Schools does not discriminate on the basis of pregnancy or pregnancy-related conditions in its educational programs and employment activities. Title IX of the Education Amendments of 1972; M.G.L. c. 151B; M.G.L. c. 151C; M.G.L. c. 76, § 5. The District's policy of nondiscrimination extends to students, staff, the general public, and individuals with whom it does business; no person shall be excluded from or discriminated against in employment, admissions, or in obtaining the advantages, privileges, and courses of study of such public school on account of sex.

The District has adopted and implements a Title IX Grievance Procedure to ensure the prompt and equitable resolution of complaints of sex discrimination, including sex-based harassment. A copy of the Billerica Public Schools Title IX Grievance Procedure may be accessed on the District website at the following link: Title IX Grievance Procedure or through the office of the Title IX Coordinator.

For questions related to the District's Non-Discrimination policy or grievance procedures, to make a report or complaint of sex discrimination, including sex-based harassment, or for information relative to accommodations and services for individuals based on pregnancy and pregnancy-related conditions, please contact Melinda Cripps, who serves as the Billerica Public Schools Title IX Coordinator:

Melinda Cripps
Title IX Coordinator
Billerica Public Schools
35 River St.
Billerica, MA 01821
978-528-7925
mcripps@billericak12.com

Inquires or complaints relative to sex discrimination, including sex-based harassment, may also be directed to the United States Department of Education's Office for Civil Rights:

U.S. Department of Education
8th Floor
5 Post Office Square
Boston, MA 02109-3921
Telephone: (617) 289-0111
Facsimile: (617) 289-0150
Email: OCR.Boston@ed.gov

Any employee or student found to have engaged in sexual harassment will be subject to disciplinary action. Students found to have engaged in sexual harassment may be subject to disciplinary proceedings in accordance with procedures set forth in Student Discipline section of this handbook and applicable state and federal laws and regulations. Staff members determined to have engaged in sexual harassment shall be subject to professional discipline including possible termination of employment.

TABLE OF CONTENTS

SECTION 1 - DISTRICT OVERVIEW **4**
1.1 Theory of Action 4
1.2 Billerica Public Schools School Committee 4
1.3 Billerica Public Schools Administration 4

SECTION 2 - GENERAL PROCEDURES **5**
2.1 Blackboard Communication System 5
2.2 Delayed Opening / No School / Early Dismissal Announcements 5
2.3 Entrance Age/Mandatory Admissions Requirements 5
2.4 School/Class Placement 6
2.5 Admission of Intradistrict Transfer Students 6
2.6 Field Trips 7
2.7 Homework Source: BPS Policy IKB 7
2.8 Parent - Teacher Communication 7
2.9 Report Cards/Progress Reports 8
2.10 Student Records Source: BPS Policy JRA 8
2.11 School Property 11
2.12 Visitors to the School Source: BPS Policy KI 11

SECTION 3 - ATTENDANCE **11**
3.1 Attendance Policy 11
3.2 Communicating Absences 12
3.3 Dismissals 12
3.4 Tardiness 13
3.5 Non-Scheduled Vacations/Extended Vacations 13

SECTION 4 - BEHAVIOR POLICIES Source: BPS Policies JI, JIC **13**
4.1 Audio or Video Recording 14
4.2 Billerica's Anti-Bullying Policy 14
4.3 Billerica's Civil Rights Grievance Procedures 18
4.4 Building Security Violations 23
4.5 Cellphone / Electronic Devices 23
4.6 Fighting / Assault 24
4.7 Hazing 25
4.8 Suspension 26
4.9 Theft 29
4.10 Trespassing 29
4.11 Vandalism 29

SECTION 5 - HEALTH AND SCHOOL SAFETY **29**
5.1 Illness at School 30

5.2 Illness at Home 30
5.3 Administering Medication Source:BPS Policy JLCD 30
5.4 Field Trip Medical Procedures 31
5.5 Pediculosis – Head Lice 32
5.7 Allergens Source: BPS Policy JLCA-R 33
5.8 Food in the Classroom 34
5.9 Immunization Requirements 34
5.10 Emergency Evacuations and Drills 34
5.11 Homebound Instruction 35

SECTION 6 - DISTRICT POLICIES 35
6.1 Absences Source: BPS Policy JH 35
6.2 Child Abuse / Neglect Chapter 119 Section 51 36
6.3 Digital Video Cameras on School Transportation Source: BPS Policy EEA ECB 38
6.4 Disability Access 39
6.5 Dress Code Source: BPS Policy JICA 39
6.6 Drugs and Alcohol Source: BPS Policy JICH 39
6.7 Homeless Students - Enrollment Rights and Services Source: BPS Policy JFABD 39
6.8 Massachusetts General Laws Chapter 71 43
6.9 Memorandum of Understanding between the Billerica Public Schools and Billerica Police Department 47
6.10 Non-Custodial Parents Source: BPS Policy KBBA 49
6.11 Policy for Student Transportation General Guidelines Source: BPS Policy EEA 50
6.12 School Bus Disciplinary Procedures Source: BPS Policy EEAEC-R 52
6.13 Searches and Interrogations Source: BPS Policy JIH 53
6.14 Student Support Services, Special Education 54
6.15 Security Cameras in Schools Source: BPS Policy ECAF 54
6.16 Student Discipline Source: BPS Policy JIC 55
6.17 Student Publications Source: BPS Policy JICE 65
6.18 Student Rights and Responsibilities Source: BPS Policy JI 65
6.19 Residency Source: BPS Policy JF 66
6.20 Title IX Sexual Harassment Grievance Procedures 66
6.21 Truancy Source: BPS policy JH 76

SECTION 1 - DISTRICT OVERVIEW

1.1 Theory of Action

Billerica Public Schools Mission Statement

To become the destination for education in the Merrimack Valley.

Billerica Public Schools Vision Statement

All students will learn when they have high quality teachers, supportive environments, rigorous and relevant curriculum, within a culture of trust.

Billerica Public Schools - Theory of Action

The Billerica Public Schools have the commitment and the courage to CARE:

- Community - fostering collaboration and partnerships
- Atmosphere - welcoming, safe, and respectful for all
- Rigor and Relevance - preparing our students for college and career in the ever-changing global society
- Excellence and Equity - promoting and celebrating the inherent dignity of all

...then we will create a culture in which each member of the community becomes empowered to reach their maximum intellectual, social, and emotional potential.

1.2 Billerica Public Schools School Committee

Mr. John Kleschinsky	Chairperson
Ms. Annette Famolare	Vice Chairperson
Mr. Michael Domina	Secretary
Mr. Mark Efstratiou	Member
Ms. Marion DePierro	Member

1.3 Billerica Public Schools Administration

Dr. Kerry Clery	Superintendent
Ms. Lori McDermott	Assistant Superintendent - Curriculum and Instruction
Mr. Michael Bergeron	Interim Director of Finance and Operations
Dr. Robert Bergeron	Director of Special Education
Ms. Debra Vartanian	Director of Human Resources

Mr. Mark Bishop	Director of Technology

SECTION 2 - GENERAL PROCEDURES

Much of what follows is based on Billerica Public School (BPS) policies. As appropriate, these are noted by section. Text below that is underlined is taken directly from district policy word-for-word. Other text is adapted based on Billerica's procedures or for the purpose of brevity. District policies are available via the Billerica Public School District website:
https://sites.google.com/a/billericak12.com/bps/district/school-committee

2.1 Blackboard Communication System

The Billerica Public School District utilizes Blackboard, an automated phone / e-mail system, to communicate emergencies, cancellations, events and information of general interest to parents and students. Students and parents are requested to ensure that contact information is up to date to allow for timely contact. If contact information changes, please notify the School's Main Office.

2.2 Delayed Opening / No School / Early Dismissal Announcements

School cancellation and delayed opening decisions are communicated via local broadcast media and via the Blackboard system. These decisions are generally not made until 5:45am. Delayed opening of school will be for 2 hours. In the event of an emergency or weather situation necessitating the early, unscheduled dismissal of students, decisions will be communicated in a similar fashion. Students at Billerica High School will be released first, followed by those at Billerica Middle Schools and then the Elementary Schools at approximately 40-minute intervals.

Broadcast stations receiving notification of Billerica School District delayed opening, no school and early dismissal:

WHDH-TV: Ch.7	WCVB-TV: Ch. 5	WBZ-TV: Ch. 4
WBZ: 1030 am	BATV: 10	

2.3 Entrance Age/Mandatory Admissions Requirements

A child must be five years old on or before *August 31* to enter kindergarten and six years of age on or before September 1 to enter first grade.

Billerica Public Schools uses a centralized registration process for families registering their child(ren). Families will need proof of residence, proof of age, and medical records for registration. Please see the Billerica Public Schools registration website for required registration documents.

During the school year, any family/child moving into Billerica from another city, town, or state who has already been enrolled in school, would typically be registered into the same grade from which the child transferred. If the family/child moves or transfers into Billerica over the summer months, the child would typically be registered into whatever grade is recommended by the transferring school. If any circumstances need to be considered regarding grade level placement, the final decision around grade level placement rests with the Principal.

2.4 School/Class Placement

The placement of students is the responsibility of the Billerica Public Schools and the school principal.

Social development, scholastic achievement, learning styles, emotional needs and class size are concerns taken into account when placing children with their respective teachers. It is the goal of administrators and teachers that children are placed in a well-balanced classroom to promote the best possible social and intellectual development of all students. Since the placement of students is the responsibility of the Billerica Public Schools and the school principal, personal requests for preferred teacher assignments may not be honored. The Billerica Public Schools reserves the right to change ``student class placement.

The school district will enroll and place students who transfer into the district based upon, but not limited to, an examination of the course of study and level of academic attainment of the student when determining the student's appropriate grade placement or eligibility for high school graduation.

2.5 Admission of Intradistrict Transfer Students

ELEMENTARY/MIDDLE SCHOOL TRANSFERS

Parents should make every effort to obtain daycare or babysitting within their neighborhood elementary/middle school attendance area.

In the event of a request for a transfer of elementary/middle school students, parents/guardians should send a request to the Superintendent of schools.

Transportation will not be provided from day care/babysitter in one elementary/middle attendance area to an elementary/middle school in a different attendance area. Transportation will be provided from daycare/babysitter to the elementary/middle school in the same elementary attendance area. For example, if the daycare/babysitter is located in the Parker School area, transportation will be provided to Parker School and not to other elementary/middle schools.

The pick-up and drop-off stops are at approved locations and will remain the same throughout the year. Pupils will not be dropped off or picked up at different bus stops on different days without prior authorization from a school administrator.

2.6 Field Trips

Field trips are a voluntary extension of the classroom and serve to enrich the curriculum. Any student who chooses *not* to participate in a field trip must still attend school. At the discretion of the principal/assistant principal, a student whose behavior in the days prior to a field trip is deemed unsafe for the field trip may be required to remain at school. A supplementary lesson will be provided. The school's core values and community rules that are applicable within the school also apply to the field trips. Students are subject to the school's code of conduct and disciplinary policy while participating on field trips. Students participating in field trips must submit a signed Parent/Guardian consent form prior to each scheduled trip.

Students must be present on the day of the field trip to participate. For example, if a student is absent on the day that their class goes on the field trip, they will not be allowed to go on the field trip with another class.

No student will be denied access to a field trip due to the lack of the family being able to pay for the field trip.

2.7 Homework Source: BPS Policy IKB

Please think of homework as more than just written assignments. Homework also involves reading and reflecting upon what you are learning. Homework is an excellent way for students to apply, review, and practice skills taught in class. Completing homework on time helps students to learn how to work independently and take responsibility. Therefore, all students are expected to complete all homework assignments.

In addition to daily homework, students may also be assigned long-term projects. With these assignments, parents are encouraged to monitor their child's progress on a regular basis to avoid a last minute rush for completion.

2.8 Parent - Teacher Communication

If you would like to schedule a conference with a teacher at any time during the year, please write a note, send an email, or call the school ahead of time to request a conference, and one will be arranged at the earliest convenience for everyone. In addition to conferences each school has three scheduled times for you to meet your child's teacher

- Back to School Night in September
- Fall Parent Teacher Conference in November
- Spring Parent Teacher Conference in March

2.9 Report Cards/Progress Reports

Report cards and progress reports are considered educational records under the Family Educational Rights and Privacy Act (FERPA). Progress reports and report cards will be published three times a year via Aspen Family Portal. If you experience any issues accessing Aspen, please contact portalhelp@billericak12.com. Progress reports will precede each report card at the midpoint of each marking period for grades K-4. A report card is a graded report while a progress report is a non-graded report. The information on each report informs parents of the child's progress in attaining the curriculum standards established for their grade level by the Massachusetts Common Core. If you have questions or concerns about your child's progress, please contact their classroom teacher.

2.10 Student Records

Source: BPS Policy JRA

NOTICE REGARDING STUDENT RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Student Records regulations (603 CMR 23.00) provide parents and eligible students certain rights with respect to a student's education records. A general overview of those rights is provided below. Parents and eligible students may obtain a complete copy of their rights by contacting Melinda Cripps, Director of School Counseling, at mcripps@billericak12.com.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

(1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the School receives a request for access.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

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

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Massachusetts regulations related to student records (603 CMR 23.00) ensure a student's (and their parents') rights of inspection, amendment, destruction, and confidentiality related to their records.

Under 603 CMR 23.01, the rights related to student records belong to the student's parent if the student is under the age of fourteen (14) and has not started the ninth grade. Upon reaching the age of fourteen (14) or upon starting the ninth grade (whichever occurs first), both the student and their parent retain the rights related to student records. Either the student or the parent can exercise these rights independently. Once the student reaches the age of eighteen (18), the student exclusively retains the rights related to student records and only they can exercise such rights if they expressly limit the rights of their parent, exclusive of the right to inspect. If a student wishes to limit the rights which are held by their parent, they must make the request to the building principal or superintendent in writing. A parent always maintains the right to inspect the student record.

The student record consists of the transcript and the temporary record, including all information on recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth as defined under state law. The regulations divide the record into two sections, the transcript and the temporary record. The transcript includes only the minimum information necessary to reflect the student's educational progress. This information includes the name, address, contact information, birthdate, course titles, grades, credits, and grade levels completed. The transcript is kept by the school system for at least sixty years after the student leaves the system.

Inspection of Record - A parent, or a student who has entered the ninth grade or is at least fourteen (14) years old, has the right to inspect all portions of the student record upon request. The record must be made available to the parent or student within ten (10) days of the request, unless the parent or student consents to a delay. In the event the parent/student requests copies of a student record, the district may charge the parent/student for said copies at the district rate. The parent and/or eligible student may request to meet with professional qualified school personnel to have any of the contents of the record interpreted. Parents and eligible students should submit their request for access/inspection to the building Principal.

With a few exceptions, no individual or organization other than the parent, student, and authorized school personnel are allowed to have access to information in the student record without the specific, informed, written consent of the parent or the eligible student. Billerica Public Schools protects the confidentiality of personally identifiable information of students in accordance with state and federal law.

Amendment of Record - The parent and eligible student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent and eligible student have the right to request in writing that information in the student record be amended or deleted, except information inserted by an individual education program (IeP Team, unless the IEP has been accepted or, if rejected, the special education appeal process has been completed. If the student or parent believes that adding information to the student record is not sufficient, the student or parent shall present their objection in writing and/or conference with the principal or her/his designee to make their objections known. Within a week after the conference or receipt of objection, the principal or their designee must render a decision on such a request in writing. If the parent and/or eligible student are not satisfied with the decision, the

regulations contain provisions through which the decision may be appealed to higher authorities in the school.

Directory Information - Federal law requires that Billerica School District release the names, addresses, and telephone listings of students to military recruiters and institutions of higher education upon request for recruitment and scholarship purposes without prior consent. In addition, the school may release the following directory information about a student without prior consent: a student's name, address, telephone number, date/place of birth, major fields of study, dates of attendance, weight and height of members of athletic teams, class participation in officially recognized activities and sports, honors and awards, post-high school plans. However, in all instances, parents may request that such directory information not be released without prior consent by notifying the building principal in writing by the end of September of each school year.

Destruction of Records - The regulations require that certain parts of the student record, such as the temporary record, be destroyed a certain period of time after the student leaves the school. 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. 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.

Transfer of Records - In accordance with 603 CMR 23.07(4)(g), it is the practice of Billerica Public Schools to forward the student record of any student who seeks or intends to enroll, or already has enrolled, in another public school, if the disclosure is for the purpose of the student's enrollment or transfer. The parent or eligible student has the right to receive a copy of the school record that is forwarded to the new school.

Non-Custodial Parents - Unless there is a court order to the contrary, a non-custodial parent (parent without physical custody of the student) of any public school student has the right, subject to certain procedures, to receive information regarding the student's achievements, involvement, behavior, etc. A non-custodial parent who wishes to have this information shall submit a written request to the building principal. Upon receipt of such a request, the building principal shall send written notification to the custodial parent by certified and first-class mail that the records and information will be provided to the non-custodial parent in twenty-one (21) calendar days unless the custodial parent provides documentation of the non-custodial parent's ineligibility to access such information. In all cases where school records are provided to a non-custodial parent, the electronic and postal address and other contact information for the custodial parent shall be removed from the records provided. Any such records provided to the non-custodial parent shall be marked to indicate that they may not be used to enroll the student in another school. Upon receipt of a court order that prohibits the distribution of information pursuant to M.G.L. c. 71, §34H, the school will notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent. M.G.L. c. 71, §34H; 603 CMR 23.07.

Third Party Access - Authorized school personnel and school officials with a legitimate educational interest, including: (a) school administrators, teachers, counselors, and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling, and/or diagnostic capacity; (b) administrative office staff and clerical personnel, employed by the school committee or under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the

student record; and (c) the evaluation team which evaluates a student, shall have access to the student record of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the parent or eligible student shall not be necessary.

Complaints - A parent or eligible student has a right to file a complaint with the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-8520, 1-855-249-3072 or with the Massachusetts Department of Elementary and Secondary Education, 135 Santilli Highway, Everett, MA 02149, 781-338-3300. If you have any questions regarding this notice, or would like more information and/or a copy of the Massachusetts Department of Elementary and Secondary Education Student Record Regulations, please contact Melinda Cripps, Director of School Counseling, at mcripps@billericak12.com.

2.11 School Property

All computers, books, lockers, and other materials or equipment issued to students are the property of the Billeric a Public School District. The student or parent/guardian must pay for any lost or damaged school property. Outstanding obligations from non-payment of goods, books, and official documents could result in the loss of certain student privileges and/or administrative holds on student records (i.e., diploma).

2.12 Visitors to the School

Source: BPS Policy KI

All visitors must sign in and out at the front desk in the main office and indicate the purpose of their visit. All visitors must present the main office staff with a state issued ID for use with the district adopted Raptor system. This program creates a visitor badge and a recording of all visitors on campus. Any visitor who fails to comply with visitor regulations may be asked to leave the school building and grounds immediately.

SECTION 3 - ATTENDANCE

Attendance shall be required of all students enrolled in the District during the days and hours that school is in session.

3.1 Attendance Policy

If a student is absent from school and a parent/guardian has not informed the school of the basis for the student's absence within three (3) calendar days of the absence, the parent/guardian will be contacted by the school.

The Principal or designee will notify a student's parents/guardians when the student has accumulated five (5) or more unexcused absences in the school year or has missed two (2) or more classes over five (5) cumulative school days in the school year due to unexcused tardies. Under such circumstances, the Principal may meet with the student and the student's parents/guardians to develop action steps to improve the student attendance. The parties may also seek input from

other relevant school staff and/or officials from relevant public safety, health and human services, housing, and nonprofit agencies.

In the event that a student is absent without valid excuse in excess of ten (10) consecutive school days, the student will be subject to disenrollment from the District. Prior to a student's disenrollment, an Exit Interview Meeting will be conducted with the student and parents/guardians in accordance with the requirements of Massachusetts law. M.G.L. c. 76, § 18.

Types of Absences

District policy recognizes two types of absences from school: excused and unexcused. The following are excused absences with documentation:

1. Illness or injury as documented in writing by a physician
2. School sponsored or mandated absence
3. Required court attendance
4. Medical and dental appointments with appropriate documentation
5. Death in the immediate family
6. Observation or celebration of a religious holiday

Examples of unexcused absences:

1. Truancy
2. Illness absence without documentation from a physician's office
3. Family vacations, trips, obligations, etc

3.2 Communicating Absences

If your child is going to be absent from school, parents/guardians must call the school prior to school starting or within 30 minutes after school begins. If a phone call is not received, the school department will call the household, informing the parent of the student's absence. For an absence to be considered excused, proper documentation must be provided.

When leaving a message, parents/guardians should call the school's attendance line and state their name, the student's name, date of absence, and the reason for the absence. Parents should contact the school within twenty-four hours of a student's absence if contact the morning of the absence is not possible. The telephone message will ensure that a student's absence is properly recorded. Absences due to illness, bereavement, family emergency, etc. shall be recorded as excused.. Absences without communication to the school shall be recorded as unexcused and may trigger administrative action.

3.3 Dismissals

To prevent interruption of classes and the disruption of learning, students are dismissed from school via parent/guardian notes. Dismissal notes should be submitted before the start of school. Notes must contain the reason for the dismissal and the expected time of return, if applicable. Students must be signed out of school from the main office.

Parents/guardians are requested to plan all student dismissals in this manner; emergencies are an

exception.

- Parents/guardians will be required to provide photo Identification.
- If a student is going to be dismissed to an adult other than a parent/guardian, the school must be informed in writing of the name of the person picking up the child. The person dismissing your child will be required to provide photo identification.
- Children will not be dismissed early to walk or to bicycle home alone.

3.4 Tardiness

Students should make every effort to arrive at school on time as tardiness is very disruptive to classrooms already in session. Late-arriving students should stop in at the office to be certain of being counted in attendance. A child is considered tardy if they arrive ten (10) or more minutes after arrival time. Tardy arrivals are documented on report cards as well as absences.

3.5 Non-Scheduled Vacations/Extended Vacations

Billerica Public Schools believes it is educationally unsound practice and discourages family vacations when school is in session. Family vacations interrupt the educational process in ways that make-up work is not able to adequately fulfill as well as compromises the attendance laws. Teachers are not responsible for providing homework, classwork, or make-up assignments if a family chooses to take a vacation which differs from those on the school calendar. We encourage students to keep a journal of their activities, practice math facts, and read while on the trip. Non-scheduled vacations/extended vacations are considered an unexcused absence and will be documented.

SECTION 4 - BEHAVIOR POLICIES

Source: BPS Policies JI, JIC

Most misbehaviors are handled directly and immediately by the teacher or supervisor charge at the time. For more serious behaviors, the Principal or designee will become involved. All incidents are handled in a "case by case" manner. The principal/designee will investigate the incident to become familiar with all relevant context and determine appropriate consequences, including, but not limited to: phone call home, loss of privilege, development of a restitution plan ("How to make amends?"), development of behavior plan ("How do we make sure this doesn't happen again?"), in-school suspension, or at home suspension. Students will be afforded all due process rights contained in M.G.L. c. 71, s. 37H, 37H1/2 and/or 37H3/4.

The intention of a consequence is to build an environment where all students understand the necessity of rules and the natural consequences that occur when rules are broken. All students must feel safe and supported in our schools.

4.1 Audio or Video Recording

The recording of either audio or video of another person, without their consent is a direct violation of Massachusetts State Law and the policies of the Billerica Public Schools. Massachusetts is a dual consent state requiring permission of both parties to mutually agree upon the use of their image or likeness.

4.2 Billerica's Anti-Bullying Policy

A safe learning environment is one in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. 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. The Billerica School Committee and all of the Billerica Public Schools shall not tolerate bullying.

We understand that members of certain student groups, such as students with disabilities, students with a different sexual orientation, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing. The school district will address the important task of creating a safe, supportive environment for vulnerable populations in the school community, and address the provision to all students of the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

Billerica Public Schools recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. It is also known that complex interactions and power differentials exist between some students, and this can directly impact a victim, perpetrator, and witnesses, and this plays a role in bullying situations that must be addressed. Each year, staff will receive training on developmentally appropriate strategies to prevent bullying incidents and developmentally appropriate strategies for immediate, effective interventions to address and stop bullying incidents.

The Billerica Public Schools will not tolerate any unlawful or disruptive behavior, including any form of 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 action with a purpose to ending such behavior and restoring 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 Billerica Public Schools Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyberbullying. The school 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 a plan aimed at preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The

principal is responsible for the implementation and oversight of the plan and may assign certain tasks in the implementation and oversight of such tasks as necessary and reasonable.

The intervention plan contains the required elements for bullying prevention and intervention as described in M.G.I. Ch. 71, Section 370, which include the following:

- Definitions of bullying, cyberbullying, and retaliation;
- Clear procedures for students, staff, parents, guardians, and others to report bullying or retaliation;
- A provision for the anonymous reporting of bullying;
- Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- The definition of a range of disciplinary actions that may be taken against an aggressor found to be in violation of the bullying policy (these disciplinary actions are intended to balance the need for accountability with the need to teach appropriate behavior);
- Procedures for restoring a sense of safety for a target;
- Strategies for protecting from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about an act of bullying;
- Procedures consistent with state and federal law for promptly notifying the parents or guardians of a target and an aggressor, including action to prevent further acts of bullying or retaliation;
- Procedures for immediate notification by the principal to local law enforcement when criminal charges may be pursued against an aggressor;
- A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- A strategy for providing counseling or referral to appropriate services for perpetrators and targets and for appropriate family members of said students;
- A statement indicating that the plan will afford all students the same protection regardless of their status under the law. *Adopted 11/22/2010*

The following is a summary of the student-specific portions of the District's Bullying Prevention and Intervention Plan:

COMPLAINT PROCEDURES: Anyone who has been bullied, as defined above, may bring their complaint to the attention of any school employee or volunteer. Any student, or other person, who believes that the bullying of a student has occurred may inform any school employee or volunteer. Complaints may be made orally or in writing, including notification that is web-based or text-based. If a staff member or volunteer is informed, she/he is required to report the complaint to the Principal or designee. Then, either a Principal or designee will investigate the claims of bullying or cyberbullying. Every effort will be made to insure confidentiality in any investigation. Where appropriate, efforts will also be made to resolve the issue informally by mutual agreement before invoking the more formal procedures as set forth below. Any student involved in the process, whether as complainant or as the person charged (i.e., the alleged aggressor) may be accompanied by an advisor throughout the process.

Complaints of bullying or retaliation may be made anonymously; however no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

False Accusations: Any student who knowingly makes a false accusation of bullying or retaliation will be subject to disciplinary action. Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, or other sanctions as determined by the school administration. An educational component will be part of the actions taken.

RESPONSE/INVESTIGATION OF REPORTS OF BULLYING

Complaints Made by Students Involving Harassment or Bullying

Upon receiving a complaint, the Principal or designee will confer with the complainant to gain an understanding and statement of the alleged facts. If the principal or designee determines that such facts, if true, would constitute bullying, as defined above, the principal or designee will take appropriate steps to fully investigate and/or resolve the complaint. If it is felt that no bullying has occurred, documentation to that effect will be written on the BullyingIncident Reporting Form as no further action needed or the claim was unfounded.

Informal Procedure

Following an initial investigation, it may be possible to resolve a complaint through a voluntary conversation between a complaining party and the alleged aggressor which would be facilitated by the principal or designee. If both the complaining party and the alleged aggressor feel that a resolution has been achieved, then the conversation may remain confidential and no further action need be taken. The results of an informal investigation shall be reported to the Principal. Consistent with state and federal law (FERPA), parents or guardians of the students involved will be notified of the incident and whether or not a resolution had been reached. If the complaining party, the alleged aggressor or the principal or designee chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, she/he may proceed to the formal procedure. The formal procedure is available for all complaints.

Formal Procedure

Step 1

The principal or designee shall fill out a Bullying Incident Complaint Form based on the written or verbal allegations of the complaining party. This Bullying Incident Complaint Form shall be kept in a centralized and secure location. The complaint form shall detail the facts and circumstances of the incident or pattern of behavior.

Parent Notification; If the school Principal or designee determines that bullying or retaliation has occurred, the school Principal or designee shall notify the parents or guardians of a perpetrator and notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of action taken to prevent any further act of bullying or

retaliation. All specific disciplinary actions will remain confidential in accordance with the law.

Step 2

The investigation may consist of personal interviews with the complaining party, the alleged aggressor and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether alleged conduct constitutes a violation of this policy, the principal or designee should consider the surrounding circumstances,

any relevant documents or electronic communications, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between

the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, school officials may take immediate steps, at their discretion, to protect the complaining party, alleged aggressor, and/or witnesses pending completion of an investigation of alleged bullying and may make any suitable referrals for assistance to appropriate persons or agencies.

Safety: 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, 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 take additional steps to promote safety during the course of and after the investigation, as necessary.

The Principal or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

The investigation will be completed within fifteen (15) school days, whenever practicable, from the complaint or report. The Principal or designee shall complete a report upon completion of the investigation. The report shall include a determination as to whether the allegations have been substantiated as factual and whether or not they appear to be violations of the Billerica Public Schools' policy. Summary of Action Steps:

- The report/complaint is received by the Principal or designee;
- A determination of jurisdiction is made (on campus, off campus, off campus but with an impact or an potential impact on campus);
- The reporter of the alleged bullying is interviewed by the Principal or designee
- If the reporter is someone other than the alleged victim, the alleged victim is interviewed;
- A determination is made regarding witnesses; those persons believed to be witnesses are interviewed;
- A determination is made regarding the information about the complaint which leads to the interview of the alleged aggressor;
- The plausibility and merit of the entire complaint is taken into consideration;
- Specific elements of the situation are determined; these elements may initiate disciplinary actions along with an educational component.

Step 3

Following the investigation, the Principal shall take what action if any, is required. As soon as practicable, but no later than 5 school days from receiving the findings of the investigation, the

school shall take appropriate action in all cases where the principal or designee concludes that this policy has been violated. As stated earlier, students who engage in bullying will be subject to a range of action. Students and/or appropriate family members of the involved students may be recommended for counseling or referral to appropriate services including guidance, academic intervention and protection to students, both targets and perpetrators affected by bullying, as necessary.

Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, expulsion or other sanctions as determined by the school administration. Action taken for violation of this policy shall be consistent with the requirements of state and federal law, including but not limited to the due process protections for students with disabilities.

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.

Step 4

The Principal or designee shall maintain the written report of the investigation and results in his/her office. The complaining party and the alleged aggressor shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken within 5 school days following the completion of the investigation.

Appeals

If either the complaining party or the individual against whom the complaint was made is dissatisfied with the outcome of the investigation, that person may request, in writing, a reopening of the investigation. The written request shall state the reasons for requesting a reopening and shall be delivered to the Superintendent, at Billerica Public Schools, 365 Boston Rd. Billerica, MA 01821 (978) 528-7908 within seven school days of receiving the results of the investigation. The Superintendent shall decide whether or not to reopen the investigation and, within ten school days of receiving the request to reopen the investigation, shall provide written notification of the determination to reopen or not to reopen to the complaining party, and to the individual against whom the complaint was made. If the investigation is reopened, the Superintendent shall require the repetition, as appropriate, of steps 2, 3, and 4 of the formal procedure. The timeline prescribed by step 3 will apply to any reopening under the appeal process.

Problem Resolution System: 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 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.

4.3 Billerica's Civil Rights Grievance Procedures

The Billerica School District is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, sex, national origin, gender, sexual orientation, gender identity, age or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this procedure is unlawful and will not be tolerated by the Billerica School District.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school district administration, subject to applicable procedural requirements.

Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations

The Civil Rights Grievance Procedure shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations ("Title IX") effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the District's Title IX Sexual Harassment Grievance Procedures. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the Civil Rights Grievance Procedure.

Definitions
For the purposes of this procedure:
"Discrimination" means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the Billerica School District.

"Harassment" means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off-color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the Billerica School District.

Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

Retaliation: retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this procedure or the sexual harassment procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under this procedure and/or the Title IX Sexual Harassment Procedures.

Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal's designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this procedure.

How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Principal or Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is

aware of the occurrence of prohibited conduct, may bring a complaint under this procedure. In such circumstances, that person is referred to as the "reporter."

Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to the Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.

Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.

Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.

Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.

Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.

Interim Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.

Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:

The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
The investigator will keep a written record of the investigation process.
The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.

Standard of Proof: The investigation shall make factual findings based on a preponderance of the evidence standard.

If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.
The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email to kclery@billericak12.com is sufficient) to the Superintendent or designee at Superintendent, Billerica Public Schools, 365 Boston Post Road, Billerica, Massachusetts 01821. The Superintendent or designee will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this procedure is:
Melinda Cripps: mcripps@billericak12.com

Employment Agency Information: federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website
https://www.mass.gov/orgs/massachusetts-commission-against-discrimination.

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

4.4 Building Security Violations

A building security violation is any action that puts the building occupants and the building at risk. This may include but is not limited to letting people in through unauthorized entrances, propping open doors, and admitting people into the building.

4.5 Cellphone / Electronic Devices

Cellphones, smart watches or any other electronic communication devices are not permitted to be used during the school day, or on the buses. In the event that it can be demonstrated that the use

of a device is a necessity during the day or on the bus the Principal/Assistant Principal may waive this policy to accommodate the needs of a particular student. All phone calls to or from students should be made through the main office, parents are requested to refrain from calling or texting their child during the school day.

Students are discouraged from bringing cellphones to school at all. Students who bring cellphones to school must keep them off and in their backpacks. Cellphones that are taken out of backpacks can be confiscated and released only to parents. The school is not responsible for the loss of electronic devices and or cellphones.

4.6 Fighting / Assault

Students and school personnel are entitled to a school environment free from threat and the physical aggression of others. Behaviors that violate this standard include, but are not limited to, incitement or instigation; physical abuse or uninvited personal physical contact, including sexual assault; threatening gestures, notes, comments, or electronic messages; fighting; extortion; and conduct which endangers oneself or others. Such behaviors are intolerable and incongruent with the Billerica Public Schools Mission and substantially disrupt the learning environment. Students involved or associated with such behaviors will be subject to administrative action including, but not limited to, suspension, police intervention, and possible criminal and civil charges. Any student who engages in a physical altercation towards another student is subject to suspension regardless of who initiates the altercation. Mitigating factors will be considered prior to implementation of consequences. Students will be afforded their due process rights pursuant to M.G.L. c. 71, s. 37H, 37H1/2 and/or 37H3/4.

Prevention of Physical Restraint and Requirements if Used

The Billerica Public Schools recognizes that on occasion physical restraint is required to protect the safety of school community members from serious, imminent physical harm. Physical restraint may be used only as an emergency procedure of last resort and shall be prohibited in public education programs 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 inappropriate under the circumstances. Physical restraint shall mean 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 shall not be used: (a) as a means of discipline or punishment; (b) 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; (c) 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 (d) 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. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to

protect a student or another member of the school community from assault or imminent, serious, physical harm.

Nothing in the District's policy, or the applicable regulations, prohibits: (a) the right of any individual to report to appropriate authorities a crime committed by a student or other individual; (b) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or (c) the exercise of an individual's responsibilities as a mandated reporter pursuant to MGL c. 119, § 51A.

The District complies with the requirements of Massachusetts regulations governing the use and reporting of physical restraint in school, 603 CMR 46.00.

4.7 Hazing

Massachusetts General Laws- Chapter 269
C. 269, S.17, Crime of Hazing: Definition: Penalty

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

The term "hazing" as used in this section shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such students 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. Added by St. 1985, c.536; amended by St. 1987, c665.

C.269, S.18. Duty to Report Hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime, shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars. Added by St. 1985; amended by St. 1987, c.665

C.269, S.19. Hazing Statutes to Be Provided: Statement of Compliance and Discipline Policy Required

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 eighth; provided, however, that an institution's compliance with this section's requirements that an institution issues 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 it 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 or secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the state of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams, or organizations and to notify each full-time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general in any such institution, which fails to make such report. Added by St. 1985, c.536; amended by St. 1987, c.665

4.8 Suspension

An administrator may issue a short term suspension for a period of up to ten (10) school days or a long term suspension longer than ten (10) school days, or expulsion pursuant to M.G.L. c. 71, s. 37H, 37H1/2 and/or 37H3/4. Prior to any decision or disciplinary action, due process will apply and take the form of the following: an opportunity for the student to present their interpretation of the incident/situation to an administrator; every effort will be made to contact and inform the parent/guardian; and students and their parents/guardians will be notified of the reason for suspension, duration, and any associated plan for re-entry, if applicable.

While suspensions are administrative actions, students will be responsible for class work missed during suspension(s) and can communicate with teachers and access online material. Moreover, suspensions temporarily preclude a student from access to their normal academic, co-curricular,

and social privileges. To this end, a suspended student is not permitted to attend any activities and events associated with such privileges, including academics and the Billerica Public Schools Sponsored or associated events (i.e., athletics, performances, dances) either on or off-campus, even as a spectator. In circumstances where a student may have procured access, acquired tickets, obtained authorization, or otherwise incurred either nominal or considerable expense in the process, such scenarios may result in a financial loss to the student and/or parent/guardian. To this end, the school and district are not responsible for financial loss due to its administrative procedures and protocols.

BILLERICA PUBLIC SCHOOLS - SCHOOL-WIDE EDUCATION SERVICE PLAN

This Plan will be shared with the parent and student at the suspension hearing or via email.

I. Students suspended for ten (10) consecutive school days or less:

A student suspended for 10 consecutive days or less, even if resulting in more than ten days of suspension cumulatively in the school year, will have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of their removal from the classroom or school. Suspended students will be assigned a school-based liaison who will provide the suspended student with a list of assignments to be completed by the student during the period of disciplinary removal. Upon their return from the suspension to school, students will have a time period equal to the number of days suspended to complete all assignments and assessments (for full credit) that were missed during the suspension.

II. Students suspended for more than ten (10) consecutive school days:

Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements. The choice of one of the following services is available to students suspended or expelled for more than ten (10) consecutive school days to facilitate their continued academic progress during the period of suspension or expulsion:

Individual/Small Group Tutorial Services:
The suspended student will be assigned to an individual or small group tutorial session to be remotely or in-person, in the discretion of the Billerica Public Schools; or

Virtual Learning Services
The suspended student will be enrolled in Edmentum, which provides online educational solutions designed to support individual student learning needs. Students enrolled in Edmentum courses benefit from comprehensive online coursework taught by Massachusetts certified teachers who fully implement required accommodations for students with special education services or 504 plans. The platform delivers personalized learning experiences tailored to individual student needs through an accessible digital curriculum that meets state educational standards.

Should a student require an Educational Service Plan, it will be housed in the student's cumulative record.

In order to access these services, please find below the contact information for school personnel who will be able to provide you more information about accessing such services. This individual is also responsible for ensuring implementation of tutorial services or verifying enrollment in virtual learning services.

Ms. Melinda Cripps,
Director of School Counseling, K-12

Billerica Public Schools
mcripps@billericak12.com
978-528-7925

Period of Expulsion or Suspension:

From: _____To: _____

Student Signature: _____ Date:_____

Parent Signature:_____ Date: _____

*The District-wide Educational Service Plan is located in Billerica Public Schools' handbooks. Should a student require an Educational Service Plan, it will be housed in the student's cumulative record.

In-School Suspension, M.G.L. c. 71, § 37H ¾ Only

Due Process for In-School Suspension, M.G.L c. 71, § 37H 3/4:

The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

(1) The principal may impose an in-school suspension for a disciplinary offense under 603 CMR 53.10, provided that the principal follows the process set forth below and the student has the opportunity to make academic progress.

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

(3) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction, 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. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(4) The principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth in paragraph e, 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.

(5) For in-school suspensions that are 10 days or less either consecutively or cumulatively in a school year, the principal's decision is final and there is no opportunity to appeal.

4.9 Theft

Students are expected to value and respect the property of others. Theft is a serious violation of school rules. Instances of theft may result in disciplinary action and restitution. The Billerica Public Schools and the District are not responsible for personal losses, such as thefts and damages in school, on school grounds, or during school-sponsored activities either on or off-campus. Whenever possible, items of value should remain at the student's home.

4.10 Trespassing

In instances when a person has been notified that they are not permitted on school property, then continued entry shall constitute trespass into a public school and law enforcement officials will be notified. A no trespass order may be issued by the school district.

4.11 Vandalism

Vandalism is the willful marring, defacing, or destruction of property. Defacing or otherwise damaging school property or personal property of members of the school community will result in administrative action deemed appropriate by the Administration. Criminal and/or civil liabilities may apply to which the Administration may defer to the proper agency for restitution.

SECTION 5 - HEALTH AND SCHOOL SAFETY

A registered nurse is assigned to each school, and is available for students requiring medical attention. Parents are notified immediately in the event of a serious illness or accident, however, the nurse does not call home every time she sees a student for a minor incident (scrapes, bandaids, belly aches, etc.). An emergency form for each student is on file with the nurse. Parents should ensure that all information is accurate and current each school year. Please advise the nurse of any medications your child currently takes, even if they are not taken at school. In the event of any emergency, this information is vital to appropriate care.

5.1 Illness at School

It is not uncommon for children to come down with an illness while at school. We require all parents fill out a health history and immunization report so that we will know your child's reactions to illness. Also, we require parents to sign an emergency form so that we provide emergency medical care if necessary. Please know that the school will make every attempt to reach the parent or designated person before independently deciding upon emergency care.

- If your child becomes ill at school and the nurse deems that they will need to be dismissed, we expect that an adult will arrive within 30 minutes of the phone call to pick up the student.

5.2 Illness at Home

If your child has a fever, diarrhea, vomiting, or other symptoms of illness, please don't send them to school until the symptoms are gone for 24 hours without the use of medication. Children with contagious diseases, strep throat, conjunctivitis, impetigo, etc. may not return to school until 24 hours after the start of an antibiotic.

5.3 Administering Medication

Source:BPS Policy JLCD

The Billerica Public Schools recognize that parents/guardians have the primary responsibility for the health of their children. Although the Department strongly recommends that medication be given in the home, it realizes that the health of some children requires that they receive medication while in school. Only a licensed prescriber (physician, nurse practitioner, and physician assistant) is legally authorized to prescribe medication. Parents should confer with the child's physician to arrange medication time intervals to avoid school hours whenever possible. When medication absolutely must be given during school hours, the following criteria must be met. All requests are to be referred to the school nurse.

Parents/Guardians must provide all of the following:

Prescription Medication

- Written directive from the prescriber, including diagnosis, medication, dosage, side effects, frequency of administration
- Parental signature authorizing the nurse to administer the medication.
- Medication in a container with the prescription labeled by the pharmacist with the student's name, date, medication, dosage and physician's name. (Pharmacists will provide additional containers for school use.)
- Medication should be delivered to the school by a parent or responsible adult
- Notification of changes or discontinuation
- Students carrying their own inhalers, their own enzyme supplements, their own glucose monitoring systems and/or insulin delivery systems and/or Epi-pens will demonstrate to the nurse the ability to self administer
- An extra inhaler, supply of enzyme supplements, supply of insulin or Epi-pen should

be kept in the nurses' office.

Over the Counter Medication in School

- May be administered in school with written parental consent per Medical Directives from the school physician
- Medical directives include Tylenol (acetaminophen), Ibuprofen (in Middle and High School) antibiotic ointment, antiseptic rinse, oral pain reliever, lip ointment, caladryl, first aid spray/ointment, petroleum jelly, and contact lens cleaner may be given in the preschool and elementary setting with parental permission.
- In addition to these, the middle schools may give an antacid with parental permission. *Over the counter medication will be given per standing orders of the school physician and will be under the school nurses' review.*

Long-term medication must be renewed (as above) at the beginning of each school year

For more information regarding administration of medication in school, please refer to 105 C.M.R. 210.

5.4 Field Trip Medical Procedures

Billerica Public Schools has been registered with the Massachusetts Department of Public Health for the limited purpose of permitting the delegation of prescription medication to unlicensed school personnel on Field trips and short term special school events. ALL schools will be under the same parameters.

- Every effort will be made to have the parent of a student requiring medication to attend the field trip.
- If possible, scheduled medications would not be given at home in the morning. The medication normally given to the student in the morning would be given by the nurse prior to embarking on the field trip.
- Students requiring scheduled medication on field trips would need an extra prescription bottle with the medication to be dispensed. (The state is working on a plan to allow envelopes to be used but at the present time, prescriptive bottles should be used.) These are provided free of charge from the pharmacy. The nurse would put the medication in a bottle and give it to the trained unlicensed staff member responsible for the medication.
- Unlicensed staff members are not permitted to assess a student. PRN medications must be self-administered by the student. Inhalers fall into this category. Students will be checked for competency in using their own inhalers.
- Epi-Pen administration is not categorized as a delegation It is a special registration that allows unlicensed staff to administer epinephrine in a life-threatening emergency. Unlicensed staff will be trained in administration practices.
- Staff administering medication will be trained by the school nurse.
- Field trip forms will be submitted by principals to the Director of Nurses fifteen school days before a field trip to provide adequate advance notice to arrange coverage for students with medical needs. This includes school-to-school field

trips within the district.

Field Trip Medication

- Medication will be held by the teacher or chaperone. If the medication is on file at the nurse' office, that will suffice.
- Day field trips – prescriptive medications that are given in the nurses offices can be delegated if no assessment is needed, otherwise, nursing services are required if parents or a chaperone designated by a parent is unable to attend. If a student is able to self administer a medication and the signed document is in the possession of the school nurse, the student may self administer their medication on the field trip.

5.5 Pediculosis – Head Lice

Pediculosis is a common problem in school-aged children. Head lice pose no real health risk to the population. However, since the condition can be transmitted to others, proper and successful treatment is essential. Our goal is to educate the students, parents, and staff on proper identification and elimination of head lice and nits as quickly as possible in addition to minimizing interruption of classroom/school time.

PROTOCOL:
The Billerica School District is in agreement with the American Academy of Pediatrics, Center for Disease Control, and National Association of School Nurses regarding pediculosis: Whenever possible, no healthy child should miss school time because of head lice. Students enrolled in the Billerica Public Schools who are discovered to have an active case of head lice (nits or lice) during school hours will be promptly identified and the following actions taken:

PROCEDURE:
When a student presents to the health office on the suspicion of head lice or at the request or teacher/parents, the school nurse will:

1. Examine the student's head for lice and nits.
    a. If live lice are found, the nurse will contact the parent/guardian and request prompt, proper treatment of their child's head lice. Parents will be educated and supported by the school nurse in the recommended procedure to eliminate head lice and provided with recommended procedures for treatment.
    b. If only nits are visualized, the student may return to class for the remainder of the school day. The student should be discouraged from close direct head contact with others. The nurse will contact the parent/guardian as above.
    c. It is left to the discretion of the school nurse as to whether dismissal is necessary depending on the severity of infection.
2. Confidentiality must be maintained.
    a. In isolated cases, classroom or random checks are not warranted, however, close contacts, students with symptoms, and siblings may be checked. Parents will not be routinely notified of cases of lice in classrooms due to privacy concerns and

the low risk of transmission of lice.

b. When pediculosis occurs in a school, the school nurse should determine, based on their judgment, whether some parents/staff should be notified.

c. If a cluster of cases are discovered in the same classroom, a general informational notice regarding lice may be sent home to the parents/guardians of the students in the classroom. This is left to the discretion of the school nurse.

3. Criteria for Return to School:

a. Students must be treated to return to school. Treatment is defined as either over-the- counter, medicated shampoo or prescription products. (Parents may choose to use alternative, non-chemical treatments; however, it is up to the discretion of the school nurse as to whether or not the child is allowed to return to school based on examination findings). Parents will also follow the recommended treatment for contacts, follow up procedures, as well as cleaning/storage as outlined by the AAP (see letter provided by school nurse).

b. Students must be accompanied by a parent/guardian to the nurse's office upon returning to school.

c. The student will be re-examined to determine the initial success of the recommended treatment. The student may attend class regardless of the presence of nits; however if the infestation is unchanged or live lice are still present, the school nurse will use current best practice guidelines to determine whether or not the student can return to class.

The school nurse continues to offer extra help and support to families of children who are repeatedly or chronically infested.

5.6 Elevator Access and Usage

The elevator is reserved for the use of students who have the approval of a school nurse or an administrator. Elevator use under such circumstances is limited to the approved student and one other individual who carries books and belongings of the approved student. Students found using the elevator without permission will be subject to disciplinary action.

Students using slings, casts, and/or crutches must report to the nurse's office with written documentation from the physician and parent/guardian for arrangements to be made for elevator use (as needed).

5.7 Allergens

Source: BPS Policy JLCA-R

The following guidelines are designed to reduce the risk of exposure to potentially life-threatening food allergens for our growing number of students with severe allergies. It is our goal to provide a school setting that minimizes the risk of accidental exposure, while maintaining a safe, positive educational environment for all students. For more information, including a list of resources for parents and students, see BPS Policy JLCA-R.

5.8 Food in the Classroom

Many parents/guardians want to send/bring treats into school to share with the entire classroom. While students should bring in a healthy snack each day for themselves, food is not permitted in the classroom unless there is a specific curriculum connection that is arranged through the classroom teacher before the event date. Please do not send food items to school for distribution to other students. Food sent in without prior permission from the teacher will be sent home.

5.9 Immunization Requirements

Massachusetts Department of Public Health - Minimum Immunizations Requirements for School Entry

	Child Care/Preschool	Grades Kindergarten - 6	Grades 7-12
Hepatitis B	3 doses	3 doses	3 doses
DtaP/DTP/ DT/Td	≥4 doses DTaP	4 – 5 doses DtaP/DTP (depending on age of 4th dose)	4 doses DtaP/DTP or ≥ 3 doses Td; plus 1 Tdap (booster) see phase in schedule)
Polio	>3 doses	3 – 4 doses (depending on age of 3rd dose)	3 – 4 doses (depending on age of 3rd dose)
Hib	1 - 4 doses (Depending on vaccine product and age series began)	NA	NA
MMR	1 dose	2 doses	2 doses
Varicella	1 dose	2 doses	2 doses

Children must present evidence of having been previously screened for Lead Poisoning as a condition of entry into Pre- School and Kindergarten.

THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Isolation and Quarantine Requirements
The Commonwealth of Massachusetts Department of Public Health mandates that any student or staff member, who is not appropriately immunized or is without laboratory evidence of immunity or a reliable history of chickenpox be excluded from school from the 10th through the 21st days after their last exposure.

5.10 Emergency Evacuations and Drills

Fire drills at regular intervals are required by law and are an important safety precaution. It is essential that when the first signal is given, everyone follows all instructions as quickly as possible. Supervising staff will provide directions and guidance on the protocol and evacuation route.

Lockdown drills will be conducted periodically during the school year. Similarly, as in the case of fire drills, upon the designated signal, students are to follow the established protocol for lockdowns. Supervising staff will provide directions and guidance on the protocol and evacuation route, if needed.

5.11 Homebound Instruction

In accordance with 603 CMR 28.03(3) (c), the Billerica Public Schools provides an instructional program for any student who, in the judgment of the student's physician, will have to remain at home or in a hospital for a period of not less than fourteen days. As soon as it is known that the student will be absent from school, the Home or Hospital Instruction program may be authorized.

A Home or Hospital Program is an extension of the school program in which the student is enrolled. The curriculum content of the program is equivalent to that of the class that the student is enrolled in. The instructor coordinates the program with the teacher of the program that the child would be attending. The instructor assists the student in maintaining effective progress in school subjects, and the classroom teacher assigns the actual grades.

Procedures for initiating homebound instruction:

a. Principal will inform parents that the form for Home and Hospital Services (Physician's Statement for Temporary Home or Hospital Education) is available on the web or through the school office.
b. The Parent/Guardian will submit a form to the child's Physician.
c. The Parent/Guardian will return the completed form to the School Principal who will forward a copy to the Director of Special Education for approval.
d. Principal or Designee will ensure services are delivered in accordance with policy and monitor until the student is able to return to school.

SECTION 6 - DISTRICT POLICIES

6.1 Absences

Source: BPS Policy JH

According to Chapter 76, Section1, of Massachusetts General Law, students are expected to attend class every day that school is in session. Billerica Public Schools believes that regular and punctual school attendance provides an essential foundation for educational progress and assists students in developing habits necessary for success in college and career. Students who are absent miss critical classroom instruction, opportunities for social interaction with teachers and peers, and clarification of assignments. Extended absences impair academic progress and undermine student grades. The goal of the Attendance Policy is to ensure that each student keeps absences to a minimum so that they can take full advantage of the educational program and actively participate in the school community.

6.2 Child Abuse / Neglect Chapter 119 Section 51

REQUIREMENT TO FILE REPORTS ON INJURED CHILDREN

A mandated reporter who, in his professional capacity, has reasonable cause to believe that a child is suffering physical or emotional injury resulting from: (i) abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare, including sexual abuse; (ii) neglect, including malnutrition; or (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.

All members of Billerica Public Schools staff are mandated reporters. If the mandated reporter requires assistance in reporting suspected child abuse or neglect, the mandated reporter may notify the principal or their designee, who will assist the mandated reporter in the reporting procedure in compliance with the Department of Children and Families.

A mandated reporter may, in addition to filing a report under this section, contact local law enforcement authorities or the child advocate about the suspected abuse or neglect.

1. For the purpose of reporting under this section, hospital personnel may have photographs taken of the areas of trauma visible on the child without the consent of the child's parents or guardians. These photographs or copies thereof shall be sent to the department with the report.
    a. If hospital personnel collect physical evidence of abuse or neglect of the child, the local district attorney, local law enforcement authorities, and the department shall be immediately notified. The physical evidence shall be processed immediately so that the department may make an informed determination within the time limits in section 51B. If there is a delay in processing, the department shall seek a waiver under subsection (d) of section 51B.
2. Notwithstanding subsection (g), whoever violates this section shall be punished by a fine of not more than $1,000. Whoever knowingly and willfully files a frivolous report of child abuse or neglect under this section shall be punished by:
    a. a fine of not more than $2,000 for the first offense;
    b. imprisonment in a house of correction for not more than 6 months and a fine of not more than $2,000 for the second offense;
    c. imprisonment in a house of correction for not more than 2 1/2 years and a fine of not more than $2,000 for the third and subsequent offenses.
3. Any mandated reporter who has knowledge of child abuse or neglect that resulted in serious bodily injury to or death of a child and willfully fails to report such abuse or neglect shall be punished by a fine of up to $5,000 or imprisonment in the house of correction for not more than 2 1/2 years or by both such fine and imprisonment; and, upon a guilty finding or continuance without a finding, the court shall notify any appropriate professional licensing authority of the mandated reporter's violation of this paragraph.
4. A report filed under this section shall contain: (i) the names and addresses of the child and the child's parents or other person responsible for the child's care, if known;
    a. the child's age
    b. the child's sex
    c. the nature and extent of the child's injuries, abuse, maltreatment or neglect, including any

evidence of prior injuries, abuse, maltreatment or neglect

d. the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect
e. whatever action, if any, was taken to treat, shelter or otherwise assist the child
f. the name of the person or persons making the report
g. any other information that the person reporting believes might be helpful in establishing the cause of the injuries
h. the identity of the person or persons responsible for the neglect or injuries
i. other information required by the department

5. A mandated reporter who has reasonable cause to believe that a child has died as a result of any of the conditions listed in subsection

    a. Shall report the death to the district attorney for the county in which the death occurred and the office of the chief medical examiner as required by clause (16) of section 3 of chapter 38. Any person who fails to file a report under this subsection shall be punished by a fine of not more than $1,000.
    b. Any person may file a report under this section if that person has reasonable cause to believe that a child is suffering from or has died as a result of abuse or neglect.
    c. No mandated reporter shall be liable in any civil or criminal action for filing a report under this section or for contacting local law enforcement authorities or the child advocate, if the report or contact was made in good faith, was not frivolous, and the reporter did not cause the abuse or neglect. No other person filing a report under this section shall be liable in any civil or criminal action by reason of the report if it was made in good faith and if that person did not perpetrate or inflict the reported abuse or cause the reported neglect. Any person filing a report under this section may be liable in a civil or criminal action if the department or a district attorney determines that the person filing the report may have perpetrated or inflicted the abuse or caused the neglect.
    d. No employer shall discharge, discriminate or retaliate against a mandated reporter who, in good faith, files a report under this section, testifies or is about to testify in any proceeding involving child abuse or neglect. Any employer who discharges, discriminates or retaliates against that mandated reporter shall be liable to the mandated reporter for treble damages, costs and attorney's fees.

6. Within 30 days of receiving a report from a mandated reporter, the department shall notify the mandated reporter, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child and the services that the department intends to provide to the child or the child's family.

    a. Any privilege relating to confidential communications, established by sections 135 to 135B, inclusive, of chapter 112 or by sections 20A and 20B of chapter 233, shall not prohibit the filing of a report under this section or a care and protection petition under section 24, except that a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner to report suspected child abuse or neglect under this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner is acting in some

other capacity that would otherwise make him a mandated reporter.

b. A mandated reporter who is professionally licensed by the commonwealth shall complete training to recognize and report suspected child abuse or neglect. M.G.L. c. 119, § 21 defines a mandated reporter as follows: Mandated reporter", a person who is: (i) a physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, allied mental health and human services professional licensed under section 165 of chapter 112, drug and alcoholism counselor, psychiatrist or clinical social worker; (ii) a public or private school teacher, educational administrator, guidance or family counselor, child care worker, person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed under chapter 15D that provides child care or residential services to children or that provides the services of child care resource and referral agencies, voucher management agencies or family child care systems or child care food programs, licensor of the department of early education and care or school attendance officer; (iii) a probation officer, clerk-magistrate of a district court, parole officer, social worker, foster parent, firefighter, police officer; (iv) a priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis; (v) in charge of a medical or other public or private institution, school or facility or that person's designated agent; or (vi) the child advocate.

Legal References: M.G.L., Chapter 434, Legislative Acts of 1980
M.G.L., Chapter 119, Section 51A
M.G.L., Chapter 119, Section 21
M.G.L., Chapter 176, Legislative Acts of 2008

6.3 Digital Video Cameras on School Transportation Source: BPS Policy EEA ECB

Digital video cameras may be installed on school buses operated by the Billerica School Committee or its transportations contractor. The operation of the digital cameras must be the type initiated by the ignition switches and not controlled in any way by the vehicle driver. All digital recordings will remain in custody of the school for a period of ten (10) working days. The use of digital video cameras is primarily intended to be an extension of the disciplinary procedures employed by school administrators and for driver/student training purposes. Digital recordings may be used to supplement or support the investigations of disciplinary infractions.

CROSS REF.: EEAEC-R, School Bus Disciplinary Procedures
Adopted: December 8, 2008

6.4 Disability Access

The policy of the Billerica Public Schools is to provide access to facilities and programs for physically disabled students, parents, and guests.

6.5 Dress Code

Source: BPS Policy JICA

The responsibility for the dress and appearance of the students will rest with individual students and parents.

The dress code supports equitable educational access and does not reinforce gender stereotypes. The dress code will be enforced in a non-discriminatory manner consistent with the laws that protect students on the basis of race, gender, ethnicity, religion, sexual orientation, household income, gender identity, or cultural observance.

The District supports students' freedom of expression and does not seek to abridge that expression, provided that such expression does not cause any disruption or disorder within the school. The school district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student or others, and that student attire does not contribute to a hostile or intimidating atmosphere for any student or others.
This does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that students will not be prevented from attending school or a school function, or otherwise be discriminated against, so long as their dress and appearance meet the requirements set forth above.

6.6 Drugs and Alcohol

Source: BPS Policy JICH

A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled substance. The School Committee prohibits the use or consumption by students of alcohol, tobacco products, or drugs on school property or at any school function.

Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during, attendance at or participation in a school-sponsored activity, will be barred from that activity and may be subject to disciplinary action.

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

LEGAL REFS.: M.G.L.71:2A; 71:96; 272:40A

6.7 Homeless Students - Enrollment Rights and Services

Source: BPS Policy JFABD

To the extent practical and as required by law, the District will work with homeless students and

their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided District services for which they are eligible, including pre-school programs, Title I, similar state programs, special education, ELL programs, vocational and technical education programs, RTI programs and school nutrition programs.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

1. Sharing the housing of other persons due to loss of housing or economic hardship;
2. Living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters;
4. Being abandoned in hospitals;
5. Awaiting foster care placement;
6. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
7. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
8. Migratory children living in conditions described in the previous examples.

The Superintendent shall designate an appropriate staff person to be the District's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area in which the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the District.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the District's decision and their appeal rights in writing. The District's liaison will carry out dispute resolution as provided by state rule. Unaccompanied youth will also be enrolled pending resolution of the dispute.

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to District policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the District liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to

District policies. Emergency contact information is required at the time of enrollment consistent with District policies, including compliance with the state's address confidentiality program when necessary.

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally.

The District's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens. The District's liaison will also review and recommend amendments to District policies that may act as barriers to the enrollment of homeless students.

Educational Opportunities for Students in Foster Care

The Every Student Succeeds Act (ESSA) requires that foster care students continue to attend their school of origin, unless after a collaborative decision-making process it is determined to be in the student's best interest to enroll in and attend school in the district in which a foster care provider or facility is located (if different than their prior school district). The law also requires that when it is not in the student's best interest to remain in the school of origin, the student is immediately enrolled and attends in a new school district, even if records normally required for enrollment cannot be quickly produced. Additionally, the law requires the Department of Children and Families (DCF), The Department of Elementary and Secondary Education (DESE), and the school district to designate points of contact; and also that the district collaborate with DCF and other school districts to ensure that students will receive transportation to the school of origin if needed.

Best Interest Determination

Decisions about whether a student in foster care should continue to attend their school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (and if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when different) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and take into account a variety of factors. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, DCF will finalize the best interest determination.

The district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. Under the law, to promote educational stability, students should continue to attend their schools of origin while best interest determinations are being made.

Transportation

The district of origin must collaborate with DCF on how transportation will be provided and arranged to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care. Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with

existing routes for transportation, seeking help from foster parent(s), etc. Absent other agreements between the district and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

Immediate Enrollment

If it is in the best interest of a student in foster care to leave the school of origin, the student must be enrolled in school in his/her local school district immediately. To minimize disruption of the student's education, the law requires the district to enroll the student in a new school right away, without waiting to receive the typical student enrollment documentation (other than emergency contact information). The enrolling school must immediately contact the child's school and district of origin to obtain the relevant records and documentation, and the school and district of origin should immediately transfer those records. To facilitate enrollment, DCF representatives will present a Notice to Local Educational Agency form that indicates that the student is in foster care, along with their state-agency identification badge, to the local school district when enrolling students.

Educational Opportunities for Children of Military Families

- In an effort to facilitate the placement, enrollment, graduation, data collection and provision of special services for students transferring into or out of the District because of their parents/guardians being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The Interstate Compact on Educational Opportunity for Military Children applies to children of military families who are school aged children enrolled in kindergarten through 12th grade, in the household of an active-duty member of the uniformed service of the United States, including members of the National Guard and Reserve serving on active duty.
- The following applies under the Interstate Compact on Educational Opportunities for Military Children:
- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Simultaneously, the receiving school must request official records and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
- For Kindergarten and First grade students, a student can continue in the same grade in the receiving state regardless of entrance age requirements, if they have already started kindergarten or 1st grade in an accredited school in the sending state in which the family was stationed. A student may go to the next grade regardless of age requirements, if they have completed kindergarten or 1st grade in the sending state.
- Receiving schools must initially honor placement of students in all courses from the sending school. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.
- In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
- The District may, as deemed appropriate, waive prerequisites or other preconditions for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
- Students shall have additional excused absences at the discretion of the District for visits with parents or legal guardians relative to leave or deployment.

An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent/guardian without any tuition fee imposed.

The student will be provided with the opportunity for inclusion in extra-curricular activities regardless of deadlines as long as the child is otherwise qualified.

6.8 Massachusetts General Laws Chapter 71

1. Section 37H

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

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

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

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

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

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

(e) 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.

(f) 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.

(g) 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.

2. Section 37H ½

This law pertains to students who are charged with or convicted of a felony anywhere.

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general

welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

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

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

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

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 under an education service plan, under section 21 of chapter 76.

3. Section 37H3/4

(a) This section shall govern the suspension and expulsion of students enrolled in a public school in

the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, headmaster, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school-or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school-or district-wide models shall not be considered a direct response to a specific incident.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term ''out-of-school suspension'' shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

6.9 Memorandum of Understanding between the Billerica Public Schools and Billerica Police Department

The Billerica Public Schools and the Billerica Police Department work together using a "memo of understanding as a guide. The highlights of this understanding, especially as related to students, are described below.

General Principles
The Billerica Public Schools and the Billerica Police Department agree to coordinate their efforts to prevent substance abuse, including the use of alcohol, by students. We furthermore agree to respond effectively to incidents of school delinquency or criminal behavior on school grounds, within school property, or at school sponsored events.

This agreement is entered into pursuant to the General Principles of the Governor's Alliance Against Drugs. This memorandum deals with the law enforcement response in a school setting or during any school-sponsored activity to any case(s) involving substance abuse and/or sale. The memorandum also concerns efforts by school officials and police to reduce the incidence of violence on school property or at school functions. It continues to remain the sole prerogative of school officials to impose discipline for infractions of school rules and policies.

Reports of Drug and/or alcohol and/or criminal incidents:
A. School reports to Police Department:

1. The following incidents must be reported to the Police Department and shall hereinafter be referred to as "mandatory reportable acts":

a) Possession of alcohol by a minor on school property, at school functions, or within a 1000 foot radius of school property;
b) Possession of any controlled substance as defined in G.L.C.94C by an individual on school property, at school functions or within a 1000 foot radius of school property;
c) Any incident in which any individual is reasonably suspected of, or determined to be selling or distributing drugs or alcohol on school property, at school functions or within a 1000 foot radius of school property;
d) Any incident involving serious personal injury or significant property destruction, or where there is a threat of such activity, on school property, at school functions, or within a 1000 foot radius of school property;
e) Possession of a dangerous weapon on school property, at school functions or within a 1000 foot radius of school property.

B. Police Department Reports to School

1. The following information shall be reported by the Youth Service Officer to the Reporting Officials:
   a) Any arrest made by the Billerica Police Department of any student.
2. The following information may be shared with school officials by the Billerica Police

Department subject to applicable statutes and regulations governing confidentiality.

a) The arrest and filing of a delinquency complaint against any student. To insure maximum sharing of information, the Billerica Police Department shall encourage the Probation Department at the Lowell District Court to report the filing of such complaints to the Reporting Officer promptly;
b) The Youth Service Officer should report any non-criminal activity involving a student (e.g. threatened or attempted suicide; victimization of the student by a parent, caretaker or other individuals) if the Youth Service Officer believes the activity poses a serious and imminent threat to the student's safety or the safety of other students and such a report would facilitate supportive intervention by school personnel on behalf of the student.

Procedures

When police are called by school officials in response to an offense described in paragraph A.1.(c), and when probable cause exists for arrest, the police may take custody of that person and if the person is a student, his parents shall be notified as soon as reasonably possible by the school principal/assistant principal.

The School Department reserves the right to search all school property for contraband or controlled substances in accordance with State laws.

To the extent possible, precautions must be taken by both police and school officials at all times to ensure that the educational process is not disrupted

BILLERICA POLICE DEPARTMENT	BILLERICA PUBLIC SCHOOLS
Chief Roy Frost Chief of Police	Dr. Kerry Clery Superintendent of Schools

6.10 Non-Custodial Parents

Source: BPS Policy KBBA

As required by Massachusetts General Law Chapter 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Dept. of Elementary and Secondary Education Regulations. The school district will follow the law and the regulations developed by the Massachusetts Dept. of Elementary and Secondary Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents").

As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless the school or district has been given documentation that:

1. The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
2. The parent has been denied visitation, or
3. The parent's access to the student 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.

(b) The school shall place in the student's record 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).

(c) To obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

(d) Upon receipt of the request the school must 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 in 603 CMR 23.07 (5)(a).

(e) The school must 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 must be marked to indicate that they shall not be used to enroll the student in another school.

(f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

6.11 Policy for Student Transportation General Guidelines Source: BPS Policy EEA

The major purpose of our transportation service is to aid students in getting to and from school in an efficient, safe, timely, and economical manner.

It is the intention of the Billerica School Committee to comply with the letter and spirit of Massachusetts General Laws with respect to the transportation of pupils.

Free bus transportation to and from school shall be provided by the District in accordance with the following:

a. Grades K-4: For any child living 1.0 miles or more from his/her school as calculated by the district's selected computer system

b. Grades 5-12: For any child living 1.5 miles or more from his/her school as calculated by the district's selected computer system

c. For any student whose individualized education program (IEP) or Section 504 Accommodation Plan includes entitlement to school transportation by the District.

d. For any homeless student eligible for transportation by the District pursuant to the McKinney-Vento Act, 42 USCA Section 11432(g)(1)(J)(iii).

Eligibility

The District intends to use a computer generated route optimization software package (e.g., Transfinder) to calculate distances for eligibility. Distance will be measured by the shortest walking route over public ways (either streets or regularly passable public footpaths) between the nearest curb or driveway of the student's residence to the nearest identified ordinarily accessible entrance way of the school.

A map of transportation eligibility/ineligibility zones, by school, shall be published by the district on its website. Eligibility/ineligibility zones will be reviewed and may be subject to change on an annual basis due to changing conditions, but will be published by July 15 of any given year. This map shall include a description of the designated ordinarily accessible entrance ways.

Students who are eligible for transportation will be provided a bus eligibility pass for the child's school by August 15.

Eligibility Appeals

If a parent or guardian wishes to challenge transportation eligibility, they must first contact the Director of Finance and Operations. This initial request for eligibility may either be upheld or denied. Should the initial request for eligibility be denied, the parent or guardian may file a formal appeal. All formal appeals will be heard by a quorum of the Transportation Appeal Board.

The Transportation Appeal Board is comprised of three voting members:

- Assistant Superintendent or designee
- Billerica Safety Officer or designee
- A non-employee community member

Three individuals will be identified as non-employee community members for the Transportation

Appeal Board, serving staggered three-year terms and appointed by the Superintendent. The three non-employee community members will share responsibility for participating in appeals, with only one voting member present for each appeal.

The Transportation Appeal Board is required to be held to a standard of confidentiality.

Appeals must be submitted in writing using the District Transportation Eligibility Appeal Form, found on the district's website. Appeals can only be submitted between the dates of July 15 and September 15, with the exception that the parent/guardian of a newly registered student has thirty (30) days from their child's first day of school to submit an appeal.

The Transportation Appeal Board will respond within five (5) business days from receipt of the form with a list of three (3) hearing dates and times that fall within fifteen (15) business days of receipt. The parent/guardian submitting the appeal must choose one (1) of these dates.

The appeal must be submitted with specific criteria for the appeal. The criteria must include at least one of the following:

- Miscalculation of distance
- Documentation of a safety hazard, as submitted by the complainant
- Roadways formally identified as areas of concern by the Billerica Traffic Management Committee

Any decisions made by the Transportation Appeal Board establish a precedent for that residence/school combination. Previously denied appeals will not be reconsidered by the Transportation Appeal Board barring significant changes to the public ways (streets or public footpaths) between the residence and school.

The Transportation Appeal Board will issue a decision within five (5) business days of an appeal hearing. In exceptional circumstances, the Board is granted an additional five (5) business days if roadway research is needed.

The appeal procedures set forth herein do not infringe upon the avenues of recourse otherwise available to students or parents/guardians under applicable law.

<u>Bus Stops</u>

All bus stops will be located where buses can safely reach and conduct loading. Bus stops will be established by the school department in consultation with the school bus contractor, and as necessary, the Billerica Police Department Safety Officer. School bus stops may be at centralized locations, and students are not entitled to individual street or door-to-door pickup and/or dropoff. The distance over the most direct public ways between an eligible student's residence and the nearest school bus stop shall not exceed 1.0 mile, in accordance with state law.

It is the responsibility of the parent/guardian to ensure safe passage of his/her child to an established bus stop. It is the responsibility of the parent/guardian to ensure the safety of his/her child at the established bus stop. The district's responsibility begins when the child boards the bus at the pickup location and ends when the child disembarks at the drop off location after school. The school department does not accept responsibility for the condition of streets and sidewalks, maintenance of traffic control signs, placement or maintenance of warning signs, or the enforcement of traffic laws, other than those on school property.

If a parent/guardian wishes to request a review of bus stop placement, such a request should be submitted in writing to the Director of Finance and Operations, who will conduct an initial assessment of the situation. This assessment will include, at a minimum, the following criteria:

- Direction of travel
- Traffic density and speed
- Visibility of bus signal devices from both directions
- How the child gets to the stop
- Specific hazards at the proposed stop

Should the parent/guardian wish to appeal the decision of the Director of Finance and Operations, they have the right to appeal in writing for the involvement of the Billerica Police Department Safety Officer, who will conduct a further evaluation of the request, including a visit to the site. All decisions on bus stops involving the Billerica Police Department will be final, and void of right of further appeal.

All K-4 students must have a parent, guardian, or other approved individual present at the bus stop in order for the student to be released from the bus. If no parent, guardian, or other approved individual is present, the student(s) will be returned to the school they attend for pick up. Year-long exceptions will only be valid with written consent from a parent/guardian, submitted to the principal of the child's school.

Behavioral Expectations

In view of the fact that a bus is an extension of the classroom, the District expects that children will conduct themselves on a bus in a manner consistent with established standards for classroom behavior. The authority for enforcing this requirement rests with the Building Principal and/or Superintendent of Schools. Students are subject to the code of conduct and disciplinary due process for misconduct occurring on school buses.

6.12 School Bus Disciplinary Procedures

Source: BPS Policy EEAEC-R

The bus driver is responsible, among other activities, for the supervision of pupil bus behavior. The Principal must assure, safe, prompt loading, and unloading of buses. In addition, the Principal must promptly and impartially cooperate with bus drivers and other personnel in solving disciplinary problems.

If a minor incident occurs on the bus, the driver should first speak to the pupil involved, warning the pupil that a repeated offense would be reported to the Principal, using the bus conduct form.

In most instances, a first minor offense reported by a driver in writing will result in a written notification to the home that the pupil has been warned. Parents/guardians must sign the acknowledgement form and return it to the school on the next school day.

A second minor offense reported will result in the pupil being placed on behavioral probation and written notice from the Principal what behavioral modification must be completed by the student. Behavioral modification shall be determined by the Principal. Examples: detention, in-house suspension, report writing, loss of recess, minor cleaning of bus, etc.

A third minor offense reported generally will result in a (3) three day suspension from bus privileges. Thereafter, any single written infraction will result in further loss of bus privileges.

If the first offense constitutes a major hazard, no warning needs to be given and the Principal may suspend a pupil from the bus and shall notify the parents, the bus driver, and the Superintendent's office. Any infraction reported thereafter will result in the loss of bus riding privileges.

MINOR OFFENSE = excessive mischief, eating-drinking-littering, being rude-discourteous-annoying, inappropriate language, violating safety procedures, minor bus destruction

MAJOR OFFENSE = fighting, insubordination, use of smokeless tobacco, smoking, use of or selling of alcohol, any action or deed that the authorities shall deem a hazard to students' health or safety.

OFFENSES THAT MAY RESULT IN EXPULSION FROM SCHOOL =

possession of a dangerous weapon and a controlled substance (drugs) as defined in M.G.L. Ch. 94C, and assault of a staff member. For pertinent information, refer to M.G.L. Chapter 71, Section 37H.

The above-mentioned disciplinary procedures may be waived or increased as deemed necessary by the Superintendent of Schools acting in the best interest of the Town of Billerica.

LEGAL REF.: M.G.L. 76:17

6.13 Searches and Interrogations

Source: BPS Policy JIH

Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school committees and administrators. This authority may be exercised as needed in the interest of safeguarding children, their own and school property. Students do not possess an expectation of privacy in their lockers.

Searches by school officials of students' automobiles or the student will be conducted in a way that protects the students' rights consistent with the responsibility of the school system to provide an atmosphere conducive to the educational process.

Interrogations by Police

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to make an effort to protect each student's rights with respect to interrogations by law enforcement officials. Therefore:

l . When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or their designee will be present when possible. An effort will be made to contact the student's parent or guardian so that the responsible individual may be notified of the situation.

2. If custody and/or arrest are involved, the Principal will request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officials.

6.14 Student Support Services, Special Education

The District is committed to providing quality education to all students regardless of their strengths or weaknesses. Some students with disabilities require specialized instruction and/or supportive services to enable them to make effective progress in school. Parents/guardians or teachers may refer students for an evaluation of the student's eligibility for special education services under the Individuals with Disabilities Education Act ("IDEA") and/or M.G.L. c. 71B. Within five (5) school days of such a referral, a consent form authorizing an evaluation of the student will be forwarded to the parent(s)/guardian(s). Upon receipt of the parent(s)'/guardian(s)' consent, an evaluation will be conducted, and a Team meeting will be held to determine if the student is eligible for special education services. If the student is found eligible for special education services, the Team will develop an Individualized Education Program (IEP) identifying the necessary services.

Additionally, Section 504 of the Rehabilitation Act of 1973 ("Section 504") requires a school district to provide a "free appropriate public education" (FAPE) to any qualified student with a disability who is in the school district's jurisdiction. Under Section 504, a FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . "

Individuals who have complaints regarding the District's compliance with Section 504 may bring suit in federal district court or file a complaint with the U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, MA 02118. In regard to concerns related to the identification, evaluation, and placement of students with disabilities, parents/guardians may file a hearing request with the Massachusetts Bureau of Special Education Appeals at 14 Summer Street, 4th Floor, Malden, MA 02148.

6.15 Security Cameras in Schools

Source: BPS Policy ECAF

The School Committee works to maintain a safe and secure environment for its students, staff, visitors, and facilities. Security means more than having locks and making certain that doors are locked at the proper times. Security also means minimizing fire hazards, reducing the possibility of faulty equipment, keeping records and valuables in a safe place, protection against vandalism and burglary, the prosecution of vandals, and developing crisis plans.

School facilities and their contents, constitute one of the greatest investments of the community. The School Committee believes it to be in the best interest of students and taxpayers for the district to exert every reasonable means to protect the investment adequately.

In pursuit of this objective, the School Committee authorizes the use of security cameras in school district buildings and on its property to ensure the health, welfare and safety of all students, staff and visitors, to deter theft, vandalism and other negative behavior, to safeguard district buildings, grounds and equipment, and to monitor unauthorized individuals in or on school property. Security cameras may be used in locations as deemed appropriate by the Superintendent of Schools in consultation with school officials as well as local law enforcement and emergency response agencies. They may be used in any area, inside or outside of school buildings where there is no reasonable expectation of privacy.

The district shall notify students and staff through student and employee handbooks and appropriate signage that security cameras have been installed and may be used at any time. Students or staff identified on security cameras in violation of School Committee policies will be subject to disciplinary action.

The Superintendent shall ensure that proper procedures are in place and are followed regarding use, viewing, disclosure, retention, disposal and security of video recordings or photographs from security cameras in accordance with applicable laws and regulations. A video recording used for security purposes in school district buildings and/or on school property shall be the sole property of the school district. All video recordings will be stored in their original format and secured to avoid tampering and to ensure confidentiality in accordance with applicable laws and regulations. Access to video recordings from security cameras shall be limited to school administrators (Superintendent/designee, School Principal/designee). Law enforcement and emergency response officials shall be granted access to video recordings or the security system after giving prior notice to the School Superintendent/designee.

The Superintendent may, from time to time, issue further guidance that is consistent with current laws and this policy.

Adopted: October 7, 2019

6.16 Student Discipline

Source: BPS Policy JIC

The School Committee believes that all students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be expected to acknowledge constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Each Principal shall include prohibited actions in the student handbook or other publication to be made available to students and parents/guardians.

Principals and staff shall not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students.

The Principal may, as a disciplinary measure, 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 remainder of this policy, law, or regulation.

The Superintendent shall provide each Principal with a copy of the regulations promulgated by DESE and shall have each Principal sign a document acknowledging receipt thereof, which shall be placed in their personnel file.

Suspension

See NOTE at end of policy regarding offenses to which this policy applies.

In every case of student misconduct for which suspension may be imposed, a Principal shall consider ways to re-engage the student in learning. Unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and/or in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school, principal shall not suspend or exclude a student until alternatives have been employed and their use and results documented. Alternatives may include but shall not be limited to the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and collaborative problem-solving.

The superintendent and/or principal shall also implement district/school-wide models to re-engage students in the learning process which shall include but not be limited to positive behavioral interventions and support models, and trauma sensitive learning models.

Notice of Suspension

Except for emergency removal or an in-school suspension of less than 10 days, a Principal must provide the student and the parent/guardian oral and written notice, and provide the student an opportunity for a hearing and the parent/guardian an opportunity to participate in such hearing before imposing suspension as a consequence for misconduct. The Principal shall provide both oral and written notice to student and parent/guardian in English and in the primary language of the home if other than English. The notice shall include the rights enumerated in law and regulation. To conduct a hearing without a parent/guardian present, the Principal must be able to document reasonable efforts to include the parent/guardian.

The principal or a designee shall notify the superintendent in writing, including by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes

of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

For any suspension or exclusion under this section, the principal or designee of a school in which the student is enrolled, shall provide to the student and parent/guardian, notice of the charges and the reason for the suspension or exclusion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal, or a designee, to discuss the charges and reasons for the suspension or exclusion prior to the suspension or exclusion taking effect. The principal, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal, or a designee, can document reasonable efforts to include the parent or guardian in that meeting.

Emergency Removal

A 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 including a description of the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall:

1. Make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, and the other matters required in the notice as referenced in the applicable regulation;

2. Provide written notice to the student and parent/guardian as required above. The notice shall include the rights enumerated in law and regulation;

3. Provide the student an opportunity for a hearing with the Principal that complies with applicable regulations, and the parent/guardian 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/guardian;

4. 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 of applicable law and regulation.

Principal shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.

In School Suspension - not more than 10 days consecutively or cumulatively

The Principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses provided that the principal follows the process set forth in State regulation and the student has the opportunity to make academic progress.

Principal's Hearing - Short Term Suspension of up to 10 days

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, the Principal 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 as set forth in law and regulation.

The Principal shall provide the parent/guardian, 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.

The Principal shall, based on the available information, including mitigating circumstances, 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/guardian 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, as required by law and regulation. The determination shall be in writing and may be in the form of an update to the original written notice.

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 short- term suspension takes effect.

Principal's Hearing - Long Term Suspension of more than 10 days and up to 90 days (consecutive or cumulative)

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights: In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal 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/guardian'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/guardian 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/guardian upon request.

The Principal shall provide the parent/guardian, 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.

The Principal shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, 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/guardian by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the Principal and the parent/guardian. The notice shall include the rights enumerated in law and regulation.

If the Principal decides to suspend the student, the written determination shall: Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; Set out the key facts and conclusions reached by the Principal; Identify the length and effective date of the suspension, as well as a date of return to school; Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as required by law and regulation; Inform the student of the right to appeal the Principal's decision to the Superintendent or designee, but only if the Principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information: The process for appealing the decision, including that the student or parent/guardian must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent/guardian may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the Principal's determination on appeal.

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.

Superintendent's Hearing

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

The student or parent/guardian shall file a notice of appeal with the Superintendent within the time period noted above (see Principal's hearing - Suspension of more than 10 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 shall hold the hearing within three (3) school days of the student's request, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, in which case the Superintendent shall grant the extension.

The Superintendent shall make a good faith effort to include the parent/guardian in the hearing. 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/guardian and Superintendent to participate. The Superintendent shall send written notice to the parent/guardian of the date, time, and location of the hearing.

The Superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian 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/guardian upon request. The student shall have all the rights afforded the student at the Principal's hearing for long-term suspension.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of law and regulation. 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 decision of the Superintendent shall be the final decision of the school district with regard to the suspension.

Expulsion

Expulsion is defined as the removal of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed by law for possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with

respect to such felony, if a Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Any student excluded from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Academic Progress

Any student who is suspended or excluded shall have the opportunity to earn credits, make up assignments, tests, papers, and other schoolwork as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed.

Any student who is excluded 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 the school-wide education service plan.

The Principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are excluded or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents/guardians of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under the law.

The Principal shall notify the parent/guardian and student of the opportunity to receive education services at the time the student is excluded or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

For each student excluded or suspended from school for more than ten (10) consecutive days, whether in-school or out-of- school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department of Elementary and Secondary Education.

Reporting

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long- term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

Students with Disabilities

Students with disabilities shall also receive the procedural safeguards afforded them under the IDEA (20 USCA Section 1415(k)), with respect to behaviors that violate school disciplinary codes.

SOURCE: MASC - Updated 2023

LEGAL REFS: M.G.L. 71:37H; 71:37H ½; 71:37H ¾; 76:17; 76:21

603 CMR 53.00

603 CMR 53.10(3) through (5)

603 CMR 53.13(1)

Chapter 222 An Act Relative to Student Access to Educational Services and Exclusion from School

REFS.: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973

https://www2.ed.gov/about/offices/list/ocr/docs/504-discipline-guidance.pdf

NOTE: The DESE regulations on student discipline and this policy, consistent with law, set forth the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in the school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L. c. 71, S. 37H or 37H½. The Principal, pursuant to the previously referenced statute may remove a student who has committed any of the disciplinary offenses above referenced from school for more than 90 days in a school year except that the removal from school for such offenses is subject to the provision of continuing educational services needed to make academic progress and, the requirement that all school districts regardless of the type of offense shall report school discipline data and analysis to DESE. Also, the prohibited actions above referenced are subject to the provision that allows the Commissioner to investigate each school that has a significant number of students suspended and excluded for more than 10 cumulative days in a school year and to make recommendations thereon.

DISCIPLINARY PROCEDURES FOR 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 (IDEA), 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 of 1973, are, generally, also entitled to increased procedural protections upon the imposition of a discipline sanction that will result in the student's removal for more than ten (10) consecutive school days or which will result in 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:

Students with disabilities may be excluded from their programs for ten (10) school days or less 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 subjected to a pattern of removal constituting a "change of placement," building administrators, the student's parent(s)/guardian(s), and relevant members of the student's IEP or 504 Team will meet to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP—"a manifestation determination."

No later than the date of the decision to take disciplinary action, the school district will notify the parent(s) of that decision and provide them with the written notice of procedural safeguards.

Team Determination that the Conduct was Not a Manifestation of the Student's Disability

If building administrators, the student's parent(s)/guardian(s), 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, except that students eligible for special education are entitled to services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals as of the eleventh (11th) day of disciplinary exclusion in the school year. Such services are not available to students under Section 504. The student's IEP Team will identify the services necessary to allow the student to continue to participate in the general education curriculum and to progress toward IEP goals during the period of exclusion, review any existing behavior intervention plan or, may, as appropriate, conduct a functional behavioral assessment, to address the behavior so that it does not recur.

Team Determination that the Conduct Was a Manifestation of the Student's Disability

If building administrators, the student's parent(s)guardian(s), and relevant members of the student's IEP or 504 Team determine that the misconduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further disciplinary removal or exclusion from the student's current educational program based on that incident of misconduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others). The student's IEP Team shall either: if a behavior intervention plan has already been developed, review and modify it, as necessary, to address the behavior; or arrange for a functional behavioral assessment, and implement a behavior intervention plan for the child.

Special Circumstances

If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a dangerous weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may, with or without parent/guardian consent, and regardless of the manifestation determination, place the student in an interim alternative educational setting (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. A parent can also consent to a forty-five (45) school day interim setting. If the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

The interim alternative setting must enable the student to participate in the general curriculum, although in another setting, and progress toward the goals in the IEP. The interim alternative setting must also provide services and modifications designed to address the behavior giving rise to the removal and to prevent the behavior from reoccurring.

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

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

Note: If, prior to the disciplinary action, the school district had knowledge that the student may be a student with a disability, then the district will make all protections available to the student (e.g., manifestation determination) until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if: (a) the parent had expressed concern in writing; (b) the parent had requested an evaluation; or (c) District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student. The district may not be considered to have had prior knowledge if the parent has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility. If a request is made for an evaluation of a student's eligibility for special education services under the Individuals with Disabilities Education Act (IDEA) during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student will remain in the educational placement determined by school authorities, which may include suspension or expulsion from school. If the suspension imposed terminates prior to the completion of said expedited evaluation, the student shall be allowed to return to school immediately upon the conclusion of the disciplinary exclusion. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

6.17 Student Publications

Source: BPS Policy JICE

Within the school setting, students enjoy the constitutional right of freedom of expression, including the right to express their views in student publications, provided such expression does not cause, or threaten to cause by reasonable forecast by school officials, any disruption or disorder in the school. Additionally, such constitutional right of freedom of expression does not include expression which is obscene, defamatory, or advocates violence or illegality where such advocacy is imminently likely to incite the commission of such acts to the detriment of school security, or which can reasonably be forecast to cause substantial disruption or material interference with school activities.

The School Committee will at least annually review their support of student publications, and encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views subject to the limitations as contained in this policy.

Student publications will be encouraged to comply with the rules for responsible journalism. Students shall affix their names to all articles or editorials written by or contributed to by them. The Superintendent will establish guidelines that are in keeping with this policy and provide for review of student publications prior to their distribution, to address matters that are not protected forms of expression.

Each student publication shall contain the following: "Pursuant to state law, no expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students."

Distribution of Literature
The time, place and manner of distribution of literature will be reasonably regulated by the Principal.

6.18 Student Rights and Responsibilities

Source: BPS Policy JI

The School Committee has the responsibility to afford students the rights that are theirs by virtue of guarantees offered under the federal and state constitutions and statutes. In connection with rights, there are responsibilities that must be assumed by students.

Among these rights and responsibilities are the following:

1. Civil rights--including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.

2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.

3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his rights.

4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.

5. The right to privacy, which includes privacy with respect to the student's school records.

It is the School Committee's belief that as part of the educational process students should be made aware of their legal rights, and of the legal authority of the School Committee to make and delegate authority to its staff to make rules regarding the orderly opera-tion of the schools.

Students have the right to know the standards of behavior that are expected of them, and the consequences of misbehavior.

The rights and responsibilities of students, including standards of conduct, will be made available to students and their parents through handbooks distributed annually.

6.19 Residency

Source: BPS Policy JF

All children of school age who reside in the town will be entitled to attend the public schools, as will certain children who do not reside in the town but who are admitted under School Committee policies relating to nonresident students or by specific action of the School Committee.

6.20 Title IX Sexual Harassment Grievance Procedures

OVERVIEW

The Billerica Public Schools ("District") is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The District does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX of the Education Amendments of 1972 not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Billerica Public Schools.

SCOPE

The Title IX Sexual Harassment Grievance Procedure has been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedure applies only to allegations of sexual harassment under Title IX and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedure applies to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. A District education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedure. Allegations of conduct that meet the definition of sexual harassment under Title IX and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedure.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedure. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

The District's Civil Rights Grievance Procedure is available at:
https://drive.google.com/file/d/1s_WJLYeKrDY-AOs-un_QeSIgWJ-hVZOr/view?usp=viewing

CONFIDENTIALITY

The District will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this Procedure the terms "complainant" and "alleged victim" shall have the same meaning.

Formal Complaint: A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

(1) alleges sexual harassment against a respondent; and
(2) requests that the District investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Complaint is being filed.

Sexual Harassment: Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

(1) any instance of quid pro quo harassment by a school employee;
(2) unwelcome conduct on the basis of sex that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or

(3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term "consent" shall be defined in a manner consistent with Massachusetts laws.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a "course of conduct" directed at a specific person that would cause a "reasonable person" to fear for the person's safety or the safety of others or suffer "substantial emotional distress."

For the purposes of this definition:
"Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
"Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal's designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Superintendent: The Superintendent or Superintendent's designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

I. REPORTING SEXUAL HARASSMENT

A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.

B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any District employee who receives a report of sexual harassment will respond to the report as outlined below.

C. Internal Reporting: Any District employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any District employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall instead report the allegation to the Superintendent.

   Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:
   (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
   (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
   (3) Consider the complainant's wishes with respect to supportive measures;
   (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
   (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complainant will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

(1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.
(2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
(3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school district with which the Formal Complaint is filed.
(4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this Procedure, and by any additional method designated by the school.
(5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
(6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
(7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Step 2: Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

Step 3: Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is

presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this Procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the District shall provide notice of the additional allegations to the parties whose identities are known.

Step 4: Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

(1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
    a. even if proved, would not meet the definition of sexual harassment under Title IX;
    b. did not occur in an education program or activity of the District; or
    c. did not occur against a person in the United States.
(2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
    a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
    b. the respondent is no longer enrolled or employed by the District; or
    c. specific circumstances prevent the District from gathering sufficient evidence to make a determination.
(3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
(4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedure, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

Step 5: Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

(1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
(2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
(3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
(4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
(5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to

confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.

(6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.

(7) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.

(8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this Procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the applicable time frames, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

(1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.

(2) The parties and their advisors shall be prohibited from disseminating any of the evidence for any purpose not directly related to this grievance procedure.

Step 7: Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

Step 8: Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

Step 9: Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

(1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
(2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
    a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
    b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
(3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.[1]
(4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
(5) Each party will be provided a copy of the other party's or witness's written answers.

Step 10: Determination of Responsibility/Findings of Fact by the Decision-Maker:
(1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
(2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
(3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
(4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
(5) The written determination must be sent simultaneously to both parties.
(6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.

B. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which must include but need not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.

C. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable

[1] The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.

(1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this Procedure until after this grievance process has been completed.

D. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this Procedure will be facilitated by trained personnel.

(1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
(2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
(3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

E. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.

F. Anonymous Reports: The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.

G. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:

(1) Procedural irregularity that affected the outcome of the matter;
(2) Newly discovered evidence that could affect the outcome of the matter; and/or
(3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this Procedure, the respondent may

elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email to kclery@billericak12.com is sufficient) to the Superintendent, Billerica Public Schools, 365 Boston Post Road, Billerica, Massachusetts 01821.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

H. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.

I. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location; and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination

J. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:

- Title IX Coordinator: Melinda Cripps, Director of School Counseling: mcripps@billericak12.com

- Investigator(s): Assistant Principal, Title IX Coordinator or Title IX Coordinator Designee
- Decision-maker: Principal or Principal's Designee
- Appeal Officer: Superintendent or Superintendent Designee
- Informal Resolution Facilitator: Assistant Principal, Title IX Coordinator or Title IX Coordinator Designee

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be displayed on the District's website.
Inquiries regarding compliance with Title IX may be directed to:

Ditson Elementary School	Principal	39 Cook Street	978-528-8510
Dutile Elementary School	Principal	10 Biagiotti Way	978-528-8530
Hajjar Elementary School	Principal	59 Rogers Street	978-528-8550
Kennedy Elementary School	Principal	20 Kimbrough Road	978-528-8570
Parker Elementary School	Principal	52 River Street	978-528-8610
Locke Middle School	Principal	110 Allen Road	978-528-8650

Marshall Middle School	Principal	15 Floyd Street	978-528-8670
Billerica Memorial High School	Principal	35 River Street	978-528-8711
District-Wide	Asst. Superintendent	365 Boston Road	978-528-7920
District-Wide Title II Coordinator	Director of School Counseling	35 River Street	978-528-8760
Massachusetts Department of Education	75 Pleasant Street Malden, MA 02148		781-338-3300
Director of the Office of Civil Rights Region I – U.S. Department of Education	33 Arch Street Ninth Floor Boston, MA 02110		617-289-0111

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

6.21 Truancy

Source: BPS policy JH

If you are absent from school without just cause, it includes being deliberately late to school so that it constitutes an absence from class. The first offense will result in a Saturday Detention. Notification to your parents will be made by the assistant principal. The second and subsequent offenses will result in administrative prerogative including and up to suspension from school. Repeated offenses will be dealt with on an individual basis and may include court involvement. If you are truant, you forfeit the right to make up work missed for that day. Students are responsible for reporting directly to school once they have left home.

Prevention of Physical Restraint and Requirements if Used

The Billerica Public Schools recognizes that on occasion physical restraint is required to protect the safety of school community members from serious, imminent physical harm. Physical restraint may be used only as an emergency procedure of last resort and shall be prohibited in public education programs 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 inappropriate under the circumstances. Physical restraint shall mean 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 shall not be used: (a) as a means of discipline or punishment; (b) 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; (c) 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 (d) 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. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

Nothing in the District's policy, or the applicable regulations, prohibits: (a) the right of any individual to report to appropriate authorities a crime committed by a student or other individual; (b) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or (c) the exercise of an individual's responsibilities as a mandated reporter pursuant to MGL c. 119, § 51A.

The District complies with the requirements of Massachusetts regulations governing the use and reporting of physical restraint in school, 603 CMR 46.00.

** This handbook has been translated into the major languages spoken by parents or guardians of District students. If parents'/guardians' or a student's primary language is not English, and the District has not already translated the student handbook(s) into their primary language, the school will translate a handbook and/or code of conduct into that language. The District will also make oral interpretation available for any parent or guardian with limited English skills, including parents or guardians who speak low-incidence languages. Title VI; EEOA 20 U.S.C. 1703(f); M. G. L. c. 76, section 5; 603 CMR 26.02(2); 603 CMR 26.03; 603 CMR 26.08*