

BEVERLY PUBLIC SCHOOLS

ELEMENTARY HANDBOOK

2022 – 2023

NOTICE OF NON-DISCRIMINATION

Students, parents, employees, applicants for admission, and applicants for employment are hereby notified that the Beverly Public Schools District does not discriminate on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or, disability, and any other class or characteristic protected by law.

Questions, complaints, or requests for additional information concerning the Beverly Public School District's compliance with the regulations implementing Title VI, Title IX. The Americans with Disabilities Act (ADA), or Section 504 should be directed to:

Dr. Dorothy Flaherty
70 Balch Street
Beverly, MA 01915
978-921-6100 ext. 21714
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GENERAL INFORMATION

Registration of New Students

Students new to the Beverly Public Schools must register at their assigned school, as determined by their street address. Prior to admittance, parents or legal guardians are required to provide a legal birth certificate, a transfer slip from the departed school, authorization to release all student records, up-to-date immunizations, lead screening, physical exam, and a proof of residence as required by state law.

Homeless students (students who lack an adequate fixed residence) see page 12.

Aspen Parent Portal

The Aspen Family Portal software is a new tool that the Beverly School district has to maintain communication with parents. Beverly Public School parents/guardians can use the Aspen Family portal software on computers or mobile phones to review their student data and keep up to date with academic progress. The portal displays contact information, health office visits and health conditions, as well as a record of school attendance. You can also view your students' schedule, class assignments, and latest grading information. Student report cards will be published to the portal.

If you don't have a family portal account, please contact your school clerk.

Resolving Concerns

The normal flow of information on matters relating to individual concerns should be through the teacher, principal, central office administration, and lastly, the School Committee.

Elementary Homework Guidelines

Homework shall be considered a necessary part of the learning process. Generally, homework should provide sufficient practice time to master the subject matter of the course. A home assignment should be an extension of clearly defined school activities and should be appropriate to age, ability and independent level of students. Teachers should assign meaningful homework which fosters lesson enrichment, application, review and the practice skills which have been previously taught and learned. Homework should also provide an opportunity for open-ended individual activities encompassing a variety of levels for suitable response and a variety of activities.

Kindergarten	It is recommended that parents read to and with students daily. Occasionally homework will be assigned.
Grade One	Approximately 30 minutes per night. It is expected that this includes independent/shared reading daily.
Grade Two	Approximately 30 minutes per night. It is expected that this includes independent /shared reading daily.
Grade Three	Approximately 30 minutes per night. Students are expected to be doing independent/shared reading daily.
Grade Four	Approximately 45 minutes per night. Students are expected to be doing independent reading daily and work on long range projects as assigned.

Guidelines for Effective Homework Assignments

1. Homework should be an appropriate extension of class work. The assignment and its purpose should be clearly stated. Homework should be as carefully planned as any classroom activity.
2. When appropriate, guided practice should take place in the classroom to prepare for homework; homework itself should not be done during class time.
3. At the beginning of the year, the teacher should make clear to the students his/her policy regarding the grading of homework.
4. When homework is assigned, it should be corrected and returned to the student as soon as possible. It may not be

necessary to go over every example in class. The teacher should use the assignment to determine what the student has learned and what still needs to be taught.

5. Homework should not be assigned if there is not adequate time to prepare students; nor should it be assigned as punishment.
6. Complex, long-range assignments should incorporate appropriate structure and guidelines including a sequence of tasks and frequent progress reviews.
7. Homework assignments should be coordinated to meet the required total time requirements when several teachers work with the same student.
8. Students should be taught how to study before they are expected to work independently; therefore, the teacher should plan with the students not only what to do, but how to do it.
9. Homework assistance is available in after school programs at several elementary sites. Please contact the building principals for more information.
 - Effective homework assignments should:
 - Strengthen basic skills
 - Develop initiative, responsibility and self-direction
 - Build independent study skills
 - Teach budgeting of study time
 - Promote parents' understanding of educational programs
 - Build confidence by ensuring successful learning experiences and familiarity with materials and procedures.
 - Encourage innovation and creativity through open-ended, individualized assignments.

Responsibility of Parents

While students should assume the major responsibility for completing homework assignments, parents should be encouraged to take an active interest in students' homework by:

- Working on math and reading family assignments together with their child/ren.
- Encouraging independent and shared reading
- Promoting a positive attitude towards homework
- Providing consistent time and a suitable place for study
- Making resource materials available
- Assisting with drills
- Communicating with the teacher special circumstances which may affect a child's ability to complete assignments

In all cases, the requirements of an Individual Education Plan (I.E.P) should be considered when assigning homework for special education students

Report Cards

In grades K-4, report cards are issued each trimester. Report cards at the elementary level are standards-based and are designed to reflect the Beverly curriculum. Parent conferences will be held after the first trimester.

Student Record Regulations & FERPA

The *Family Educational Rights and Privacy Act (FERPA)* is a federal law that provides two basic rights to parents in regards to student records:

1. The right to inspect and review their child's education records
2. The right to prevent unauthorized persons from seeing the same records

The Commonwealth's student record regulations (603 CMR 23.00) are designed to ensure parents and students of confidentiality, inspection, amendment, and destruction of student records, and to assist school authorities in carrying out their responsibilities under state and federal law.

To request records, please send a written request to your child's school and/or to the Administrator of Special Education and PPS, Beverly Public Schools, 70 Balch Street, Beverly, MA 01915.

Student Records: Description Student records consist of all information kept by the school and organized in a manner such that a student may be individually identified. Student records include both the Permanent Record (transcript) and a Temporary Record. The transcript shall contain the minimum data necessary to reflect a student's educational progress. This data shall be limited to the student's name, address and phone number; birth date; the name, address, and phone number of parent/guardian; course titles, grades (or the equivalent when grades are not applicable), course credit, grade level completed, and the year completed. A Temporary Record contains the majority of a student's information maintained by the school. This record may include information such as standardized test results, MCAS scores, extracurricular activities, and evaluations by teachers, counselors or other school staff.

Student Records: Destruction of Records Following a student's withdrawal, transfer, or graduation from BHS, the only document that will be kept on file in the Guidance Office will be the Transcript/ Permanent Record, which must be kept by the school system for at least sixty (60) years after students leave the system. Upon withdrawal, transfer, or graduation from BHS, students will be given notice at that time of their right to obtain their Temporary Record and that, should a student not obtain it, it will be destroyed by a specified date (which by law must be within seven (7) years of withdrawal, transfer, or graduation). Since there may be some information contained within the folder, such as a student's Health Record, which may be of value in the future, it is suggested that students obtain their Temporary Record and make and keep duplicate copies. If a student received any special education services while at BHS, they may obtain those parts of their Temporary Record from the special education office.

Student Records: Access by Parents and Students A parent with physical custody of a student under 18 years of age or a student who has entered the ninth grade or is at least 14 years old ("eligible student"), has the right to inspect and/or copy all portions of the student record upon request. The record must be made available to the parent or eligible student no later than ten days after the request, unless the parent or eligible student consents to a delay or unless the request is made by a non-custodial parent. A reasonable fee may be charged for the cost of copying the record. The parent and eligible student also have the right to amend the student record or to request deletion of certain information. Instruction on how to do this may be obtained from the Registrar's office. The parent and eligible student may also request to have parts of the record interpreted by qualified school personnel or may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record

Student Records: Access Procedures for Non-Custodial Parents State law mandates standard procedures for making student records available to a non-custodial parent. Under M.G.L., Chapter 71, Section 34H, a non-custodial parent is one who does not have physical custody of their child. Such parent must submit a written request to the school principal annually in order to obtain a copy and/or access to their child's record. For more information about making this type of request, contact Administrator of Special Education and PPS, Beverly Public Schools, 70 Balch Street, Beverly, MA 01915.

Student Records: Access by Third Parties With a few exceptions, information in a student's record will not be released to a third party without the written consent of the eligible student and/or a parent having physical custody of a student under 18 years of age. These exceptions are set forth in the federal statute "FERPA", 20 U.S.C., § 1232g and 34 CFR Part 99, and in the Massachusetts regulations, 603 CMR 23.00. In addition, the following information will be released as a routine matter unless a student or parent follows the objection process set forth at the end of this section.

- i. Directory Information: A student's name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post high school plans.

Student Records: Amendment The eligible student and their parent, or either one, has the right to add information or other relevant material to the record. They also have the right to request the deletion or amendment of any information in the record. The school Principal or their designee is required to make a decision regarding such a request which may be appealed first to the Superintendent and then to the School Committee.

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

Student Privacy Policy Office

Grade Retention

In Beverly, a team consisting of the principal, teacher, and other appropriate personnel reviews students being considered for retention. The team will consider attendance, academic performance, effort, and social/emotional readiness when making recommendations for retention. Parents will be notified promptly in writing of such a review by the end of the second trimester. By May 1st, parents will be notified if the possibility of retention still exists and will be requested to attend a conference to discuss the matter and reach a decision regarding the child's placement for the following academic year. Following this meeting, the principal will make the final decision regarding retention and will notify the parents in writing.

Educational Trips

Field trips are scheduled throughout the year at the discretion of teachers with the approval of the school principal. These trips are coordinated with thematic units being studied and are intended to reinforce and augment classroom learning. Written permission from parents is required in advance. Students who do not submit signed permission slips on time will not be allowed to participate in field trips.

School Bus Safety

All rules and regulations of conduct, which are enforced in school, also apply to students traveling on school buses. The school district is responsible for the conduct of its students while using the transportation system as much as when they are in a school building. Bus rules are designed to ensure the welfare, safety, and security of all students. Students should wait for the bus in a safe place, away from the road.

Each bus rider shall be properly seated, and aisles shall be clear at all times. No standees will be permitted while the bus is in motion. Bus riders should cooperate with the bus driver. Eating and drinking is not permitted on any bus. Drivers will be obligated to refuse all passengers in excess of the rated capacity of their buses.

Fire and Safety Drills

Throughout the school year, fire and safety drills are conducted by the Beverly Police and Fire Departments and the school principal to instruct the children on the safest and fastest evacuation routes out of the school. All classrooms have fire/safety drill procedures posted. Everyone in the building is required to exit during a fire drill.

Evacuation Plans

Each building has developed an Evacuation Plan to be implemented in situations where, for safety reasons, students must be removed from the building to a safe place on school grounds or to an alternative site. Details of individual plans are available in each building office.

School-Based Crisis Teams

Schools have established Crisis Teams and Response Protocols to intervene during a crisis to ensure safety and respond in the aftermath of a tragedy.

The Crisis Team works closely with safety officials and individuals to coordinate preventative mental health and counseling services within the school. Parents are apprised of any "crisis-related" activity through written notices or telephone calls from the school.

Staff recognize that follow-up remains one of the most crucial elements of a crisis intervention program. Children grieve and respond to a crisis over time. Therefore, in addition to brief, time-limited interventions, plans for continued and long-term support for those children in need are available. The Crisis Team will monitor and help parents facilitate the provision of long-term services for students, as indicated.

Visitor Policy

Parents and visitors to all schools are required to report to the office, sign in, and obtain visitor identification before proceeding to

classrooms or other parts of the building. Upon departure from the building parents and visitors are required to report to the office, sign out, and return visitor identification if necessary. State law prohibits all tobacco products including vapor/E-cigarettes and marijuana by any individual, adult or student, on school grounds or school events.

Animals

No animals are allowed on school grounds except at the discretion of the principal

School Council

The School Council is an advisory board comprised of the principal, parents elected by the general parent population, teachers elected by the faculty, and one or more community members appointed by the principal. The School Council's purpose, as directed by the Education Reform Law of 1993, is to form a foundation for a more focused, responsive and accountable system of serving students and to involve parents and teachers in strengthening the bonds between school and community.

The School Council reviews the school building budget, helps to adopt goals for the school, identifies the educational needs of the students, and develops the annual School Improvement Plan. In addition, the School Council reviews the Student Handbook and the District Curriculum Accommodation Plan on a yearly basis.

Meeting dates and times are posted on each school's website calendar.

Parent/Teacher Organization (PTO)

Each elementary school has an active and dedicated PTO. The purpose of the PTO is to foster good communication between parents and staff members of each school. In addition, the PTO conducts fundraising activities to support enrichment programs throughout the district. Parents are urged to participate in school activities and become active PTO members. Meetings are held regularly throughout the year. Dates and times are posted on the school website calendar.

Citywide PTO

The Citywide PTO Council is a group of representatives from all Beverly schools. The Council meets on a monthly basis to exchange ideas and information relating to safety, education, and cultural enrichment.

School Volunteers

The Beverly School Committee recognizes and appreciates the value of community volunteer efforts to support student academic achievement and social growth.

Principals are required to ensure that CORI (Criminal Offender Record Information) checks are completed and current on all building volunteers and field trip chaperones. CORI checks are valid for three years. Only those parents and other volunteers complying with this request will be allowed to serve as volunteers and chaperones.

Breakfast & Lunch

The Food Services Department provides quality, nutritious meals that meet the needs of the school community while complying with state and Federal regulations. Food served to students complies with the Healthy School Meals Initiative in order to meet the dietary goals for all Americans.

Families with limited resources may apply annually to receive meals free or at a discounted price. At the beginning of the school year, applications are sent home with students, and they can be picked up at any school office during the year. One application is sufficient for all children in the family. The Food Services Department will notify each school and the family as to whether the children are eligible to receive benefits. Homeless students, students who lack a fixed residence, are eligible for free school meals through the McKinney-Vento Act and do not need to complete an application for free lunch.

All elementary schools have on-site full service kitchens serving breakfast, lunch, and limited a la carte items. Families are encouraged to participate in not only our lunch program but also our breakfast program.

Payment for Meals

For school year 2022-23 each student will receive one free breakfast and one free lunch each day. An additional meal can be purchased at the register. The Meal Magic Point of Sale System is used in all cafeterias.

Each student has an account and you must make deposits to your student's account if they would like the ability to purchase additional meals. As the student uses their account to make purchases for breakfast and lunch, the meal amount is deducted from the account. So if an elementary student has \$25 in their account and they purchase a lunch, \$3.25 will be deducted, leaving a balance of \$21.75. The system keeps a running balance so you will always be able to check your account balance online. Please note that each student will receive 1 free breakfast and lunch daily.

To make a deposit you may do one of the following:

- Visit www.sendmoneytoschool.com. A \$2.65 transaction fee applies.
- Send a check to the Food Service Office, 100 Sohier Rd, Beverly, MA 01915
- Bring a check to any of the School's cafeterias.
- Please make sure all checks are made out to Beverly Public Schools Food Service

For parents or guardians who have not applied for the Free & Reduced Meal Benefits, applications are available online using www.LunchApp.com. When using this site, your approval will be in one business day or less. Meal Magic helps to protect your student's privacy when participating in this program because all students' accounts will look the same.

If you have any questions please contact Christina Leal at the 978-921-6132 ext.11129 or email cleal@beverlyschools.org.

2022/2023 Prices all levels

Breakfast	\$2.25
Lunch	\$3.25
Milk	\$0.75

Technology

The Beverly Public Schools makes available to all students and employees electronic technology including, but not limited to, access to the Internet and the World Wide Web, and use of computers and file servers located in each school for limited educational purposes.

Supervised and limited access to network services is given to users who agree to act in a considerate and responsible manner and is granted to users with a signed "Acceptable Use Procedure Agreement" and permission of their building principal or supervisor. For users under the age of eighteen, parent permission is required. Access is a privilege - not a right.

Individual users of district computers and networks are responsible for their behavior and communications over the networks. It is presumed that users will comply with the expectations outlined in the "[Acceptable Use Procedure Agreement](#)". Violations of the Agreement may result in a loss of access as well as other disciplinary or legal action. Please reference the [Access to Digital Resources Policy](#) (IJND)

Within reason, freedom of speech and access to information will be honored. During school, teachers will guide students toward appropriate materials. Outside of school, families bear the same responsibility for such guidance as they exercise with information sources such as home computers, television, telephones, movies, radio, and other potentially offensive media.

Website

The Beverly Public Schools maintains an informative website:

www.beverlyschools.org

The website contains information on all schools in the district, school district calendars, School Committee membership, committee meeting dates, the Superintendent's page, district test results, lunch and breakfast menus, and updated notices of activities in the schools.

We encourage parents to view the "Parent Resources and Child Welfare" section of the website for services that may be helpful to them and their families.

Connect-Ed

Connect-Ed is our school-to-parent communication system that will allow administrators to send periodic and personalized

telephone and email messages. With Connect-ED we can deliver important school information in a timely manner. Connect-ED also supports our ability to reach you immediately in the event of an emergency. You will be receiving these messages periodically to notify you about important events, such as: Parent teacher conferences, PTO meetings, back-to-school nights, early release days, and fundraisers. If your phone number or email changes during the school year, please notify the school to stay “connected.”

Electronic Devices

Students are not permitted to use iPods, mp3 players, cellular phones, pagers, beepers, or other similar communication, game, or video recording devices while in school or attending school functions during school hours.

Recycling

It is the policy of the Beverly School Committee to support and encourage every effort of staff and students to collect and dispose of all materials consumed and recycle in an appropriate manner.

PROGRAMS / SERVICES

Special Education

Federal and state laws ensure that qualified students with disabilities receive a free, appropriate education in the least restrictive environment. The law provides, at no cost to the family, any special services a child needs in order to access the curriculum effectively.

Upon request, a student may be referred for an evaluation to determine eligibility for special education. A team, made up of the classroom teacher, the school principal, parents and/or guardians, school psychologist, school social worker and, if necessary, a learning disability specialist, speech and language therapist, and other therapists conduct an evaluation of the student. Upon completion of the evaluation, the team meets to determine eligibility, and if appropriate, write an Individual Education Program.

Title I

The Title I project in the Beverly Public Schools is a student support program for reading and math to insure every child has the opportunity to achieve educational excellence. Title I programs are designed to enable Title I schools to identify children who are low achieving students and to provide academic support services to these learners.

Funding for Title I services is provided through the Massachusetts Department of Elementary & Secondary Education, with funds allocated to each state by the Federal government. These funds are provided to communities based on the number of children from low-income families in the community.

English Language Learners (EL)

ELL (English Language Learners (EL) are students whose first language is not English and who are in the process of learning English. Students receive this designation if they are also unable to perform ordinary class work in English. The term EL is used interchangeably with the term LEP (Limited English Proficient).

Beverly Public Schools provides services to EL students. The program consists of English Language Development (ELD) and Sheltered English Instruction (SEI). When a student no longer needs services, parents are informed and the student is monitored for two years.

Accommodation Plans (504)

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with a handicap in any program receiving federal financial assistance. The act defines a person with a handicap as anyone who:

- has a mental or physical impairment which substantially limits one or more major life activities (major life activities include activities such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working).
- has a record of such an impairment
- is regarded as having such an impairment.

In order to fulfill its obligation under Section 504, the Beverly Public Schools recognizes a responsibility to avoid discrimination in policies and practices regarding personnel and students. No discrimination against any person with a handicap will knowingly be

permitted in any of the programs and practices in the school district. The school district has specific responsibilities under the Act, which include the responsibility to identify, evaluate, and, if the child is determined to be eligible under Section 504, to afford access to appropriate accommodations to enable access to educational services. Questions, complaints, or requests for additional information concerning the Beverly Public School District's compliance with the regulations implementing Section 504 should be directed to Dr. Dorothy Flaherty, 504 Coordinator at 978-921-6100, ext. 21714.

Homeless Children

Homeless Students: Enrollment Rights & Services

The McKinney-Vento Homeless Assistance Act requires school districts, through their homeless student liaisons, to provide public notice of the education rights of the homeless students enrolled in their districts. As required by law, Beverly Public Schools will work with homeless children and youth and unaccompanied youth (collectively, "homeless students") as well as their families or legal guardians 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 Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs and school nutrition programs, summer programming and extracurricular activities.

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, economic hardship, or similar reason;
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. Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings; and
7. 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. The Homeless Liaison is Ellen Faulkner, efaulkner@beverlyschools.org.

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.

Behavioral Health Services

Beverly Public Schools and behavioral health providers work together collaboratively to promote student success both socially and academically. The District utilizes behavioral health consultants and works with clinicians in coordinating behavioral health services in school and for families within the community. For further information on the services and supports available, please call Dr. Dorothy Flaherty, Assistant Superintendent, at 978-921-6100, ext. 21714.

Preschool

The Beverly Preschool Program supports the philosophy of inclusive education to which the Beverly Public Schools are committed. Inclusion is a working philosophy that supports and promotes the ideal that all children can and should be educated together in regular education with age appropriate peers, to the extent possible. This philosophy is planned and structured so that the learning environment takes into account individual learning styles and provides opportunities for EVERY child to make progress and achieve success. Our goal is to create a developmentally appropriate environment that fosters the achievement of maximum growth for each child, through a collaborative effort involving teachers, therapists, teaching assistants, community and family.

Kindergarten

The Beverly Public Schools is proud to offer free full day kindergarten to all students. Full day Kindergarten programs are located in all five elementary schools. Every effort will be made to place students in their home school. However, space availability and enrollment may impact final determinations regarding placement for kindergarten.

Children must be five (5) years of age on or before August 31st to be eligible to enter kindergarten. A legal birth certificate must be presented at the time of registration. Proof of residency is required to determine school placement in the district. Children entering kindergarten must have all required immunizations up-to-date in order to enroll in school.

Parents are asked to provide responsible supervision to and from school for kindergarten children. We request that kindergarten children be escorted to and from school by a responsible adult. Children must be picked up promptly at the conclusion of their session. If someone other than a parent or other previously designated adult comes to pick up your child, please call or write a note to your child's teacher. No child will be released to any adult unless authorized by the parent and with provision of proper identification.

Fine Arts / Instrumental Music

Elementary students are introduced to and practice the arts as they begin to develop an understanding of the creative process and the unique characteristics of dance, drama, music and visual art. Through sequential instruction in the arts, students are introduced to basic methods and materials used to foster creativity. They explore basic concepts across the curriculum through various art forms. In third and fourth grades, students are introduced to playing musical instruments with instructional units on playing the recorder.

Students in the third and fourth grades have the opportunity to participate in the *Elementary Instrumental Music Program*, a voluntary enrichment program that offers students in third and fourth grade introductory lessons on string instruments and students in fourth grade introductory lessons on band instruments. Students are pulled from general classroom instruction once per week to receive their 30-minute lesson in small groups of students on like or similar instruments. A user fee is assessed for students participating in this program.

Fourth grade students may also elect to participate in the extra-curricular band program where students meet before or after school to rehearse music and play as a school band. It is the *Elementary Instrumental Music Program* that prepares students to enroll in the middle school band programs as well as the *Beverly Symphony Orchestra*, our district orchestra program for students in grades 5-12.

For more information about arts education in the Beverly Public Schools, contact the office of the Assistant Superintendent at 978-921-6100 x-21715.

ATTENDANCE

Introduction

In accordance with the laws of the Commonwealth of Massachusetts, all students are required to attend school on all days that school is in session. Consistent and punctual attendance fosters learning and allows for the continuity of instruction, student preparation, the development of good work habits, and academic achievement.

The Beverly School Committee, realizing the importance of regular attendance as a factor in successful academic achievement, endorses that the only acceptable reasons for being absent from school are those caused by personal illness or quarantine, death or serious illness in the family, weather so inclement as to endanger the health of a child, religious holidays, court appearance, and other exceptional reasons approved by the school administration. Absences for any other reasons are considered unexcused absences. The school principal shall be responsible for viewing attendance records and initiating appropriate actions at the building level to address unexcused pupil absences and tardiness. Students are expected to make up any work missed due to excused absences or tardiness.

Absences

Parents should call the school to notify them that their child will be absent and the reason for the absence or please send a note or email to the school secretary and/or nurse with your child on the day he/she returns to school after an absence. The note/email should include:

The child's name

Date(s) of absence

Reason for absence

Parent's or guardian's signature if applicable

When chronic or excessive absence occurs, reportedly due to illness, the principal may request a physician's statement certifying that such absence is justifiable.

Notification

Teachers will take daily attendance and maintain attendance records. To alleviate the concern that a child may be lost or truant, parents are requested to call the school by 8:00 AM if a student will be absent or late for any reason. Your call to the voice mail will keep the school secretary from having to make unnecessary calls to check on your child.

Tardiness

It is important that all children arrive at school on time every day. In the first few minutes of each day, we greet students and explain our plans and expectations for the day. This is a time to address any problems or concerns a child may have. All children benefit from this transition time to help start the day off on a positive note.

If your child is going to be late for school, please call the school office and send a note with your child, explaining the reason for the delay. Tardy children **must** report to the office before proceeding to class so that the office may properly record that your child is, in fact, in school and not absent.

Dismissals

If parents request that their child be dismissed prior to the end of the child's school day, parents must send in a signed note stating:

Date

Time of dismissal

Reason for early dismissal

Name of person picking up your child

Parent's or guardian's signature

The parent or authorized adult must come to the school office to call for the child at the appointed time. No child will be dismissed unless accompanied by an authorized adult. Parents are urged to schedule appointments at times that do not conflict with school hours.

Interventions for Excessive Absences or Tardiness

If a child's absence or tardiness becomes excessive, the District may request medical substantiation and the Principal may notify the Coordinator of Child Welfare and Attendance. Reports of unresolved truancy and chronic absenteeism may result in the filing of a Child Requiring Assistance Petition (CRA).

The M.G.L. chapter 119, section 39E, allows the District to initiate an application for a Child Requiring Assistance on behalf of any child between six and sixteen years old who fails to attend school for more than 8 days in a quarter without a proper excuse. In addition, if a child between six and sixteen years old consistently fails to obey the reasonable and lawful commands of the school including chronic tardiness, the law provides that the school may file a Habitual School Offender application.

Planned Absences

Students who are absent for reasons that are not excused may not be allowed to make up work. In particular, this includes students who take vacations or family trips that do not coincide with previously scheduled school vacation days. Beverly Public Schools discourages such unexcused student absences. Please note the following conditions concerning unexcused absences:

- Going on a vacation during school time is a family decision. Parents assume responsibility for their child's schoolwork during this time.
- Parents should notify the school principal in advance regarding any non-scheduled vacations.
- Students will not be given schoolwork in advance.
- Teachers will keep a folder of all work assigned during the student's absence. It will be given to the student upon his/her return to school, in order for the student to be able to keep up with the progress of the rest of the class during his/her absence. Teachers will not be expected to correct any work that is contained in this folder.
- Students will not be allowed to make up quizzes or tests administered during this absence.
- No grades will be awarded for missed work. Long-term assignments that are due during the planned absence must be completed prior to the absence in order to receive credit.

Anyone with questions regarding this policy should contact the principal.

Transfers

If a child is moving out of the Beverly School district, a transfer form must be prepared, and parental permission must be obtained to send records to the receiving school. In notifying the school of any move, please provide the following information:

Child's last day of attendance

Name and address of new school

Child's new home address

Parents are asked to notify the school as early as possible, of any move. The school needs time to prepare the necessary transfer papers that will make the transition as smooth as possible.

Open Enrollment

The Beverly Public Schools allow students to attend any Beverly school at the elementary level when space permits and when building or classroom staffing levels are not affected.

The School Committee affirms its position that it shall not discriminate in the open enrollment of any child from one school to another on the basis of race, religion, color, national origin, ethnicity, sex, sexual orientation, gender identity, homelessness, age, disability, athletic performance, physical handicap, special need, academic performance, or proficiency in the English language, subject to the availability of specific programs and student services at the specific building for which space is available.

The principal of the proposed receiving school, in conjunction with the superintendent, will consider approval for a request to be granted, provided that such approval does not create a staffing increase. All requests will be evaluated on a yearly basis.

Parents of elementary school students may apply for open enrollment within the district. Applications, in writing, must be submitted to the Superintendent's Office by May 1st. All written responses to parents will be provided by August 1st. In all cases, transportation for open enrollment students is the sole responsibility of the parent(s).

In addition, the District will consider the following situations as extenuating circumstances in granting permission for students residing in one area of the city to attend elementary school outside their attendance area, when the exception does not create a staffing increase.

- With the permission of the building principal and superintendent, elementary students (grades K-4) who move from one region to another within the city may remain at the original school for the remainder of the school year.
- When it has been determined that the physical, emotional, or intellectual health of a child will be substantially impacted by the normal school placement, the parent may request a change in placement. The superintendent, in consultation with the building principal(s) will make this determination. Each application must be evaluated on a yearly basis.

In addition, with the permission of the building principal and superintendent, elementary students (grades K-4) who move to

another location outside the city may remain at a Beverly elementary school for the remainder of the school year.

School Choice

It is the policy of the Beverly Public Schools to admit non-resident students under the terms and conditions of the School Choice Law (Massachusetts General Laws, Chapter 76, Section 12) and under the following local conditions:

- The administration will determine the number of spaces available at each level for school choice students by May 1st of each school year.
- The total number of students at each grade level will be certified by the School Committee by May 1st and will be reported to the Department of Elementary & Secondary Education each year.
- The School Committee will conduct a public meeting by June 1st of any year, if consideration is being given to withdraw from the provisions of the School Choice law.
- In accordance with the Open Enrollment Policy, resident students will be given priority placement in any classes or programs within the district.
- When the number of requests for school choice exceeds the number of available spaces, the selection of non-resident students for admission will be in the form of a lottery. The lottery will take place no later than June 1st of each year. Any sibling of a student already enrolled, as a school choice student shall, upon application, receive priority for admission to the program.
- Any student who is accepted for admission under the provisions of this policy is entitled to remain in the district until graduation from high school, except if there is a lack of funding of the program.
- Transportation for school choice students shall be the sole responsibility of the parent/guardian.
- The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age, and/or, disability, athletic performance, physical handicap, special need, academic performance, or proficiency in the English language, subject to the availability of specific programs and student services at the specific building for which space is available.
- With respect to students requiring special education, in accordance with current law, the district will charge the sending district of the non-resident student the actual cost of educating any special needs student accepted as part of the School Choice program, including the cost of a substantially separate program or private Chapter 766 day or residential school placement, if applicable.

Weather Emergencies

The safety of children will never be put at risk because of dangerous weather. Regardless of the convenience issues, if it is believed by the Superintendent of Schools that weather conditions could endanger your child, school will either be postponed or canceled. The Superintendent will inform the various media by 6:00 A.M. of the decision to cancel school or postpone the start time. This information will include the amount of time of the postponement, how half-day (PreK-K) programs will be handled, and cancellation of special meetings and sporting events.

When emergency weather conditions exist, parents should monitor television and radio, particularly the following stations, between 6:00 and 7:00 A.M. The superintendent will also inform families using Connect-Ed provided we have the correct contact information.

WBZ TV (Channel 4)
WCVB TV (Channel 5)
WHDH TV (Channel 7)
BEV-TV Comcast Cablevision
WBZ Radio 1030 AM
WRKO Radio 680 AM

HEALTH AND RELATED ISSUES

Accident Insurance

Student accident insurance is made available to all students at the beginning of the school year. Application forms will be sent home in student packets. It is considered to be a supplement to family health insurance. Participation is optional and parents may elect either "school day" or "twenty-four hour coverage".

Examinations, Physicals and Immunizations

Physical examinations, including a vision and hearing screening, are required in Massachusetts for students entering kindergarten. Physical examinations with updated immunizations are mandatory for students entering grades 1,4,7 and 10. If you do not have insurance coverage and/or access to a physician, please notify the principal or school nurse so they may be of assistance to you.

The school nurse conducts the mandated health screenings (vision K-4, hearing K-3, height & weight 1,4,7,10) for all children. If any problems are discovered, the school nurse will notify parents in a timely manner. Please [click here for updated immunization requirements](#) as required by the Massachusetts Department of Public Health.

Dental Program

The Beverly Health Department maintains a modern dental facility for servicing children in grades K-4. The clinic is located at Beverly Middle School, and children are transported by bus to the clinic. Please call your school nurse if you have questions about the specific services that the clinic offers.

Emergency Card Information

At the beginning of the school year, families are required to complete an emergency card for each child attending school. Emergency cards provide the school with correct information for emergency situations. It is important to list allergies (i.e. food, bee stings, latex) and any medications that the child takes on a daily basis. If you have an unlisted telephone number, please provide the number and indicate that it is unlisted. We will keep it confidential. It is important to have a working phone number on file.

If any information changes during the year such as your phone number, address, the names of your emergency contact people or health information, please inform the school immediately. This is important for your child's safety in the event of any emergency. Students will only be released to people listed on the Emergency Card.

Child Abuse & Neglect Reporting

Massachusetts General Laws, Chapter 119, Section 51A places an important responsibility on public and private school teachers, educational administrators, healthcare professionals, guidance and adjustment counselors, school psychologists, attendance officers, social workers, and others who work with children to report to the Department of Child and Family Services (DCF) if they have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse, including sexual abuse, or neglect.

It is the practice within the Beverly Public Schools that any teacher or other school employee who suspects that a child's physical or mental health or welfare may be affected by abuse or neglect shall submit a report to the principal of the school in which the child is enrolled. A 51A report will then be made to the DCF by either the principal or the mandated reporter. It is not the responsibility of educators to prove that the child has been abused or neglected or to determine whether the child is in need of protection.

Head Lice/Pediculosis

The American Academy of Pediatrics and the National Association of School Nurses no longer endorse a "No Nits" procedure in schools. Exclusion has been proven to be an ineffective tool in reducing lice outbreaks. It is the goal of the Beverly Public Schools to contain infestation of head lice (Pediculosis) by minimizing absences due to unnecessary exclusion of students, thus maximizing student's academic performance.

The school nurse will examine the head of any child suspected of having an active lice infestation and notify the parent/guardian. Since the presence of nits (eggs) alone does not indicate active infestation, a student found with just nits present will be sent back to class, and the parent will be notified, and given information on how to treat and manage head lice infestation. The student will be checked by the school nurse in one week. If live lice are found during the nurse's examination, the nurse will evaluate the severity of the infestation and determine if the student will return to class or be dismissed for treatment. Once the treatment has been completed, the student may return to school **only** after the school nurse re-examines the student before returning to class.

Targeted Pediculosis screenings of the affected student's family and close contacts will be performed by the school nurse. "Mass" screenings for nits alone have also been proven to be ineffective and will only be performed in situations where multiple cases have been found in a single classroom. A notice to inform the entire classroom will be sent home **only** if multiple cases are found.

In cases that involve head lice infestation as in any health related issue, school nurses and school staff are committed to maintaining student's privacy and the family's right to confidentiality. We encourage parents to contact their child's school nurse and physician if they have questions surrounding the identification and treatment of Pediculosis.

Communicable Diseases

A communicable disease is one that may be transmitted directly or indirectly from one individual to another by means of an infectious agent.

Your child should be immunized against diphtheria, whooping cough, tetanus, poliomyelitis, measles, mumps and rubella, and chicken pox as required by law.

Parents should keep children at home and away from other children if they have:

- Sore throat (if Strep infection is suspected)
- Vomited or had diarrhea within 24 hours
- Severe cold with temperature
- Drainage from ear or eye (may indicate infection)
- Severe cough that may be uncontrollable
- Chills and fever (100.4 degrees F or higher) within 24 hours

Consult a doctor promptly if there is any doubt about the condition of your child. Follow the directions from your family physician or from the school nurse before sending your child back to school, following a communicable disease. The nurse may ask for a note from the child's pediatrician. The school nurse will notify parents of a communicable disease incidence as appropriate.

Communicable Diseases

The Beverly Public Schools protects the rights of all its students. Students with Communicable Diseases infection have the same right to attend classes or participate in school programs and activities as any other.

The student(s), parent(s), or guardian(s) are the gatekeepers of information relating to the student's Communicable Diseases status. They are not obligated to disclose this information to school personnel. Should they decide to inform certain school personnel, they may elect to do the following:

Inform the school nurse or physician directly.

They may request the primary care physician to make the disclosure. In this case, specific, informed, written consent of the student's parent(s) or guardian(s) is required.

Further disclosure of a student's HIV status by the school nurse to other school personnel requires the specific, informed written consent of the student's parent(s) or guardian(s).

No student who has AIDS will be excluded from attending courses or participating in extra-curricular activities.

Employees Who Have Communicable Diseases

Pursuant to the laws protecting disabled individuals, Federal and State laws mandate that persons with AIDS not be discriminated against. In light of this, the Beverly Public Schools recognizes that employees with AIDS have the right to continue to work.

Illnesses and Injuries

Please do not send your child to school if he/she has been ill during the night, complains of illness in the morning, or has a fever. We are not able to take care of sick children for any length of time and it is unfair to expose other children to their illness.

When a child becomes ill or is injured in school, he/she is sent to the nurse. If it is determined that the child should go home, the parent is notified. In the event that a parent cannot be reached, the designated emergency contact person(s), as noted on the child's emergency card, is called. That person is asked to take the child home or to the doctor if that is required. Please advise your emergency contact(s) of their responsibilities.

Medications at School

Parents are urged to give medications at home before or after school. It is our policy to have all medications, even cough drops,

administered by the school nurse. Medications are kept in a locked cabinet in the nurse's office.

All prescribed medications must be in their original container accompanied by a physician medication order form. The parent is required to give a signed parental/guardian medication consent form to the nurse granting permission to administer the medication as prescribed (i.e., indicate dosage information and the time and dates it is to be administered). The school nurse will make arrangements with the parent for the return of any medications.

Non-prescription medications may be administered to students based on protocols developed by the school physician and approved by the school committee. The list of medications and protocols approved for administration are posted on the district website and will be sent home on the first day of school. In the event your child needs oral medication during the school day, every effort will be made to contact parents before it is given. Over-the-counter medications outside of the standard Beverly Public Schools protocols will require both a parent and physician signed medication consent, and should be contained in their original packaging.

Nutrition and Food Allergies

The Beverly Elementary Schools are peanut aware buildings. All snacks or food consumed in class should be peanut and tree nut free. In response to growing concerns regarding childhood nutrition and food allergies the Beverly Elementary Schools are implementing the following guidelines:

- A *peanut/tree nut free* table will be maintained in the cafeteria during lunch. Participation at this table is voluntary; any student may eat at this table provided they do not bring peanut/tree nut containing foods to the table.
- Families and staff should encourage and model healthy eating.
- Families and staff should be encouraged to provide snacks that meet the Massachusetts A LA Carte Standards <http://www.johnstalkerinstitute.org/alist/>.
- Birthday celebrations should be held without food.
- Families and staff should encourage the eating of fruits and vegetables.
- Staff is encouraged to use non-food items as rewards or gifts.

BEHAVIOR AND DISCIPLINE

Rights and Responsibilities

Every student has the right to attend the Beverly Public Schools without fear or intimidation. Each member of the school community is equally responsible for the well-being of every other member of the community as a whole. An atmosphere of complete safety provides the maximum opportunity to learn.

Students of the Beverly school system are expected to act in a manner which recognizes education as the major role of the school system, promotes a sense of community in which they can experience respect and demonstrates respect for the uniqueness of others, accepts responsibility and accountability for their actions within the school community, and promotes within their peer structure a sense of school pride, obligation, and commitment.

To support these expectations, we look to parents to send their children to school as disciplined and respected learners, support the rules, regulations, and policies pertaining to discipline within the school community, provide a home environment which continues and extends the educational process, and discourage negative and disruptive behavior.

Appropriate Dress

Students are expected to be neat and clean and be dressed in attire appropriate for the school setting. Parents are urged to assist the school in monitoring the clothing that their children wear to school. Personal dress and appearance which violates the reasonable standards of good hygiene, health, and safety of students, is a distraction to the educational process, and/or impinges upon the rights of other students will not be allowed. The Principal reserves the right to determine appropriate dress and will issue additional advisories on inappropriate dress as the need arises.

The responsibility for the dress and appearance of the students will rest with individual students and parents. They have the right to determine how the student will dress providing that attire is not destructive to school property, complies with requirements for health and safety, and does not cause disorder or disruption. The administration is authorized to take action in instances where individual dress does not meet the stated requirements. 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.

Bicycles, Blades, Heelys, Scooters, and Skateboards

Roller-blades, heelys, scooters, and skateboards are not permitted on school property or on school-provided transportation. The parents of students who wish to ride his/her bicycle to school must complete an application/student contract (available in the school office). Those students riding bikes must comply with safety rules established for this purpose. Safety helmets must be worn. Failure to comply with these rules can result in loss of this privilege. Students and parents accept the risk of loss or damage to bicycles or related equipment on school property.

Care of School and Personal Property

Students are expected to respect all school property including books, workbooks, desks, and interior and exterior walls of the school building. Children defacing books or causing damage to other school property will be responsible for their actions and pay the cost of any cleaning, repair, or replacement.

Students are also expected to respect the personal property of fellow students. The school is not responsible for loss or damage to valuable items brought from home.

[Title IX Notice and Procedures](#)

File: AC

NONDISCRIMINATION

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. This commitment to the community is affirmed by the following statements that the School Committee intends to:

1. Promote the rights and responsibilities of all individuals as set forth in the State and Federal Constitutions, pertinent legislation, and applicable judicial interpretations.
2. Encourage positive experiences in human values for children, youth and adults, all of whom have differing personal and family characteristics and who come from various socioeconomic, racial and ethnic groups.
3. Work toward a more integrated society and to enlist the support of individuals as well as groups and agencies, both private and governmental, in such an effort.
4. Use all appropriate communication and action techniques to air and reduce the grievances of individuals and groups.
5. Carefully consider, in all the decisions made within the school system, the potential benefits or adverse consequences that those decisions might have on the human relations aspects of all segments of society.
6. Initiate a process of reviewing policies and practices of the school system in order to achieve to the greatest extent possible the objectives of this statement.

The School Committee's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person shall be excluded from or discriminated against in admission to a public school of any city or in obtaining the advantages, privileges, and courses of study of

such public school on account of race, color, sex, gender identity, religion, national origin, sexual orientation or disability. If someone has a complaint or feels that they have been discriminated against because of their race, color, sex, gender identity, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

File: ACA

NONDISCRIMINATION ON THE BASIS OF SEX

The School Committee, in accordance with Title IX of the Education Amendments of 1972, declares that the school system does not and will not discriminate on the basis of sex in the educational programs and activities of the public schools. This policy will extend not only to students with regard to educational opportunities, but also to employees with regard to employment opportunities.

The School Committee will continue to ensure fair and equitable educational and employment opportunities, without regard to sex, to all of its students and employees.

The School Committee will designate an individual to act as the school system's Title IX compliance officer. All students and employees will be notified of the name and office address and telephone number of the compliance officer.

File: ACAB

HARASSMENT

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

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

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or

- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

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

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

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

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

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

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

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

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment, depending

on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

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

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

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

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

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

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

NOTICE OF SEXUAL HARASSMENT

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

The Title IX regulations highlight the importance of supportive measures designed to preserve or restore

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

DUE PROCESS PROTECTIONS

The Beverly Public Schools affords complainants and respondents due process protections include the following:

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

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

committed the conduct of the results of that investigation.

RECORD KEEPING REQUIREMENTS

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

This policy, or a summary thereof that contain the essential policy elements, shall be distributed by the Beverly Public Schools to its students and employees and each parent or guardian shall sign that they have received and understand the policy.

Reports or complaints of sexual harassment may be made to Beverly Public Schools Title IX Coordinator:

Dr. André Morgan - Title IX Coordinator, Beverly Public Schools
70 Balch Street, Beverly MA 01915

Phone: 978-921-6100 Email: amorgan@beverlyschools.org

Reports or complaints of sexual harassment may be also be made to building principals or the following agencies. Please note that the following entities have specified time limits for filing a claim.

File: ACE

NONDISCRIMINATION ON THE BASIS OF DISABILITY

Title II of the Americans With Disabilities Act of 1992 requires that no qualified individual with a disability shall, because the District's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, and activities of the District or be subject to discrimination. Nor shall the District exclude or otherwise deny services, programs, or activities to an individual because of the known disability of a person with whom the individual is known to have a relationship or association.

Definition: A “qualified individual with a disability” is an individual with a disability who, with or without reasonable modification to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the District.

Reasonable Modification: The District shall make reasonable modification in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the District can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

Communications: The District shall take the appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, the District shall furnish appropriate auxiliary aids and services where necessary to afford

an individual with a disability an equal opportunity to participate in, and enjoy benefits of, a service, program, or activity conducted by the District. In determining what type of auxiliary aid or service is necessary, the District shall give primary consideration to the requests of the individuals with disabilities.

Auxiliary Aids and Services: “Auxiliary aids and services” includes (1) qualified interpreters, note takers, transcription services, written materials, assisted listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments; (2) qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments; (3) acquisition or modification of equipment or devices and (4) other similar services and actions.

Limits of Required Modification: The District is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that, in compliance with its responsibility to provide effective communication for individuals with disabilities, would fundamentally alter the service, program, or activity or unduly burden the District shall be made by the School Committee after considering all resources available for use in funding and operating the program, service, or activity. A written statement of the reasons for reaching that conclusion shall accompany the decision.

Notice: The District shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the American with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the District. The information shall be made available in such a manner as the School Committee and Superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA.

Compliance Coordinator: The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under ADA. The District shall make available to all interested individuals the name, office address, and telephone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. The school system receives federal financial assistance and must comply with the above requirements. Additionally, the School Committee is of the general view that:

1. Discrimination against a qualified disabled person solely on the basis of disability is unfair; and
2. To the extent possible, qualified disabled persons should be in the mainstream of life in the school community. Accordingly, employees of the school system will comply with the above requirements of the law and policy statements of this Committee to ensure nondiscrimination on the basis of disability.

Discipline

Any student or staff member of the Beverly Public Schools who is found to be in violation of this Policy is subject to appropriate disciplinary action, up to and including warning, suspension, legal action, exclusion, expulsion, transfer or discharge.

If the student's discriminating or harassing conduct warrants, disciplinary procedures exercised by the principal will be instituted in accordance with the student handbook and the policy of the Beverly Public Schools. An Incident Report to the School Resource Officer of the Beverly Police Department will be filed and/or a referral to the Essex County Juvenile Court may be filed. A 51A Report or Child Requiring Assistance Petition may be filed.

Retaliation

The School Administration will discipline or take appropriate action against any student, teacher, administrator, or school personnel who retaliates in any form against a person who makes a complaint, reports or participates in an investigation of a discrimination/harassment complaint. Acts of retaliation may result in immediate disciplinary action, including expulsion or dismissal, even if underlying discrimination/harassment is not proven. If the building principal, equity coordinator, and/or Title(s) VI & IX Coordinator believe that either the victim or respondent is in physical or emotional danger, the parents or guardians and the Beverly Police Department will be notified immediately. Retaliation is an independent prohibited and unlawful act.

The [Discrimination/Harassment Policy](#) may be found in its entirety on the Beverly Public Schools website.

Bullying Prevention and Intervention Summary for Students

I. LEADERSHIP

District leadership is committed to developing and maintaining a strength-based safe school climate where everyone is treated with dignity and respect.

It is the responsibility of every employee and student to recognize acts of bullying and harassment and take every action necessary to ensure applicable policies and procedures of the District are implemented. It is a violation of our policy for any visitor or member of the school community to engage in or condone bullying, retaliation and/or harassment.

The Bullying Prevention and Intervention plan applies to students and members of a school staff, including, but not limited to educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to an extra curricular activity or paraprofessionals.

Any student or employee who believes that he or she has been subject to bullying or harassment is encouraged to file a complaint immediately and should expect a prompt and thorough investigation of the complaint, including ending the prohibited behavior and restoring the target's sense of safety and well-being.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

Training will include, but is not limited to, a review of the District's responsibilities around bullying and harassment, a review of the District's Bullying and Discrimination/Harassment Policies and the Bullying Prevention and Intervention Plan in their entirety with all staff and students.

Building based equity coordinators receive specialized training in bullying and harassment prevention, investigation, and remediation. Equity coordinators will continue to participate in and receive related and specialized training during the school year. Equity coordinators work closely with the District's Title(s) VI, IX Coordinator and with parents and staff to prevent and remediate bullying and harassment.

Copies of the District's updated Bullying Prevention and Intervention Plan, Bullying and Discrimination/Harassment Policies, are distributed each year to all staff and are posted in their entirety on our district website. Age-appropriate summaries, are posted throughout all school buildings

Equity coordinators, school adjustment counselors and classroom teachers (utilizing Olweus, Second Step, Steps to Respect, Responsive Classroom and the District's Age Appropriate Discrimination/Harassment/Bullying Summary), facilitate lessons and work with students to promote bystander responsibility and to ensure that all students understand the definitions of bullying, harassment, cyber-bullying, retaliation, target, and aggressor.

Team chairs are designated to assist school adjustment counselors and building equity coordinators in preventing and responding to bullying and/or retaliation for students with disabilities.

Middle and high school ADL World of Difference Peer Leaders will continue with anti-biased diversity training within the District.

III. ACCESS AND RESOURCES

Behavioral health consultation continues to be available on an on-going basis to District equity coordinators, teachers and principals. The District has mapped school resources at the universal, selective, and intensive levels. Behavioral health consultants are available to families and staff to assist in developing effective classroom management techniques and to develop behavioral plans for the classroom and/or at home. The District has utilized behavioral health consultants for the past fourteen years and collaborates regularly with representatives from the Department of Children and Families, Department of Mental Health, Essex County Juvenile Court, Beverly Bootstraps, the YMCA, and the CSA. We hope to continue to access grant funding for additional behavioral health interventions and pro-social programming. The District has close relationships with community and mental health providers and can often successfully secure appropriate resources to meet student/family needs.

Social skills groups and facilitated play, including lunch bunches, after school mentoring, social pragmatic groups, and respite opportunity (TLC) are facilitated by school adjustment counselors, speech therapists, paraprofessionals, teaching fellows, mental health clinicians, and behavioral consultants who specialize in working with students and families with disabilities. In addition, our special education staff and consultants provide interventions in collaborative problem solving, pragmatics, sensory processing, executive functioning and social autopsies and rehearsals.

Equity coordinators refer to the Department of Elementary & Secondary Education January 2011 Guidance during investigations and for remediation of bullying incidents involving a student who has been bullied due to perceived or actual sexual orientation or gender identity.

IV. PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports, made by or to a staff member, shall be recorded in writing using the complainant's own words. Reporting Forms are available in all school offices and on-line. Use of a Reporting Form is not required as a condition of making a report. A Reporting Form will be included in the beginning of the year packets for students and parents/guardians. The Reporting Form is available in the most prevalent language(s) of origin of students and parents or guardians (Spanish and Portuguese). In addition, the District has developed a method for anonymous complaints and an anonymous report form which includes an area to note positive student behavior. Anonymous reporting boxes are placed in no fewer than three areas in each school building. Students are informed of the locations of the anonymous reporting boxes.

Reporting by Staff

A staff member will report immediately to the principal or equity coordinator when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report to the principal or equity coordinator does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or District policies and procedures for behavior and climate management and discipline. Failure to report an incident of bullying may result in disciplinary action. Staff

may report verbally or in writing to the building principal, building equity coordinator or Title(s) IV, IX Coordinator if they feel they are targets of bullying.

Reporting by Students, Parents or Guardians, and Others

Bystander responsibility: the District expects staff, students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or building equity coordinator. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report.

Safety

Before fully investigating the allegations of bullying or retaliation, the principal or equity coordinator 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 during the course of the investigation. Responses to promote safety may include, but not be limited to: speaking with parents/guardians of the aggressor and or target, 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 equity coordinator will take additional steps to promote safety after the investigation, as necessary and make appropriate referrals, as appropriate.

Obligations to Notify Others

Notice to parents or guardians.

Communication will be guided by the Department of Elementary & Secondary Education’s, January 2011 Guidance. Upon investigation and determination that bullying or retaliation has occurred, the principal or equity coordinator will promptly notify the parents or guardians of the target and the aggressor of the determination, and of the procedures for responding to the bullying and retaliation.

Communication will occur in the primary language in the home utilizing foreign language staff or a translator, if indicated.

In cases when sensitive information is shared; i.e., actual or perceived sexual orientation or gender identity expression, building principals and equity coordinators will first confer among themselves, seek consultation, as indicated, and meet with parents or guardians in person. Building principals and equity coordinators will use their discretion in discussing the incident and avoid sharing any information that may endanger the mental or physical well-being and safety of the student.

Notice will be consistent with confidentiality requirements of the Massachusetts Student Record Regulation, 603 CMR 23.00 and the Federal Family Educational Rights and Privacy Act Regulations, 34 CFR Part 99, as set forth in 603 CMR 49.07. (DESE Notification of Bullying or Retaliation Regulations).

The principal or equity coordinator will inform the parent/guardian of the actions taken to prevent further acts of bullying or retaliation.

Notice to another School or District. If the reported incident involves students from more than one school District, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or equity coordinator first informed of the incident will promptly notify, by telephone, the principal of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00 (DESE Notification of Bullying or Retaliation Regulations).

Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or equity coordinator has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.06 and locally established agreements with the local law enforcement agency. Notice to law enforcement does not replace the District’s responsibility to investigate and remediate consistent with school policy.

If an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

Investigation

The principal or equity coordinator will investigate promptly and thoroughly all reports of bullying or retaliation. The District will proceed with staff complaints as outlined in the District's Discrimination/Harassment Policy.

The principal or equity coordinator will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or equity coordinator and in consultation with the school counselor and/or special education liaison, as appropriate.

Procedures for investigating reports of bullying and retaliation will be consistent with school or District policies. If necessary, the principal or equity coordinator will consult with the Superintendent, Title(s) IX & VI Coordinator or legal counsel about the investigation.

Determinations

The principal or equity coordinator will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or equity coordinator will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal will: 1) determine what corrective action is required, and 2) determine what disciplinary action is appropriate.

Depending upon the circumstances, the principal or equity coordinator may choose to consult with the student's teacher(s) and/or school counselor, special education liaison or team chair, and the target's or aggressor's parents or guardians, to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills development.

The principal or equity coordinator will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation if bullying or retaliation is found and what action is being taken to prevent further acts of bullying or retaliation. Because of the legal requirements regarding the confidentiality of student records, the principal or equity coordinator cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

Responses to Bullying

Teaching Appropriate Behavior Through Skills-Building: Second Step, Responsive Classroom, Steps to Respect, Olweus, and Special and Regular Education Interventions.

The District will utilize building based initiatives, including the implementation of evidence-based curriculum with fidelity, and individualized interventions to prevent bullying and retaliation. In addition, the District anticipates working closely with parents/guardians around bullying prevention efforts and remediation.

Taking Disciplinary Action

If the principal decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or equity coordinator, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior.

Disciplinary procedures for students with disabilities will include Special Education staff; will be governed by the federal Individuals with Disabilities in Education Act (IDEA); and will be consistent with state laws regarding student discipline.

If the principal determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

Promoting Safety for the Target and Others

The principal or equity coordinator will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well, i.e. to increase adult supervision at transition times and in specific locations

(halls, recess, and playground) where bullying is known to have occurred or is likely to occur, safety plan, change in the aggressor's schedule, and referral(s), as indicated.

V. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyber-bullying, are prohibited:

- (i) on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school District or school; or through the use of technology or an electronic device owned, leased, or used by a school District or school, and
- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school District or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, witnesses, or who has reliable information about bullying, is also prohibited.

As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the District or school to staff any non-school related activities, functions, or programs.

VI. DEFINITIONS

Massachusetts law defines bullying, cyber bullying, hostile environment, retaliation, “perpetrator” and “victim”. We will use the terms “aggressor” and “target”.

Aggressor is a student who engages in bullying, cyber-bullying, or retaliation.

Bullying as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

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

Cyber-bullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the internet. It includes, but is not limited to, email, instant messages, text messages, and internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyber-bullying.

Hostile environment as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

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

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, and/or paraprofessionals.

Target is a student against whom bullying, cyber-bullying, or retaliation has been perpetrated.

VII. RELATIONSHIP TO OTHER LAWS

Some student misconduct that falls under a school's anti-bullying policy also may trigger responsibilities under one or more of the federal anti-discrimination laws and regulations enforced by the Department's Office for Civil Rights (OCR) and will be responded to consistent with the District's Discrimination/Harassment Policy. Consistent with state and federal laws, and the policies of the Beverly Public Schools, no person shall be discriminated against in admission to the Beverly Public Schools or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion,, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability. Nothing in the Plan prevents the school or District from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or District policies.

In addition, nothing in the Plan is designed or intended to limit the authority of the school or District to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or local school or District policies in response to violent, harmful, or disruptive behavior, regardless of whether the Plan covers the behavior.

Conduct need not meet the legal definition of bullying to violate the schools expectations for appropriate behavior. Conduct that violates, or is prohibited by other policies, may be subject to disciplinary measures and corrective action. The District will take prompt and effective steps to end and prevent discrimination/harassment and prevent any hostile environment or retaliation.

The [Bullying Prevention & Intervention Plan](#) may be found in its entirety on the Beverly Public Schools website. The [Bullying Prevention Policy](#) may be found here.

Partnerships for Violence Prevention

Beverly Public Schools actively participates in the Essex County Partnerships for Violence Prevention. A key component of our Partnership for Violence Prevention is the Community Collaborative Initiative. School administrators, law enforcement officers, probation officials, and representatives from the District Attorney's Office, along with Departments of Social Services, Mental Health and Youth Services, meet on a monthly basis to discuss particular youth violence concerns. These meetings provide a forum for professionals to share information about "at risk" individuals and families in an attempt to better coordinate intervention efforts.

Memorandum of Understanding

This collaborative initiative between the Beverly Public Schools and the Beverly Police Department, the Essex County District Attorney's Office, the Departments of Mental Health, Social Services, Youth Services, and Essex County Juvenile Court recognizes the formal working relationships and reporting process between the participating agencies to provide a safe and violence free educational setting. This effort between school administration and law enforcement supports "no tolerance" for violence, weapons, drugs, harassment, and other civil rights violations in accordance with state and federal Safe School Acts.

Incident Reports

Building principals are responsible for reporting criminal activity to the Police Department and to the Superintendent's Office for violations of specific school policies. Mandatory reportable acts include:

- Any serious incident of assaultive behavior, such as any assault resulting in any injury of a staff or student, provoked or unprovoked attacks, or use of a dangerous weapon as defined in the student handbook and/or statute, or use of any object in a manner capable of causing injury;
- Destruction or attempted destruction of property by any means, including graffiti, arson, or vandalism;
- Theft of school property or personal property;
- Violation of a restraining order, a "stay away" order; or a no-contact order;
- Threats to assault another or to damage property; bomb threats, false fire alarms;
- Incidents of domestic/dating/relationship violence;
- Repeated incidents of criminal harassment;
- Any sexual assault or inappropriate sexual behavior which may include indecent exposure, sexual touching or fondling, and forcible rape or rape and abuse of a child (statutory rape);
- Civil rights incidents; any assaults, threats, destruction of property, or harassment committed with intent to intimidate because of race, color, religion, national origin, sexual orientation or disability, or with intent to interfere with one's free exercise of civil rights.
- Unlawful possession of a dangerous weapon as defined by statute or as defined in the student handbook;

- Actual or constructive possession (the ability to exercise control) of what is reasonably believed to be a controlled substance as defined by state law;
- Having a reasonable belief that any student has sold or offered to sell or otherwise distributed a drug which is believed to be a controlled substance under the law; and
- Finding any student who is reasonably believed to be in possession of or to be under the influence of alcohol, inhalant, or other drugs.

It is the sole prerogative of school officials to impose discipline sanctions for infractions of school rules and policies independent of any police involvement or investigation. When the school has reported an incident to the police, the police will be responsible for making the decision as to the course of the criminal investigation process.

Hazing

Hazing is defined by Massachusetts General Laws, Chapter 269, Section 17, as “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 any other person.” Examples of hazing include: forced calisthenics, exposure to weather, forced consumption of any food, liquor, beverage, drug, or any 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 person, or which subjects such person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

It is the policy of the Beverly Public Schools that hazing of any kind is strictly prohibited and will result in immediate disciplinary action by school administrators and a report to the Juvenile Police Officer.

Searches and Interrogations

Searches by Staff: The right of inspection of students' backpacks 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.

Nevertheless, exercise of that authority by school officials places unusual demands upon their judgment so as to protect each child's constitutional rights to personal privacy and protection from coercion and to act in the best interest of all students and the schools.

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:

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or his/her designee will be present when possible. An effort will be made to contact the student's parent/guardian 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.

Discipline Policy

Effective school discipline encourages orderly educational processes without stifling creativity, individuality or the joy of learning. It is at best a delicate balance designed to protect and nurture the students' physical, social, mental and emotional growth. Effective discipline is maintained by the joint efforts of school personnel and the support and cooperation of the community. The ultimate goal of school discipline is to encourage the development of self-discipline.

The following Behaviors may subject a student to discipline up to and including suspension:

Level I Infractions

- chewing gum
- inappropriate lunch room behavior
- inappropriate
- bus conduct
- attendance/tardiness to school

- inappropriate playground behavior
- distracting off/task behavior
- name calling or teasing
- misuse of electronic devices (e.g., iPods, mp3 players)
- defiance/disrespect/insubordination/non-compliance

Level II Infractions

- fighting/physical aggression towards students and/or staff
- harassment, taunting, bullying (including cyber bullying)
- damage or destruction of school property or the property of others on school grounds (vandalism, graffiti)
- repeated inappropriate bus behavior
- verbal abuse of a classmate
- inappropriate language, profanity, vulgarity
- cheating
- skipping class, truancy
- inappropriate sexual and/or physical conduct
- civil rights violation
- Internet harassment

Level III Infractions

- Possession of tobacco products within school buildings, school facilities or on school ground or on school buses
- pulling a fire alarm/making a bomb threat
- stealing
- extorting money or lunches from classmates
- hazing
- flagrant vandalism
- possession and/or sale of alcohol or controlled substances
- threatening to assault a child or teacher
- severe or chronic harassment
- continual serious disruption of class

Level IV Infractions

Level IV infractions are so serious that the Principal may long term suspend or expel a student under the provisions of Massachusetts General Laws, Chapter 71, Section 37H and 37H ½.

These include:

- possession of a dangerous weapon while on school grounds or at a school-sponsored event
- possession of a controlled substance while on school grounds or at a school sponsored event
- An assault on a school administrator, teacher, teacher's aide, or other educational staff member
- A felony charge or conviction

Consequences

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

Suspension

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

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

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

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

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

In-School Suspension

At the discretion of the Principal, in-school suspension may also be imposed where a student is determined to have committed a suspendable offense. In-school suspension means the student is removed from the regular classroom activities, but not the school premises, for no more than 10 consecutive days. Students will be subject to limitations on their movements and activities as determined by the principal. In-school suspension for less than 10 days shall be considered a short-term suspension. An in-school suspension of more than 10 days shall be deemed a long-term suspension.

For an in-school suspension, 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 students' in-school suspension, which shall not exceed 10 days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension, the principal shall make reasonable efforts to notify the parents orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal 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, if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for the purpose of informing the parent of the in-school suspension.

The principal shall send written notice to the student and parent about the in-school suspension, including the reason and length of the in-school suspension, and inviting the parent to a meeting with the principal if such a meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by hand-delivered, certified mail, first class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the principal and the parent.

Opportunity for Academic Progress During Suspension/Expulsion

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

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

Student Due Process Rights

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

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

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

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

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

Notice and principal's meeting:

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

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

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

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

a. Short-term Suspension

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

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

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

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.

b. Long Term Suspension

In addition to the rights afforded a student in a short-term suspension hearing, the student shall also have the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;

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

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

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

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

If the student is suspended for more than 10 days for a single infraction or for more than 10 days cumulatively for multiple infractions in any school year, the notice will include written notification of the right to appeal to the Superintendent and the process for appealing in English and the primary language spoken in the student's home. No student will be suspended for greater than 90 days, beginning on the first day the student is removed from the building.

Emergency Removal:

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

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

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

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

Superintendent's hearing:

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

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

At the hearing, the superintendent shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. Students shall have all of the rights afforded to students at the principal's hearing for long-terms suspension. The Superintendent will issue a written decision within 5 calendar days of the hearing. If the

superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision. The Superintendent's decision is the final decision of the district.

Discipline of Students with Disabilities [Includes students currently on 504 accommodation plans or Individual Educational Programs.]

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act and related regulations require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act, are, generally, also entitled to increased procedural protections prior to imposing discipline that will result in the student's removal for more than ten (10) consecutive school days or where there is a pattern of short term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

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

Procedural requirements applied to students not yet determined to be eligible for special education.

1. If prior to the disciplinary action, a district had knowledge that the student may be a student with disability, then the district makes all protections available to the student 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/guardian had expressed concern in writing: or
 - b. The parent/guardian had requested an evaluation: or
 - c. School district staff had expressed concern that the student had a disability.
2. If the district had no reason to consider the student disabled, and the parent/guardian requests an evaluation subsequent to the disciplinary action, the district must have procedures to conduct an evaluation to determine eligibility. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.
3. The school district has developed procedures consistent with the federal requirements to expedite evaluations.

Student Restraint

The Massachusetts Board of Education passed regulations regarding students and the use of physical restraints in all publicly funded elementary and secondary education programs on February 27, 2001.

It is the policy of the Beverly Public Schools that physical restraint is defined as the use of bodily force to limit a student's freedom of movement. Physical restraint is only used as a behavior management tool when other less intrusive alternatives have failed or been deemed inappropriate.

In the event that physical restraint is required to protect the safety of school community members, the Beverly Public Schools has enacted procedures to ensure the proper use of restraint and to prevent or minimize any harm to the student as a result of the use of restraint. These procedures are annually reviewed, provided to school staff, and made available to parents of enrolled students. None of the foregoing statements precludes any teacher, employee or agent of the Beverly Public Schools from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious harm.

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