

SCHOOL COMMITTEE POLICY MANUAL
SWAMPSCOTT PUBLIC SCHOOLS
SWAMPSCOTT, MASSACHUSETTS, 01907

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SCHOOL COMMITTEE POLICY MANUAL
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INTRODUCTION

This manual contains the official policies of the Swampscott School Committee (reproduced on white paper); the major regulations intended to implement policy (yellow paper); and certain reference or "exhibit" documents that relate to policies and/or regulations (green paper).

Policy development in a modern, forward-looking school system is a dynamic, ongoing process. New problems, issues, and needs give rise to the continuing need to develop new policies or to revise existing ones. This is why the committee employs the loose-leaf format for this manual. It is easy to keep up to date.

Each person holding a copy of this manual should make a diligent effort to keep it up to date as new policies, regulations, and exhibits are distributed by the central office.

How to Use this Manual

The school department operates according to policies established by the school committee. The committee then appraises the effects of its policies and makes revisions as necessary.

In the interests of harmony, efficiency, uniformity of interpretation, coordination of effort, and in fairness to all concerned, the committee makes this manual available to all who are affected by its policies.

Please Note: All copies of this manual are the property of the Swampscott Public Schools.

How the Manual is organized

The manual is organized in accordance with the classification system developed by the National School Boards Association. This system provides an efficient means of coding, filing, and finding policies and other documents. There are 12 major classifications each assigned an alphabetical code:

- A -- FOUNDATIONS AND BASIC COMMITMENTS
- B -- SCHOOL BOARD GOVERNANCE AND OPERATIONS
- C -- GENERAL SCHOOL ADMINISTRATION
- D -- FISCAL MANAGEMENT
- E -- SUPPORT SERVICES
- F -- FACILITIES DEVELOPMENT
- G -- PERSONNEL
- H -- NEGOTIATIONS
- I -- INSTRUCTIONAL PROGRAM
- J -- STUDENTS
- K -- SCHOOL-COMMUNITY RELATIONS
- L -- EDUCATION AGENCY RELATIONS

Sub classification under each heading is based on logical sequence and alphabetical sub coding. For an example of the sub coding system, examine the white pages immediately following the tab for Section AD-- Foundations and Basic Commitments.

The white pages that follow the tab for each major section present the classification system, section by section, and serve as the tables of contents for each section or "chapter" of this manual.

How to Find a Policy

There are two ways to find a policy (or regulation) in this policy manual:

1. Consider where the policy statement (or regulation) would be filed among the 12 major classifications. Turn to the Table of Contents for that section and glance down the listing until you find the term that most closely fits the topic you are seeking. Use the code letters given for that term to locate the policy you need. The pages are arranged in alphabetical order by code within the section. All pages are coded in their upper right hand corner.
2. Turn to the Code Finder Index at the end of the manual. The code finder is an alphabetical index of all terms used in education. Look up your topic as in any index, find the code, and use the code to locate the correct page in the manual.

What if you can't find the term you are seeking? The code finder index lists more than 1,800 terms, but no index of useful size could include every possibility. If the term you are seeking is not included, look up a synonym or a more general or specific term appropriate to the topic.

What if you can find the term and code, but there is no policy or regulation? This probably means that the school system has no written policy or important regulations in that particular area. All terms used in the classification system appear in the sectional tables of contents and Code Finder Index to accommodate the coding, insertion, and finding of policies or regulations that may be issued later. But there is one other possibility. A brief statement related to the policy you are seeking may be incorporated in a "superior" policy, which covers the area generally. This "superior" policy will be coded under a more general term. To find it, read up the classification system. For example, a policy statement, which relates to all meetings of the school committee, might be filed under "School Board Meetings" (BD) rather than "Regular Board Meetings" (BDA). (Please note: In the classification system and Code Finder Index, read "School Committee" for "School Board".)

Using the Signs and Symbols

Various signs and symbols are used in connection with the classification system. They are for your use in locating and/or in examining policies. Included are the following:

Also: Certain policies bear two codes in the upper right hand corner. The second is in parentheses and is preceded by 'Also'. This means that the identical policy (or regulation) is filed under both codes.

-R This symbol following a code indicates that the statement is a regulation, not a committee policy. The statement appears on a yellow, rather than a white, sheet.

-E Exhibit. This symbol following a code indicates that the statement is a reference document such as a calendar, application form, etc., rather than a policy. Such statements are printed on green paper.

DATES:

Where possible, the original date of adoption/issuance appears immediately following each policy or regulation. In other instances, an approximate adoption or re-approval date is used.

LEGAL REFERENCE:

Pertinent legal references are given to inform the reader where in state law s/he may find the statutes that relate to a specific policy. Unless otherwise noted, all references direct the reader to the General Laws of the Commonwealth of Massachusetts (cited as M.G.L., Chapter and section).

CONTRACT REFERENCE:

Agreements reached through negotiations with recognized staff organizations have the full force of committee policy. References to negotiated agreements are provided, as appropriate, to direct the reader to statements in these agreements.

CROSS REFERENCE:

Certain policies and regulations relate to others. Cross-references are provided following many statements to help the reader find all of the related information needed.

About Policies and Regulations

Generally, the role of a School Committee is to set policy and the role of the administration is to implement it through regulations. Written policies are the chief means by which a School Committee governs the schools, and regulations are one of the means by which the committee's policies are implemented. The following definitions provide a distinction between these two types of statements:

POLICIES are principles adopted by the School Committee to chart a course of action. They are broad enough to indicate a line of action to be taken by the administration in meeting a number of day-to-day problems while being narrow enough to give the administration clear guidance.

REGULATIONS are detailed directions usually developed by the administration to put policy into practice.

These definitions are serviceable some of the time. They reflect sound theory of governance and administration. But policies and regulations are obviously closely related. They can and do merge, making it difficult to ascertain where one begins and the other ends. For example:

- * State and federal governments require school committees to make or officially approve detailed regulations, and procedures in certain areas.
- * A School Committee signs contracts and agreements that may contain and interweave policies, regulations, and procedural detail.
- * The public staff, or school committee members may demand that the School Committee not the administration, establish specific regulations and procedures in certain sensitive areas.

It is the intermingling of policy and regulation in law, in contracts, and in adopted statements of the School Committee that can cause confusion. Sometimes they are not easily separated. Therefore, the separation of policies and regulations in this manual follows several "rules of thumb" in addition to basic theory:

1. When the school system's practice in a particular area is established by law, any informational statement covering the practice is presented as "policy" and is printed on a white page. (A law may, of course, be quoted or referred to in a regulation.)
2. When a school system's practice in a particular area has been established through a negotiated agreement, any statement pertaining to that practice is presented as "policy".
3. Where the School Committee has interwoven regulations with policy and where separation would interfere with their meaning, the entire statement is presented as a policy.
4. Where the School Committee has adopted rules and by-laws concerning its own organizational and operating procedures, these statements appear as policy. As long as the administration operates within the guidelines of policy adopted by the committee, it may issue regulations without prior committee approval, unless law requires committee action, or unless the committee has specifically asked that certain types of regulations be submitted for committee approval. The School Committee is to be informed of all school system regulations issued by the administration. All such regulations are subject to committee review.

Is the Manual Complete?

No. The manual contains all of the current written policies of the school committee to date. But, the need for putting additional policies in writing, for adopting new or revising existing ones, becomes apparent.

Additionally, state laws; and regulations change. No matter how well conceived and well developed, a policy manual can never be 100% complete and 100% up-to-date. Policy development is a continuing process. From time to time, new policies, regulations, and reference documents will be developed, coded under the classification system, and issued for insertion in the manual.

Should the need arise, supplemental sub codes may be added to the classification system to accommodate topics not covered by existing codes. For example, IGA is the code for BASIC INSTRUCTIONAL PROGRAM. The Code Finder Index lists various programs from IGAA, CITIZENSHIP EDUCATION to IGAJ, DRIVER EDUCATION.

Order of Precedence

School committee policies and regulations, as well as negotiated agreements with staff bargaining units, must be read and interpreted in the light of the Massachusetts General Laws and State regulations. Wherever inconsistencies of interpretation arise, the law and state regulations prevail. A conflict between a local policy or regulation and a negotiated agreement must be interpreted in line with the contract for members of the particular bargaining unit.

Terminology

The masculine, feminine and neuter genders as used in this manual import one another, and the singular shall include the plural whenever applicable.

It is the hope of the Swampscott School Committee is that this collection of policies and regulations will make greater harmony and efficiency possible in all areas of school operations. This will enable the committee to devote more time to its primary duty--the development of long-range policies and planning for the future of the school system.

Swampscott Public Schools

Adoption Date:

A. FOUNDATIONS AND BASIC COMMITMENTS

SCHOOL DISTRICT LEGAL STATUS

The legal basis for public education in the District is vested in the will of the people as expressed in the Constitution of Massachusetts and state statutes pertaining to education.

Under the General Laws of Massachusetts,

"... Every town shall maintain... a sufficient number of schools for the instruction of all children who may legally attend a public school therein."

The public educational system of Swampscott structurally is a department of the town operated under laws pertaining to education and under regulations of the Massachusetts Board of Education. The area served by the Swampscott Public Schools is coterminous with the Town of Swampscott.

Established by law

LEGAL REFS.: Constitution of Massachusetts, Part II, Chapter V, Section II
M.G.L. 71:1

CROSS REF.: BB, School Committee Legal Status

Historical Note: Massachusetts has the oldest public school system in the nation. Dating back to 1647, the laws of the Massachusetts Bay Colony required towns to provide for a program of public education.

THE PEOPLE AND THEIR SCHOOL DISTRICT

The School Committee has the dual responsibility for implementing statutory requirements pertaining to public education and local citizens' expectations for the education of the community's youth. It also has an obligation to determine and assess citizens' desires. When citizens elect delegates to represent them in the conduct of public education, their representatives have the authority to exercise their best judgment in determining policies, making decisions, and approving procedures for carrying out the responsibility.

The School Committee therefore affirms and declares its intent to:

1. Maintain two-way communication with citizens of the community. The public will be kept informed of the progress and problems of the school system, and citizens will be urged to bring their aspirations and feelings about their public schools to the attention of this body, which they have chosen to represent them in the management of public education.
2. Establish policies and make decisions on the basis of declared educational philosophy and goals. All decisions made by this Committee will be made with priority given to the purposes set forth, most crucial of which is the optimal learning of the children enrolled in our schools.
3. Act as a truly representative body for members of the community in matters involving public education. The Committee recognizes that ultimate responsibility for public education rests with the state, but individual School Committees have been assigned specific authority through state law. The Committee will not relinquish any of this authority since it believes that decision-making control over the children's learning should be in the hands of local citizens as much as possible.

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 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 town or in obtaining the advantages, privileges, and courses of study of such public school on account of race, color, sex, 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, religion, national origin, sexual orientation or disability, their complaint should be registered with the Title IX compliance officer.

LEGAL REFS.: Title VI, Civil Rights Act of 1964
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972
Executive Order 11246, as amended by E.O. 11375
Equal Pay Act, as amended by the Education Amendments of 1972
Title IX, Education Amendments of 1972
Rehabilitation Act of 1973
Education for All Handicapped Children Act of 1975
M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
M.G.L. 76:5; Amended 1993
M.G.L.76:16 (Chapter 622 of the Acts of 1971)
Board of Education Chapter 622 Regulations Pertaining to Access to Equal Educational Opportunity, adopted 6/24/75, as amended 10/24/78
Board of Education 603 CMR 26:00
Board of Education Chapter 766 Regulations, adopted 10/74, as amended through 3/28/78

CROSS REFS.: ACA- ACE, Subcategories for Nondiscrimination
GBA, Equal Employment Opportunity
JB, Equal Educational Opportunities
JICFB, Bullying
JJIB, Interscholastic Athletics

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 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.

LEGAL REFS.: Title IX of the Education Amendments of 1972
 45 CFR, Part 86, (Federal Register, 6/4/75)
 M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
 Board of Education Chapter 622 Regulations Pertaining to Access to Equal
 Educational Opportunity, adopted 6/24/75, amended 10/24/78
 Board of Education 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

NONDISCRIMINATION ON THE BASIS OF HANDICAP

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 handicapped person solely on the basis of handicap is unfair; and
2. To the extent possible, qualified handicapped 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 handicap.

LEGAL REFS.: Rehabilitation Act of 1973, Section 504
 Education For All Handicapped Children Act of 1975
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
 Title II, Americans with Disabilities Act of 1992
 Board of Education Chapter 766 Regulations, adopted 10/74, as amended through
 3/28/78

CROSS REFS.: IGB, Support Services Programs

POLICY AGAINST HARASSMENT INCLUDING HARASSMENT BASED UPON SEX/GENDER, RACE, COLOR, NATIONAL ORIGIN, RELIGION, AGE, HANDICAP AND/OR DISABILITY AND SEXUAL ORIENTATION

I. POLICY PREAMBLE

The Swampscott Public Schools are committed to the prevention of harassment based upon sex/gender, race, color, national origin, religion, age, handicap and/or disability and sexual orientation. This policy has been developed to ensure that the educational opportunities of all students, and the employment conditions of all employees, are not threatened or limited by such harassment. This policy defines prohibited conduct, the personal responsibilities of all students, employees, and agents of the School District to ensure prohibited conduct does not occur, a referral and investigation procedure for reported violations of this policy, and defines corrective procedures if violations of this policy have been substantiated.

II. HARASSMENT/PROHIBITED CONDUCT DEFINED

A. Prohibited Conduct includes, but is not limited to, the following conduct when related to a person's sex/gender, race, color, national origin, religion, age, handicap and/or disability and sexual orientation and when such conduct is unwelcome by the recipient:

1. name calling, teasing, jokes, rumors, or other derogatory or dehumanizing remarks;
2. pulling at clothing and other possessions;
3. graffiti;
4. offensive notes or cartoons;
5. unwelcome touching of a person or person's clothing;
6. offensive or profane graphic posters, pictures, book covers, circulating pornography or designs on clothing;
7. any words or actions which provoke feelings of threat, discomfort, embarrassment, or hurt.

The above list was provided to give some concrete examples of conduct which constitutes harassment based upon an impermissible basis. However, all members of the Swampscott community must assess their conduct in light of the following definitions of the various forms of harassment. Thus, if certain conduct is not listed in the foregoing list, but does fall into one of the following definitions of harassment, then the conduct is harassment and is prohibited conduct,

B. Sexual Harassment/Gender Harassment consists of unwelcome sexual advances, use of gender to differentiate power, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

1. submission to that conduct or communication is made a term or condition, either explicitly or

implicitly, of obtaining an education, or obtaining or retaining employment; or

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2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting the individual's education or employment; or
3. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's education or employment, or creating an intimidating, hostile or offensive educational or work environment;
4. adversely affects an individual's academic or employment opportunities.

Sexual Harassment includes but is not limited to:

1. unwanted verbal harassment or abuse;
2. unwanted pressure for sexual activity;
3. unwanted, sexually motivated or inappropriate touching, patting, pinching, or other sexual contact other than reasonable and necessary restraints of students by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
4. unwanted sexual behaviors or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational or employment status;
5. unwanted sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's educational or employment status;
6. unwanted behavior or words directed at an individual because of gender.

N.B. Sexual harassment can include prohibited conduct as defined above which occurs between members of the same sex.

C. Racial Harassment consists of physical or verbal conduct which is related to an individual's race when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance; or
3. otherwise adversely affects an individual's academic or employment opportunities.

D. Harassment Based Upon Color consists of conduct which is related to an individual's color when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. otherwise adversely affects an individual's academic or employment opportunities.

E. National Origin Harassment consists of conduct which is related to an individual's national origin when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. otherwise adversely affects an individual's academic or employment opportunities.

F. Religious Harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. otherwise adversely affects an individual's academic or employment opportunities.

G. Age Harassment consists of conduct which is related to an individual's age when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. otherwise adversely affects an individual's academic or employment opportunities.

H. Handicap and/or Disability Harassment consists of conduct which is related to an individual's handicap and/or disability when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance;
3. otherwise adversely affects an individual's academic or employment opportunities.

I. Sexual Orientation Harassment consists of conduct which is related to an individual's sexual orientation when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive academic or work environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's

- academic or work performance;
3. otherwise adversely affects an individual's academic or employment opportunities.

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III. RESPONSIBILITIES

All students, teachers, administrators and other school personnel of the Swampscott Public Schools are responsible for creating an environment that is free of harassment and other offensive behaviors, and for conducting themselves in a manner consistent with the spirit and intent of this policy.

Principals and other administrators/supervisors are responsible to ensure that this policy summary is conspicuously posted in each classroom, school office, and other appropriate student/employee work areas, and that it is printed in each school's student handbook. The posting of policy summary shall include the name, mailing address, and telephone number of the school principal or designee, as well as the name, address, and telephone number of the District Human Rights Officer.

The Swampscott Public Schools are responsible for the dissemination of this policy and training. The school district responsibilities will ensure:

- A. This policy summary shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall appear in the student handbook.
- C. The School District will develop a method of discussing this policy with students and employees.
- D. The School District will provide appropriate training to administrators and others who are assigned the responsibility to implement the procedures of this policy.
- E. This policy shall be reviewed at least annually for compliance with state and federal law.

IV. REFERRAL PROCEDURES

Any person who believes that a student, teacher, administrator or other school personnel has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, should report the alleged prohibited conduct as soon as possible to the appropriate School District official as designated by this policy. The School District encourages the reporting party or complainant to use the report form available from the principal of each school or available from the School District's Central *Office*, but oral reports will be considered complaints as well. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct directly to the district's Human Rights Officer or to the Superintendent. Further, nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different administrator than the administrator designated, or in the case of a student, to a teacher or counselor.

- A. The School District designates the Assistant Superintendent for Business and Personnel as the School

District Human Rights Officer with responsibility to oversee administration of these procedures and to monitor compliance. If a complaint involved the Director of Business and Personnel, the complaint shall be made or filed directly with the Superintendent.

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- B. In each school the school principal or his/her designee is the person responsible for receiving and investigating oral or written reports of alleged prohibited conduct. Any school district personnel who receives a report of alleged prohibited conduct shall inform the principal or his/her designee as soon as possible. If the complaint involves the school principal, the complaint shall be filed with the Superintendent.

V. COMPLAINT INVESTIGATION PROCEDURES

Upon receipt of a report or complaint of alleged prohibited conduct, the responsible administrator or designee shall initiate a timely investigation of the complaint.

If warranted by the circumstances of the complaint, the District Human Rights Officer may assist the school with the investigation, may assume responsibility for the investigation, or may authorize an investigation by a third party who shall report to the District Human Rights Officer.

The investigation may consist of personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether “alleged conduct” constitutes a violation of this policy, the School District shall consider the surrounding circumstances: the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all facts and surrounding circumstances.

The investigation will be completed as soon as practicable, and a report will be filed by the District Human Rights Officer within 10 days of the investigation’s completion. The Human Rights Officer will give monthly reports to the Superintendent on the status and outcome of complaints. If a complaint involves the Superintendent, the report will be filed directly with the Chairperson of the School Committee. If the complaint is not substantiated by the investigation, the school district will so inform the complainant. The reports will include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

Failure to investigate a complaint as provided herein, *or* to forward a report to the Human Rights Officer, will result in disciplinary action.

VI. CORRECTIVE PROCEDURES

Upon completion of an investigation and substantiation of the alleged harassment, the School District will take appropriate corrective action. Such action may include, but is not limited to, an apology, direction to stop the offensive behavior, counseling or training, warning, suspension,

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exclusion, expulsion, transfer, remediation, termination of employment School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Massachusetts and federal laws and School District policies.

The results of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District in accordance with state and federal law regarding data or records privacy.

VII. REPRISAL

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint of sexual harassment The School District will discipline or take appropriate action against any student, teacher, administrator, or school personnel who retaliates against any person who reports an alleged violation of this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Massachusetts Department of Education, Massachusetts Commission against Discrimination, Equal Employment Opportunity Commission, and the Office of Civil Rights of the U.S. Department of Education, initiating civil action or seeking redress under criminal statutes and/or federal law.

IX. HARASSMENT AS CHILD ABUSE

Under certain circumstances, alleged harassment may also constitute abuse or neglect under G.L. c. 119 51A. If so, the requirements for mandatory reporting under that statute are not abrogated by this policy.

LEGAL REFS.: Title VI and VII of the Civil Rights Act of 1964
Title IX of the 1972 Educational Amendments to the Civil Rights Act
Section 504 of the Rehabilitation Act of 1973
The Age Discrimination in Employment Act
The Americans with Disabilities Act
Chapter 622 of the Acts of 1972
M.G.L. 151B:3; 151C

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HARASSMENT/COMPLAINT FORM

PERSON BEING HARASSED: _____

PERSON FILING COMPLAINT: _____

PERSON BEING NAMED IN
HARASSMENT/COMPLAINT: _____

LOCATION OF INCIDENT(S): _____

PLEASE CHECK THE BEHAVIORS EXHIBITED:
(REFER TO SWAMPSCOTT PUBLIC SCHOOLS POLICY AGAINST HARASSMENT)

___ SEXUAL/GENDER HARASSMENT

___ RACIAL HARASSMENT

___ HARASSMENT BASED UPON COLOR

___ RELIGIOUS HARASSMENT

___ AGE HARASSMENT

___ HANDICAP OR DISABILITY HARASSMENT

___ SEXUAL ORIENTATION HARASSMENT

PLEASE WRITE A DETAILED EXPLANATION OF HARASSMENT (INCLUDE ANY STEPS
TAKEN PRIOR TO THIS WRITTEN COMPLAINT IF APPLICABLE. USE THE BACK IF
NECESSARY).

SIGNATURE OF PERSON BEING HARASSED: _____

DATE: _____

PHILOSOPHY OF THE SWAMPSCOTT PUBLIC SCHOOLS

The public school is one of the most important forces in the United States devoted to the total development of human potential. An efficient and effective learning program involving the transmission and utilization of knowledge, skills and attitudes will enable students to develop their potentials as individuals and to make useful contributions as members of society.

To accept a realistic evaluation of themselves, their ambitions, and their environment, students are encouraged and directed to study and research independently, to think logically, and to communicate ideas meaningfully. Students are guided in their interpretation of the modern world by an appreciation of their democratic heritage so they may be discerning in their choices of competent leadership and become intelligent participants in their communities and vocations. Moral, ethical, and aesthetic values are exemplified as indispensable guides to richer and more rewarding living. Fundamental to this process is the conviction that every student must be regarded as an individual worthy of each educator's sincere interest, respect, and best efforts.

PRACTICES AND PROCEDURES TO ATTAIN SYSTEM OBJECTIVES

- The selection and retention of a well-trained, well-informed professional faculty and a staff of paraprofessional and lay personnel who are aware of students' needs and problems and who are themselves motivated to seek continuing professional growth.
- A required program of study and school-directed experiences for all students, developed through school and community participation, which emphasizes the fundamental and broader aspects of a sound education.
- The provision of varying levels of challenge in basic subject fields to encourage students to be motivated to work successfully at their levels of ability.
- A flexible curriculum from kindergarten through grade 12 which will provide students with a sound education, based upon recognition of their individual abilities, needs, and goals.
- A guidance program for all students at all levels which, through counseling and testing, helps students adjust to their environment, develop their potentials, and utilize their interests and abilities to meet personal needs and goals; efforts to help students adjust to physical, emotional, or social problems, to take career considerations into account at the appropriate levels, and to select programs of studies and activities which will lead to the ultimate realization of career choices.
- The preparation, development, and encouragement of all students to become independent, self-directed learners participating in independent study and research and utilizing all communications media; emphasis on stimulation and guidance of self-paced learning which

will lead to the emergence of individual citizens capable of thinking critically, making sound judgments, and becoming productive and effective members of a democratic society.

- A program of enriching experiences, both co-curricular and extracurricular, to help students with personal, physical, mental, and social development, as well as to guide them in the wise use of leisure time.

Since the school reflects the needs, values, strengths, and aspirations of the community, it follows that the school and the home should work together to further develop those personal characteristics which will lead to a better individual and community life for all its citizens. Therefore, a continuing dialogue among community, home, and school should be maintained to the end that all of the children of all of the people will be given the opportunity to develop, thoughtfully assess, and appropriately adjust to the needs of a changing society.

SMOKING ON SCHOOL PREMISES

Use of any tobacco products within the school buildings, school facilities, or on school grounds or school buses by any individual, including school personnel and students, is prohibited at all times.

A staff member determined to be in violation of this policy shall be subject to disciplinary action.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code.

This policy shall be promulgated to all staff and students in appropriate handbook(s) and publications.

Signs shall be posted in all school buildings informing the general public of the District policy and requirements of state law.

LEGAL REF: M.G.L. 71:37H

RULES AND REGULATIONS GOVERNING SCHOOL EMPLOYEES REGARDING PROHIBITION OF USE OF TOBACCO

All employees agree as a condition of employment to comply with the prohibition of the use of a tobacco policy as adopted by the Swampscott School Committee and mandated by Massachusetts General Laws Chapter 71, Section 37H. That policy provides that the use of tobacco products is forbidden within the school buildings, the school facilities or on the school grounds or on school buses by all individuals, including school personnel. All employees agree to comply with the Rules and Regulations governing the prohibition of the use of tobacco as a condition of employment.

All teachers, principals, and other instructional and non-instructional personnel who have responsibility for supervising students are required to enforce compliance with the Tobacco Policy by students. If an employee having any supervisory or educational responsibility for students observes a violation of the Policy by a student, the employee is required to take immediate action to stop the violation and is further responsible for reporting the violation to the Principal. If an employee not having supervisory or educational responsibility for students observes a violation of the policy by a student, the employee is required to report his or her observation immediately to the Principal.

A Principal or other staff member with responsibility for supervising employees is required to enforce the Use of Tobacco Policy as it applies to employees. If any such supervisor observes a violation of the Policy by an employee, the supervisor is required to take immediate action to stop the violation. If the supervisor observing the violation is the supervisor of the employee committing the violation, he or she is required to take appropriate disciplinary action as provided below. If the supervisor is not the supervisor of the employee, he or she is required to report the violation to the Principal. In the event that any other staff member or other person reports an observed violation to the Principal, the Principal will take appropriate disciplinary action as provided below.

A violation of the tobacco policy in regard to employees will result in the following disciplinary action:

First Violation: The employee will be given an oral reprimand with a written notation in the employee's personnel file and be notified that he/she must attend a smoking cessation workshop.

Second Violation: A written reprimand will be placed in the employee's personnel file.

Third Violation: Possible suspension by the Principal after due process hearing and compliance with the statutory or collective bargaining requirements where applicable and written notification to the employee that any further violation may result in dismissal.

Fourth Violation: Dismissal from employment after due process hearing and compliance with the statutory or collective bargaining requirements where applicable.

In determining appropriate disciplinary actions in third and fourth violations, the circumstances of the employee's previous disciplinary record will be considered. Suspension or dismissal of an employee will be carried out in accordance with the statutory or collective bargaining requirements applicable.

A deliberate or intentional violation of the tobacco policy will be considered insubordination and the employee will be subject to disciplinary action in addition to the action described in this policy.

Furthermore, in each building within the Swampscott School System, the principal and/or his or her designee, shall be empowered by the Chief of the Fire Department, in writing, to apply and enforce to the full extent of the law the provisions of Massachusetts General Laws Chapter 148, Section 10B which states that **“Any person who knowingly violates any rule made by the Board of Fire Prevention regulations shall, except as otherwise provided, be punished by a fine of not less than \$100 nor more than \$1,000.”** *

* The applicable areas of law are contained in the Board of Fire Prevention Regulations, 527 CMR Section 10.07 Number 4 which states, **“Smoking shall be prohibited in schools, colleges, universities, public buildings, and institutions.”**

Furthermore, Chapter 76H Acts of 1993, commonly referred to as the 1993 Education Reform Law, bans the use of all tobacco products in all school buildings, on all school grounds, at all school events, on all school buses, and at all school facilities.

SAFE SCHOOLS

The Swampscott School Committee hereby declares that it is the policy of this school system to provide a safe and secure environment to all those persons: students, staff, and visitors, who lawfully enter upon school system property or who travel in school system vehicles for the legitimate purposes of the Swampscott Public Schools.

It shall be the responsibility of the Superintendent of Schools to establish and carry out written regulations which will:

1. Identify those staff members who will be responsible for the effective administration of the regulations.
2. Establish a system-wide Safety and Security Committee which shall be charged with the task of discovering and investigating unsafe conditions and breaches of property security and making recommendations to the responsible school system staff concerning such matters.
3. Provide staff time and other necessary resources for the effective administration of the regulations.
4. Provide an on-going mechanism to provide effective review of safety and security concerns of the staff, students, and affected public. The mechanism to be employed will be a written review by the Safety and Security Committee to insure compliance with applicable laws and regulations, the review to be forwarded to the Superintendent quarterly.
5. Provide periodic reports to the School Committee regarding the significant aspects of safety and security of the school system.

C.O.R.I. REQUIREMENTS

It shall be the policy of the Swampscott Public Schools to obtain all available Criminal Offender Record Information (C.O.R.I.) from the criminal history systems board of prospective employee(s) or volunteer(s) of the school department including any individual who regularly provides school related transportation to children, who may have direct and unmonitored contact with children, prior to hiring the employee(s) or to accepting any person as a volunteer. State law requires that school districts obtain C.O.R.I. data for employees of taxicab companies that have contracted with the schools to provide transportation to pupils.

The Superintendent, Principal, or their certified designees shall periodically, but not less than every three years, obtain all available Criminal Offender Record Information from the criminal history systems board on all employees, individuals who regularly provide school related transportation to children, including taxicab company employees, and volunteers who may have direct and unmonitored contact with children, during their term of employment or volunteer service.

The Superintendent, Principal or their certified designees may also have access to Criminal Offender Record Information for any subcontractor or laborer who performs work on school grounds, and who may have direct and unmonitored contact with children, and shall notify them of this requirement and comply with the appropriate provisions of this policy.

Pursuant to a Department of Education C.O.R.I. Law Advisory dated February 17, 2003, “‘Direct and unmonitored contact with children’ means contact with a child when no other C.O.R.I. cleared employee of the school or district is present. A person having only the potential for incidental unsupervised contact with children in commonly used areas of the school grounds, such as hallways, shall not be considered to have the potential for direct and unmonitored contact with children. These excluded areas do not include bathrooms and other isolated areas (not commonly utilized and separated by sight or sound from other staff) that are accessible to students.”

In accordance with state law, all current and prospective employees, volunteers, and persons regularly providing school related transportation to children of the school district shall sign a request form authorizing receipt by the district of all available C.O.R.I. data from the criminal history systems board. In the event that a current employee has questions concerning the signing of the request form, he/she may meet with the Principal or Superintendent; however, failure to sign the C.O.R.I. request form may result in a referral to local counsel for appropriate action. Completed request forms must be kept in secure files. The School Committee, Superintendent, Principals or their designees certified to obtain information under this policy, shall prohibit the dissemination of school information for any purpose other than to further the protection of school children.

C.O.R.I. is not subject to the public records law and must be kept in a secure location, separate from personnel files and may be retained for not more than three years. C.O.R.I. may be shared with the individual to whom it pertains, upon his or her request, and in the event of an inaccurate report the individual should contact the criminal history systems board.

Access to C.O.R.I. material must be restricted to those individuals certified to receive such information. In the case of prospective employees or volunteers, C.O.R.I. material should be obtained only where the Superintendent has determined that the applicant is qualified and may forthwith be recommended for employment or volunteer duties.

The hiring authority, subject to applicable law, reserves the exclusive right concerning any employment decision made pursuant to Chapter 385 of the Acts of 2002. The employer may consider the following factors when reviewing C.O.R.I.: the type and nature of the offense; the date of the offense and whether the individual has been subsequently arrested, as well as any other factors the employer deems relevant.

The Superintendent shall ensure that on the application for employment and/or volunteer form there shall be a statement that as a condition of employment or volunteer service the school district is required by law to obtain Criminal Offender Record Information for any employee, individual who regularly provides school related transportation, or volunteer who may have direct and unmonitored contact with children. Current employees, persons regularly providing school related transportation, and volunteers shall also be informed in writing by the Superintendent prior to the periodic obtaining of their Criminal Offender Record Information.

The Superintendent shall amend employment applications to include questions concerning criminal records (see attachment) which the Massachusetts Commission against Discrimination has determined may be legally asked of prospective employees. Any employment application which seeks information concerning prior arrests or convictions of the applicant shall include the following statement: "An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a sealed record on file with the commissioner of probation may answer 'no record' to an inquiry herein relative to prior arrests or criminal court appearances. In addition, any applicant for employment may answer 'no record' with respect to any inquiry relative to prior arrests, court appearances and adjudications in all cases of delinquency or as a child in need of service which did not result in a complaint transferred to the superior court for criminal prosecution."

Records sealed pursuant to law shall not operate to disqualify a person in any examination, appointment or application for public service on behalf of the Commonwealth or any political subdivision thereof.

The Superintendent shall revise contracts with special education schools and other providers to require a signed statement that the provider has met all the legal requirements of the state where it is located relative to criminal background checks for employees and others having direct and unmonitored contact with children.

As soon as possible after the district obtains the certification from the criminal history systems board to receive C.O.R.I. data, the Superintendent shall obtain such data for any person then providing volunteer service, as a condition of continued service.

LEGAL REF: M.G.L.71:38R, 151B, 276, §.100A, St.2002, c.385
MCAD Regulations and D.O.E. Advisory on C.O.R.I. Law (Feb 17, 2003)

CROSS REF.: IJOC, School Volunteers

C.O.R.I. REQUIREMENTS

Employers may ask the following series of questions:

1. Have you been convicted of a felony? Yes or no?
2. Have you been convicted of a misdemeanor within the past five years (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
3. Have you completed a period of incarceration within the past five years for any misdemeanor (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?
4. If the answer to question number 3 above is “yes” please state whether you were convicted more than five years ago for any offense (other than a first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violations, affray or disturbance of the peace)? Yes or no?

Some employers are authorized to request, receive, view and/or hold criminal offender record information pursuant to state or federal law.

Any inquiry into the criminal record of an applicant must also contain language pursuant to M.G.L. c. 276, § 100A.

It is unlawful for an employer to make any inquiry of an applicant or employee regarding:

1. An arrest, detention or disposition regarding any violation of law in which no conviction resulted.
2. First convictions for the misdemeanors of drunkenness, simple assault, speeding, minor traffic violations, affrays or disturbance of the peace. For the purposes of 804 CMR 3.02 minor traffic violations include any moving traffic violation other than reckless driving, driving to endanger and motor vehicle homicide.
3. Any conviction of a misdemeanor where the date of the conviction or the completion of any period of incarceration resulting therefrom, which ever date is later, occurred five or more years prior to the date of such inquiry, unless such person has been convicted of any offense within five years immediately preceding the date of the inquiry.

No person shall be held under any provision of any law to be guilty of perjury or of otherwise giving false statement by reason of his failure to recite or acknowledge such information as he has a right to withhold by 804 CMR 3.02.

COMMITMENT TO ACCOMPLISHMENT

The School Committee accepts ultimate responsibility for all facets of school operations. Because it is accountable to residents of the District, the School Committee will maintain a program of accountability consisting of the following elements:

- Clear statements of expectations and purpose as these relate to operations, programs, departments, and positions.
- Provisions for the staff, resources, and support necessary to achieve stated expectations and purposes, subject to financial support by residents of the District.
- Evaluation of operations and instructional and staff development programs to determine how well expectations and purposes are being met.
- Specific performance objectives to enable individuals to direct their own efforts to the goals and objectives of the District.
- Evaluation of the efforts of employees in line with stated objectives, with the first purpose of evaluation being to help each individual make a maximum contribution to the goals of the District.

Every effort will be made by the School Committee, Superintendent, and staff to fulfill the responsibilities inherent in the concept of accountability.

B. SCHOOL BOARD GOVERNANCE AND OPERATIONS

SCHOOL COMMITTEE OPERATIONAL GOALS

The School Committee is responsible to the people for whose benefit the school system has been established. The Committee's current decisions will influence the course of education in our schools for years to come. The Committee and each of its members must look to the future and to the needs of all people more than the average citizen finds necessary. This requires a comprehensive perspective and long-range planning in addition to attention to immediate problems.

The School Committee's primary responsibility is to establish those purposes, programs, and procedures that will best produce the educational achievement needed by our students. The Committee is charged with accomplishing this while also being responsible for wise management of resources available to the school system. The Committee must fulfill these responsibilities by functioning primarily as a legislative body to formulate and adopt policy, by selecting an executive officer to implement policy, and by evaluating the results. It must carry out its functions openly, while seeking the comments of public, students, and staff in its decision-making processes.

In accordance with these principles, the technique will involve:

1. Periodically setting performance objectives for the School Committee itself and evaluating their accomplishment.
2. Setting objectives for performance for each position and function in the system.
3. Allowing the people responsible for carrying out objectives to have a role in setting them.
4. Establish practical and simple goals.
5. Conducting a concrete and periodic review of performance against these goals.

EVALUATION OF SCHOOL COMMITTEE OPERATIONAL PROCEDURES

The School Committee will periodically establish realistic objectives related to Committee procedures and relationships. At the end of a specified length of time, the Committee will measure its performance against the stated objectives.

The following areas of School Committee operations and relationships are representative of those in which objectives may be set and progress appraised:

1. Communication with the public
2. School Committee - Superintendent relationships
3. School Committee member development and performance
4. Policy development
5. Educational leadership
6. Fiscal management
7. School Committee meetings
8. Performance of subcommittees of the School Committee
9. Interagency and governmental relationships

When the Committee has completed its self-evaluation, the members will discuss the results in detail and formulate a new series of objectives. At the same time, the Committee will set an approximate date on which the next evaluation will be conducted.

Implied in the concept of evaluation is an assumption that individuals and Committees are capable of improvement. The School Committee believes that its performance will be improved if evaluation is carried out systematically in accordance with good planning, conscientious follow-through, and careful assessment of results.

SCHOOL COMMITTEE LEGAL STATUS

State law provides that:

Every town at its annual meeting shall in every year when the term of office of any incumbent expires, and except when other provision is made by law, choose by ballot from its registered voters the following town officers for the following terms of office:

. . . Three, five, six, seven or nine members of the School Committee for terms of three years . . .

The School Committee is the governing board of the town's public school system. Although it functions as a duly elected Committee of town government, the School Committee has, unlike other town boards, autonomous and absolute authority within limitations established by the Commonwealth of Massachusetts to carry out the educational policies of the state and guide the educational process.

Established by law

LEGAL REFS.: M.G.L. 41:1 and 71:37 specifically, but powers and duties of School Committees are established throughout the General Laws of Massachusetts Relating to School Committees

CROSS REFS.: AA, School District Legal Status
BBA, School Committee Powers and Duties

ROLE OF SCHOOL COMMITTEE (POWERS, PURPOSES, DUTIES)

The Swampscott School Committee, representing the citizens of Swampscott in carrying out the mandates of Massachusetts law affecting the public schools, shall be the body which determines all questions of policy to be employed in the conduct of the schools.

The School Committee takes a broad view of its functions. The mention hereinafter of specific duties shall not be interpreted to exclude powers and duties not mentioned, but incident to the functioning of the School Committee as the body in control of the schools.

1. Policy Making

The Committee is responsible for the development of policy as guides for administrative action and for employing the Superintendent of Schools who will implement its policies.

2. Appraisal

The Committee is responsible for evaluating the effectiveness of its policies and their implementation.

3. Provision of Financial Resources

The Committee is responsible for adoption of a budget that will enable the school system to carry out the Committee's policies.

4. Public Relations

The Committee is responsible for providing reasonable means for keeping the local citizenry informed about the schools and for keeping itself and the school staff informed about the needs and wishes of the public.

5. Educational Planning and Evaluation

The Committee is responsible for establishing educational goals that will guide the Committee and the staff in working together for the continuing improvement of the educational program.

LEGAL REF.: M.G.L. 71:37 specifically, but powers and duties of School Committees are established throughout the Massachusetts General Laws.

CROSS REF.: BB, School Committee Legal Status

SCHOOL COMMITTEE MEMBER AUTHORITY

Authority

Because all powers of the School Committee derived from state laws are granted in terms of action as a group, members of the School Committee have authority only when acting as a Committee legally in session.

The School Committee will not be bound in any way by any statement or action on the part of an individual member except when such statement or action is a result of specific instructions of the Committee.

No member of the Committee, by virtue of his/her office, will exercise any administrative responsibility with respect to the schools or command the services of any school employee.

The School Committee will function as a body and all policy decisions and other matters, as required by law, will be settled by an official vote of the Committee sitting in formal session.

Duties

The duties and obligations of the individual Committee member may be enumerated as follows:

1. To become familiar with the General Laws of the Commonwealth relating to education and School Committee operations, regulations of the Massachusetts Board of Education, policies and procedures of this School Committee and School Department.
2. To keep abreast of new laws and the latest trends in education.
3. To have a general knowledge of the goals, objectives, and programs of the town's public schools.
4. To work effectively with other Committee members without trying either to dominate the Committee or neglect his/her share of the work.
5. To respect the privileged communication that exists in executive sessions by maintaining strict confidentiality on matters discussed in these sessions, except that which becomes part of the public record, once it has been approved for release.
6. To vote and act in Committee impartially for the good of the students.
7. To accept the will of the majority vote in all cases, and to remember that he/she is one of a team and must abide by, and carry out, all Committee decisions once they are made.
8. To represent the Committee and the schools to the public in a way that promotes interest and support.
9. To refer questions and complaints to the proper school authorities.
10. To comply with the accepted code of ethics for School Committee members.

SCHOOL COMMITTEE MEMBER QUALIFICATIONS/OATH OF OFFICE

In order to serve on the School Committee, an individual must be a registered voter in the town from which he/she is elected or appointed and must take an oath of office as required by law.

Each new member will present to the Committee secretary official certification of having sworn the oath before an officer duly qualified to administer oaths prior to entering on his/her official duties as a member of the Committee. From the Town Clerk, newly qualified Committee members, by law, receive, and sign a receipt for, a copy of the Massachusetts open meeting law governing the conduct of Committee meetings in general and executive sessions in particular.

Membership on a School Committee is not limited to race, color, sex, religion, national origin, or sexual orientation.

Established by law

LEGAL REFS.: M.G.L. 39:23B; 41:1; 41:107
 M.G.L. 76:5 Amended 1993

SCHOOL COMMITTEE MEMBER RESIGNATION

A current School Committee member who submits a resignation to the appropriate certifying authority terminates school committee duties at the time of such resignation unless a later time is stated in the resignation.

Should a School Committee member move out of the town or District in which he or she holds office, that member shall be deemed to have vacated the office.

Established by law

LEGAL REFS.: M.G.L. 41:2; 41:109

UNEXPIRED TERM FULFILLMENT

When a vacancy on the School Committee occurs for any reason, the Board of Selectmen and the remaining members of the Committee share the responsibility for filling it.

As provided in the law, the School Committee will notify the Selectmen that a vacancy has been created within 30 days after it has occurred. After one week's notice has been given by the Committee to the Selectmen, so that voters of the town may have the opportunity to state their candidacy, the two governing bodies will meet to fill the vacancy by roll call vote.

For election to fill a vacancy, a candidate must receive a majority of the votes of the officers entitled to vote. The person so elected will fill the seat on the Committee until the next town election, at which time a member will be elected to serve the remainder of the term, if any.

LEGAL REF.: M.G.L. 41:11

SCHOOL COMMITTEE MEMBER ETHICS

(Massachusetts Association of School Committees Code of Ethics)

Preamble

The acceptance of a code of ethics implies the understanding of the basic organization of School Committees under the Laws of the Commonwealth of Massachusetts. The oath of office of a School Committee member binds the individual member to adherence to those state laws which apply to School Committees, since School Committees are agencies of the state.

This code of ethics delineates three areas of responsibility of School Committee members in addition to that implied above:

1. Community responsibility
2. Responsibility to school administration
3. Relationships to fellow Committee members

A School Committee member in his/her relations with his/her community should:

1. Realize that his/her primary responsibility is to the children.
2. Recognize that his/her basic function is to be policy making and not administrative.
3. Remember that he/she is one of a team and must abide by, and carry out, all Committee decisions once they are made.
4. Be well informed concerning the duties of a Committee member on both a local and state level.
5. Remember that he/she represents the entire community at all times.
6. Accept the office as a Committee member as means of unselfish service with no intent to "play politics," in any sense of the word, or to benefit personally from his/her Committee activities.

A School Committee member in his/her relations with his/her school administration should:

1. Endeavor to establish sound, clearly defined policies which will direct and support the administration.
2. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
3. Give the chief administrator full responsibility for discharging his/her professional duties and hold him/her responsible for acceptable results.
4. Refer all complaints to the administrative staff for solution and only discuss them at Committee meetings if such solutions fail.

A School Committee in his/her relations with his/her fellow Committee members should:

1. Recognize that action at official meetings is binding and that he/she alone cannot bind the Committee outside of such meetings.
2. Realize that he/she should not make statements or promises of how he/she will vote on matters that will come before the Committee.
3. Uphold the intent of executive sessions and respect the privileged communications that exists in executive sessions.

4. Not withhold pertinent information on school matters or personnel problems, either from members of his/her own Committee or from members of other Committees who may be seeking help or information on school problems
5. Make decisions only after all facts on a question have been presented and discussed.

THE SCHOOL COMMITTEE ORGANIZATIONAL MEETING

For the purpose of organizing, the School Committee, at its first regular meeting following the town's annual elections, will elect from its membership a Chairman and a Vice Chairman, both of whom will hold their respective offices for a term of one (1) year or until a successor is elected.

A majority of the members of the School Committee will constitute a quorum. The election will proceed as follows:

1. Nominations for the office of Chairman will be made from the floor. The Chairman will be elected by a majority roll-call vote of the members present and voting. If no nominee receives a majority vote, the election will be declared null and void and nominations will be reopened.

2. Upon election, the new Chairman will preside, calling for the election of a Vice Chairman. The procedure used for his/her election will be the same as that for electing the Chairman.

Any vacancy among the offices occurring between organizational meetings will be filled by a member elected by the School Committee. The election will be conducted as prescribed above.

Following election of officers at its organizational meeting, the School Committee may proceed into such regular or special business as scheduled on the agenda.

SCHOOL COMMITTEE OFFICERS

The Chairman of the School Committee has the same powers as any other member of the Committee to vote upon all measures coming before it, to offer resolutions and to discuss questions. He will perform those duties that are consistent with his office and those required by law, state regulations, and this Committee. In carrying out these responsibilities, the Chairman will:

1. Sign the instruments, acts, and orders necessary to carry out state requirements and the will of the Committee.
2. Consult with the Superintendent in the planning of the Committee's agendas.
3. Confer with the Superintendent on crucial matters that may occur between Committee meetings.
4. Appoint subcommittees, subject to Committee approval.
5. Call special meetings of the Committee whenever necessary.
6. Be public spokesperson for the Committee at all times except as this responsibility is specifically delegated to others.
7. Be responsible for the orderly conduct of all Committee meetings.

As presiding officer at all meetings of the Committee, the Chairman will:

1. Call the meeting to order at the appointed time.
2. Announce the business to come before the committee in its proper order.
3. Enforce the Committee's policies relating to the order of business and the conduct of meetings.
 4. Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference.
 5. Explain what the effect of a motion would be if this is not clear to members.
 6. Restrict discussion to the question when a motion is before the Committee.
7. Answer all parliamentary inquiries.
8. Put motions to a vote, stating definitely and clearly the vote and result thereof.

The Vice Chairman of the Committee will act in the absence of the Chairman as presiding officer of the Committee and will perform such other duties as may be delegated or assigned to him/her.

LEGAL REF.:M.G.L. 71:36

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APPOINTED COMMITTEE OFFICIALS

The Superintendent shall be elected by the Committee as provided by law and shall serve as secretary and perform all the duties that are prescribed by law and such other duties, not inconsistent there to, as a majority of the Committee may direct.

SCHOOL COMMITTEE-SUPERINTENDENT RELATIONSHIP

The Committee will leave to the Superintendent all matters of decision and administration that come within his scope as executive officer or as professional leader of the School System. While the Committee reserves to itself the ultimate decision on all matters concerning general policy or expenditures of funds, it will normally proceed in these areas after receiving recommendations from its executive officer. Further:

1. The Superintendent may ask guidance from the Committee with respect to matters of operation whenever he wishes. If it is necessary to make exceptions to an established policy, he will submit the matter to the Committee for advice and direction.
2. The Superintendent will assist the Committee in reaching sound judgments and establishing policies, and will place before the Committee all relevant facts, information, and reports necessary to keep the Committee adequately informed of situations or business at hand.

SUBCOMMITTEES OF THE SCHOOL COMMITTEE

The School Committee will have no standing committees. It may, however, establish special subcommittees at its annual organizational meeting. These subcommittees may be created for a specific purpose and to make recommendations for Committee action.

1. The subcommittee will be established through action of the Committee.
2. The Committee chairperson, subject to approval by the Committee, will appoint the subcommittee chairperson and its members.
3. The subcommittee will be provided with a list of its functions and duties.
4. The subcommittee may make recommendations for Committee action, but it may not act for the School Committee.
5. The Committee chairperson and Superintendent will be ex-officio members of all special subcommittees.
6. A subcommittee will be dissolved by the Committee upon completion of its assignment, or it may be dissolved by a vote of the Committee at any time.

CROSS REF.: BEC, Executive Sessions

ADVISORY COMMITTEES TO THE SCHOOL COMMITTEE

The following general policies will govern the appointment and functioning of advisory committees to the School Committee other than the student advisory committee, which is governed by the terms of the Massachusetts General Laws.

1. Advisory committees may be created by the School Committee to serve as task forces for special purposes or to provide continuing consultation in a particular area of activity. However, there will be no standing overall advisory committee to the School Committee.
2. If an advisory committee is required by state or federal law, its composition and appointment will meet all the guidelines established for that particular type of committee.
3. The composition of task forces and any other advisory committees will be broadly representative and take into consideration the specific tasks assigned to the committee. Members of the professional staff may be appointed to the committee as members or consultants, as found desirable.
4. Appointments to such committees will be made by the Committee; appointment of staff members to such committees will be made by the School Committee upon recommendation of the Superintendent.
5. Tenure of committee members will be one year only unless the member is reappointed.
6. Each committee will be clearly instructed as to:
 - a. The length of time each member is being asked to serve.
 - b. The assignment the School Committee wishes the committee to fulfill and the extent and limitations of its responsibilities.
 - c. The resources the School Committee will provide.
 - d. The approximate dates on which the School Committee wishes to receive major reports.
 - e. School Committee policies governing citizens, committees and the relationship of these committees to the School Committee as a whole, individual School Committee members, the Superintendent, and other members of the professional staff.
 - f. Responsibilities for the release of information to the press.
7. Recommendations of committees will be based upon research and fact.
8. The School Committee possesses certain legal powers and prerogatives that cannot be delegated or surrendered to others. Therefore, all recommendations of an advisory committee must be submitted to the School Committee.

The Committee will have the sole power to dissolve any of its advisory committees and will reserve the right to exercise this power at any time during the life of any committee.

CROSS REF.: JIB, Student Involvement in Decision-making
KCB, Community Involvement in Decision-making

SCHOOL COUNCILS

The School Committee believes that the school is the key unit for educational improvement and change and that successful school improvement is best accomplished through a school-based decision-making process. By involving those directly affected by any action or decision of the school council in the process of determining that action or decision, it helps to strengthen the commitment to those decisions by those most affected by its implementation.

Under this policy, the Principal shall have primary responsibility for the management of the school. Decisions which are made at the school level must be aligned with the budget, policies, curriculum, and long-range and short-range goals adopted by the School Committee. In addition, decisions must comply with any state and federal laws and regulations and with any negotiated agreements of the school District.

As enacted by the state legislature in the Education Reform Act of 1993, a school council shall be established in each school to advise the Principal in specific areas of school operation. The Principal, except as specifically defined in the law, shall have the responsibility for defining the composition of and forming the group pursuant to a representative process approved by the Superintendent and School Committee.

The following guidelines define the role of the school council:

The School Council shall meet regularly with the Principal of the school and shall assist in:

- 1. Adoption of educational goals for the school that are consistent with state and local policies and standards.**
- 2. Identification of the educational needs of the students attending the school.**
- 3. Review of the school building budget.**
- 4. Formulation of a school improvement plan that may be implemented only after review and approval by the School Committee.**

LEGAL REFS.: M.G.L. 71:38Q, 71:59C

SCHOOL IMPROVEMENT PLAN

The Principal, in conjunction with the school council, shall be responsible for preparing a written school improvement plan annually. This plan shall be written with the advice of the school council and submitted for approval to the Superintendent and the School Committee. The plan should be drafted with the following in mind:

1. The educational goals for the school consistent with the goals and standards, including student performance standards, as adopted by the Massachusetts Board of Education and by the School Committee.
2. An assessment of the needs of the school in light of the proposed educational goals.
3. The means to address student performance.
4. Professional development for the school's professional staff.
5. The enhancement of parental involvement in the life of the school, safety, and discipline.
6. The development of means for meeting the diverse learning needs of every child.
7. Any further subjects as the Principal, in consultation with the school council, shall consider appropriate, except that:
 - a. The council shall have no authority over matters that are subject to Chapter 150E, the collective bargaining law, and
 - b. The council may not expand the scope of its authority beyond that established in law or expressly granted by School Committee policy.

SUBMISSION AND APPROVAL OF THE SCHOOL IMPROVEMENT PLAN

The written school improvement plan shall be submitted by the Principal to the Superintendent and the School Committee for review and approval by February 1st of each year.

Because the implementation of the plan is dependent on School Committee approval, it is important that the school council be aware of certain expectations of the School Committee regarding the school improvement plan. The school improvement plan should:

1. Focus on improvement of student learning.
2. Specify expected student outcomes and measurable/observable results.
3. Align with the mission of the School District and any goals and policies of the School District.
4. Be consistent with state and federal law, School District policy, established curriculum and negotiated agreements.
5. Clearly identify actions to be taken on how changes will be implemented.
6. Include a plan on how to solicit community support for the changes being developed.
7. Indicate anticipated costs and available funding sources.
8. Delineate the method of evaluating and reporting progress and results.

If the school improvement plan is not approved by the Superintendent and School Committee, it shall be returned to the Principal with specific comments as to the reason(s). The Principal shall revise the plan in cooperation with the school council, and resubmit it for approval. If the School Committee does not review the school improvement plan within 30 days of its receipt by the Committee, the plan shall be deemed to have been approved.

CONDUCT OF SCHOOL COUNCIL BUSINESS

The Principal shall, by law, serve as co-chair of the council. The second co-chair will be elected annually by the council members at its first meeting of the school year subsequent to the elections of new council members. The co-chairs will be responsible for the preparation of the agenda for the council meetings.

The school council shall meet at least once monthly during the school year. Meetings will be held outside of school hours. At its first meeting of the school year, the council will set its calendar of regular meetings for the year. Where circumstances warrant, the council may choose to call additional meetings.

School councils shall use consensus as the primary method to resolve issues and to formulate recommendations. Votes by majority may be taken at the discretion of the Principal and Robert's Rules of Order shall prevail if there are questions of procedure.

All meetings of the school council shall conform to the Open Meeting Law, Sections 23 A, B, and C, which stipulate that all meetings be open to the public, that meetings be posted at least 48 hours in advance, and that minutes of the meeting shall be maintained as required. The scope of the school council does not require, and therefore does not qualify for, executive session.

The Superintendent shall receive agendas and minutes of all school council meetings. The Superintendent shall provide copies of these materials to members of the School Committee for information.

SCHOOL ATTORNEY

The School Committee may use the services provided by the town counsel. The Committee and the Superintendent may seek his/her services to counsel and represent the school system at various times.

However, because the complexity of school department operations often requires specialized legal services, the Committee may also retain an attorney or law firm to provide additional legal services.

It will be the duty of the counsel for the Committee to advise the School Committee and the Superintendent on the specific legal problems submitted to him. He/she will attend meetings upon request and will be sufficiently familiar with Committee policies, practices, and actions under these policies, and with requirements of the school law to enable him/her to offer the necessary legal advice.

A decision to seek legal advice or assistance on behalf of the school system will be made by the Committee. The Superintendent may also take such action at the direction of the Committee.

Many types of legal assistance are routine and do not require specific Committee approval or prior notice. However, when the Superintendent concludes that unusual types or amounts of professional legal service may be required, he/she will advise the Committee and seek either initial or continuing authorization for such service.

LEGAL REFS.: M.G.L. 71:37E; 71:37F

SCHOOL COMMITTEE MEETINGS

The School Committee will transact all business at official meetings of the Committee. These may be either regular or special meetings, defined as follows:

1. **Regular meeting**: the usual official legal action meeting, held regularly
2. **Special meeting**: an official legal action meeting called between scheduled regular meetings to consider specific topics.

Every meeting of the School Committee, regular or special, will be open to the public unless an executive session is held in accordance with state law.

LEGAL REFS.: M.G.L. 39:23A; 39:23B; 39:23C

CROSS REFS.: BEC, Executive Sessions
BEDA, Notification of School Committee Meetings

File: BEC

EXECUTIVE SESSIONS

All meetings of the School Committee are open to attendance by the public and media representatives. However, the Committee has the right to convene in a closed executive session when it meets the following procedural conditions imposed by state law:

1. The Committee will first convene in an open session for which due notice has been given.
2. The Chairperson (or, in his/her absence, the presiding member) will state the purpose for the executive session.
3. A majority of the members must vote to enter the executive session, with the vote taken by roll call and recorded in the official minutes.
4. The Chairperson or presiding member will state before entering the executive session whether the Committee will reconvene in open session after the executive session.

The law puts specific limitations on the purposes for which executive sessions may be convened. The Committee may enter executive sessions only to deliberate:

1. The reputation, character, physical condition or mental health, rather than the professional competence, of a single individual.
2. The discipline or dismissal, including the hearing of charges against, a member of the Committee, a school department employee or student, or other individual.

3. Strategy with respect to collective bargaining or litigation, if an open meeting might have a detrimental effect. Collective bargaining may also be conducted.
4. The deployment of security personnel or devices.
5. Allegations of criminal misconduct or to discuss the filing of criminal complaints.
6. Transactions of real estate, if an open meeting might be detrimental to the negotiating position of the Committee or another party.
7. To comply with the provisions of any general or specific law of federal grant-in-aid requirements.
8. To consider and interview applicants for employment (The only position that the School Committee would be involved in that might qualify would be for the position of Superintendent). This exemption only applies if it can be determined that an open meeting will have a detrimental affect in obtaining qualified applicants.
9. To meet or confer with a mediator with respect to any litigation or public business.

(In the first two cases listed, an open meeting will be held if the individual involved so requests.)

Accurate records of the proceedings conducted in executive session will be kept and may remain secret only so long as their publication would defeat the purpose of the session. The Committee will review executive session minutes for possible declassification at least once each year.

All votes taken in executive session will be recorded roll call votes, and will become part of the minutes of executive sessions.

Established by law and Committee policy

LEGAL REFS.: M.G.L. 39:23A; 39:23B

CROSS REFS.: BDE, Subcommittees of the School Committee
BE, School Committee Meetings
KEB, Public Complaints about School Personnel

NOTIFICATION OF SCHOOL COMMITTEE MEETINGS/

DELIVERY OF MATERIALS

As required by law, a minimum of 48 hours' advance notice will be given for any meeting of the School Committee, including all subcommittee meetings. The only exception permitted is in case of emergency, which the law defines as "a sudden, generally unexpected occurrence or set of circumstances demanding immediate action."

Notification of the dates, times, and places of regular meetings will be accomplished by periodic publication of the schedule for the ensuing months. Notification of a change in a regular meeting time or place and notification of a special meeting will be filed with the town clerk at least 48 hours in advance, as required by law.

For any regular meeting of the School Committee, the agenda and pertinent materials must be given to all members not less than three (3) days prior to the meeting. Items for which supporting material is not submitted in accordance with this policy shall not be considered unless such material was not available three (3) days prior to the meeting and the matter is one which must be acted on prior to the next regularly scheduled meeting. In such cases, every effort shall be made to make the material available prior to the meeting.

Any matter which must be considered prior to the next regularly scheduled meeting for which supporting material has been provided at the meeting shall be placed at the end of the agenda and considered after a short recess.

LEGAL REFS.: M.G.L. 39:23A; 39:23B

CROSS REF.: BE, School Committee Meetings

AGENDA FORMAT

The Superintendent, conferring with the Chairperson of the School Committee, will arrange the order of items on meetings agendas so that the Committee can accomplish its business as expeditiously as possible. The particular order may vary from meeting to meeting in keeping with the business at hand.

The Committee will follow the order of business established by the agenda except as it votes to rearrange the order for the convenience of visitors, individuals appearing before the Committee, or to expedite Committee business.

Any School Committee member, staff member, or citizen may suggest items of business. The inclusion of such items, however, will be at the discretion of the Chairperson of the Committee. A staff member who wishes to have a topic scheduled on the agenda should submit the request through the Superintendent. Requests to be placed on the agenda for a specific date must be made no later than three (3) days prior to the meeting.

The agenda will also provide for time when any citizen who wishes may speak briefly before the School Committee.

Items of importance requiring School Committee action are to be placed as early on the agenda as possible so that they can receive adequate attention by the School Committee and any interested citizens present. The order of business as set in the agenda shall be followed, except that it may be changed at any meeting of the School Committee by a majority vote of the members present, for the convenience of visitors, individuals appearing before the Committee, or to expedite Committee business.

The agenda, together with supporting materials, will be distributed to School Committee members three days prior to the meeting to permit adequate time to prepare for the meeting. Copies of the agenda shall also be sent to the President of the SEA, the Nahant Superintendent of Schools, Swampscott Town Clerk, Swampscott Finance Committee members and the Swampscott Board of Selectmen.

Agendas will be posted in each school and made available to the press.

AGENDA FORMAT

At regular meetings, the following will be the customary order of business:

- | | | |
|-------|---------------------------------------|--------------------------------------|
| I. | Approval of Minutes | |
| II. | | Superintendent's Report |
| III. | Subcommittees of the School Committee | Reports of Special Committees and/or |
| IV. | | Hearings |
| V. | Old Business | |
| VI. | | New Business |
| VII. | | Additional Business |
| VIII. | Communications | |
| IX. | | Adjournment* |

Open Forum - 15 Minutes

RULES OF ORDER

Robert's Rules of Order, Newly Revised, shall be used as a guide to govern the proceedings of the School Committee, except by a two-thirds vote of the Committee. In those cases where Robert's Rules of Order are in conflict with the Committee's approved policies and regulations, the Committee's approved policies and regulations shall take precedence.

VOTING METHOD

Except on procedural matters, all votes of the School Committee will be taken by a call of the roll and the ayes and nays will be recorded in the minutes; if the vote is unanimous only that fact need be recorded.

All actions will require a majority vote of all members present and voting except as state law, Robert's Rules of Order, Newly Revised, or policies of this Committee require a larger majority. A majority of the members of the School Committee will constitute a quorum.

A two-thirds vote will be required to suspend parliamentary rules of order.

LEGAL REFS.: M.G.L. 39:23B; 71:42; 71:50

MINUTES

The minutes of a School Committee meeting constitute the written record of Committee actions; they are legal evidence of what the action was. Therefore, the secretary of the School Committee will be responsible for reporting in the minutes all actions taken by the Committee.

Minutes will include:

1. A statement on the nature of the meeting (regular or special), the time, the place, and the approval of the last regular and each subsequent special meeting.
2. Names of the members present or absent, annotated as to arrival and departure times, if during the meeting.
3. A complete record of official actions taken by the Committee relative to the Superintendent's recommendations, to communications, and to all business transacted. Resolutions and motions will be given in their exact wording, accompanied by the names of members moving and seconding and a record of the results of the vote. Reports and documents relating to a formal motion may be omitted if they are referred to and identified by title and date.
4. Notation of formal adjournment.

Copies of the minutes will be sent to all Committee members at least 48 hours in advance of the meeting at which the minutes are to be approved.

The approved minutes will become permanent records of the Committee. Minutes of public meetings and minutes of executive sessions that have been declassified will be in the custody of the Superintendent who will make them available to interested citizens upon request.

LEGAL REFS.: M.G.L. 39:23B; 66:10

CROSS REF.: KDB, Public's Right to Know

PUBLIC PARTICIPATION AT REGULAR MEETINGS

The School Committee encourages any individual or group to address the School Committee concerning any subject that lies within the School Committee's jurisdiction. At the beginning of each regular meeting of the Committee, there will be a period of up to fifteen (15) minutes set aside for public participation. Citizens may address the Committee on items of school business not listed in the agenda.

All meetings of the Committee will be presided over by the Chairman with the purpose of conducting the business of the Committee in a responsible and expeditious manner. The Chairman will have authority to regulate and limit public participation within the provisions of the Policy. The Committee may determine to limit or alter this authority by majority vote. However, by law, "no person shall address a public meeting of a Governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent."

No boisterous conduct shall be permitted at any School Committee meeting. Persistence and boisterousness shall be grounds for summary termination, by the Chairman, of that person's privilege of address. If necessary, the Chairman may recess the meeting without a vote and clear the room so that the School Committee may continue their meeting.

SPECIAL PROCEDURES FOR PUBLIC HEARINGS

In conducting all public hearings required by law, and others as it deems advisable, the Swampscott School Committee will:

1. Give due and public notice in accordance with statutory requirements and seek to publicize the meeting in all local media.
2. Make available printed information on the topic of the hearing.
3. Give all persons a reasonable equal and full opportunity to be heard in accordance with the Swampscott School Committee's policy.

The Chairperson of the Swampscott School Committee will preside at all public hearings.

At the beginning of the hearing, members of the public will be informed about the procedure to be followed with respect to questions, remarks, rebuttals, time limitations, etc., to be followed.

In accordance with customary hearing procedures, statements and supporting information will be presented first by the Committee, or by others for the Committee. To comment, citizens must be recognized by the Chair, and all remarks must be addressed to the Chair and be germane to the topic. To assure that all who wish to get a chance to speak, the Chair will recognize persons who have not commented previously during the hearing before recognizing persons who wish to remark a second time.

SCHOOL COMMITTEE POLICY DEVELOPMENT

The School Committee will develop policies and put them in writing so that they may serve as guides for the discretionary action of those to whom it delegates authority.

The formulation and adoption of these written policies will constitute the basic method by which the School Committee will exercise its leadership in providing for the successful and efficient functioning of the school system. Through the study and evaluation of reports concerning the execution of its policies, the School Committee will exercise its control over school operation.

The School Committee accepts the definition of policy set forth by the National School Boards Association:

Policies are principles adopted by a School Committee to chart a course of action. They tell what is wanted; they may include why and how much. Policies should be broad enough to indicate a line of action to be followed by the administration in meeting day-to-day problems, yet be specific enough to give clear guidance.

The policies of the School Committee are framed, and are meant to be interpreted, in terms of state law, regulations of the Massachusetts Board of Education, and other regulatory agencies of the various levels of government.

POLICY ADOPTION

Adoption of new policies or changing existing policies is solely the responsibility of the Swampscott School Committee. Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the School Committee when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all new policies or amendments to policies and to provide an opportunity for interested parties to react, proposed policies or amendments will be presented as an agenda item to the Committee in the following sequence:

1. Information item -- distribution with agenda
2. Discussion item -- first reading of proposed policy or policies; response from Superintendent; report from any advisory committee assigned responsibility in the area; Committee discussion and directions for any redrafting.
3. Action item -- discussion, adoption or rejection

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Committee so directs.

The School Committee may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon the date set by the School Committee. This date will ensure that affected persons have an opportunity to become familiar with the requirements of the new policy prior to its implementation.

Existing policies will be reviewed on an ongoing basis.

POLICY REVISION AND REVIEW

In an effort to keep its written policies up to date so that they can be used consistently as a basis for School Committee action and administrative decision, the Committee will review its policies on a regular basis.

The Committee will evaluate how the policies have been executed by the school staff and will weigh the results. It will rely on the school staff, students, and the community for providing evidence of the effect of the policies it has adopted.

The Superintendent is given the continuing commission of calling to the Committee's attention all policies that are out of date or for other reason appear to need revision.

The School Committee directs the Superintendent to periodically recall all policy and regulations manuals for administrative updating and Committee review.

SCHOOL COMMITTEE REVIEW OF REGULATIONS

It is expected that the Superintendent and administrative staff will need to issue regulations implementing policies of the School Committee. Many of these will be routine from year to year; others will arise in special circumstances; some will be drawn up under specific directions from the Committee.

The Committee may review the regulations developed by the Superintendent for the school system whenever they appear inconsistent with policy, goals, or objectives of the District, but it will revise or veto such regulations only when, in the Committee's judgment, they are inconsistent with policies adopted by the Committee.

The Committee will not officially approve regulations except as required by state law or in cases when strong community attitudes, or possible student or staff reaction, make it necessary or advisable for a regulation to have the Committee's advance approval.

Rules Pertaining to Staff and Student Conduct

Under Massachusetts law, the Superintendent is required to publish "rules and regulations pertaining to the conduct of teachers and students which have been adopted." (Codes of discipline, as well as procedures used to develop such codes, shall be filed with the Department of Education for information purposes only.) Standards of conduct will be included in staff and student handbooks. These handbooks will be reviewed and approved annually by the School Committee.

LEGAL REF.:M.G.L. 71:37H

POLICY DISSEMINATION

The Superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Committee and the regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school system, to members of the Committee, and, insofar as conveniently possible, to all persons in the community. A policy concerning a particular group or groups in the schools will be distributed to those groups prior to the policy's effective date.

All policy manuals distributed to anyone will remain the property of the Committee and will be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time deemed necessary for purposes of updating.

The School Committee's policy manual will be considered a public record and will be available for inspection at the Superintendent's office.

SUSPENSION OF POLICIES

The operation of any section or sections of School Committee policies not established by law or contract may be temporarily suspended by a two-thirds vote of Committee members present at any regular or special meeting. Any action to suspend policy must be reviewed at the next scheduled meeting and will be so noted on the agenda for that meeting.

SCHOOL COMMITTEE-STAFF COMMUNICATIONS

The School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.

Staff Communications to the School Committee

All communications or reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee for administrative decisions on important matters, except those matters that are outside of the Committee's legal authority, provided the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances. Staff members are also reminded that Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the Committee's deliberations on problems of staff concern.

School Committee Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.

Visits to Schools

Individual School Committee members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the Principals of the various schools. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under Committee authorization.

USE OF ELECTRONIC MESSAGING BY SCHOOL COMMITTEE MEMBERS

As elected public officials, School Committee members shall exercise caution when communicating between and among themselves via electronic messaging services including, but not limited to, electronic mail (e-mail), Internet web forums, and Internet chat rooms.

Under the Open Meeting Law, deliberation by a quorum of members constitutes a meeting. Deliberation is defined as movement toward a decision including, but not limited to, the sharing of an opinion regarding business over which the Committee has supervision, control, or jurisdiction. A quorum may be arrived at sequentially using electronic messaging without knowledge and intent by the author.

School Committee members should use electronic messaging between and among members only for housekeeping purposes such as requesting or communicating agenda items, meeting times, or meeting dates. Electronic messaging should not be used to discuss Committee matters that require public discussion under the Open Meeting Law.

Under the Public Records Law, electronic messages between public officials may be considered public records. Therefore, in order to ensure compliance, the School Committee chairperson, in consultation with the Superintendent of Schools, shall annually designate a member of the central office staff who shall be copied on all electronic correspondence between and among members of the School Committee. These copies shall be printed and retained in the central office in the same fashion as any other School Committee records. School Committee members who do not have a computer or access to these messages shall be provided copies on a timely basis.

LEGAL REF.: M.G.L.4:7; 39:23A, 23B; 66:10

ORIENTATION OF SCHOOL COMMITTEE MEMBERS

In accordance with the requirements of Massachusetts General Law Chapter 71, Section 36A as amended on December 24th, 2002, each new School Committee member elected to the Swampscott School Committee is required to complete, within 1 year of their election or appointment, at least 8 hours of orientation training. This orientation shall include, but is not limited to, a review of School Finance, the Open Meeting Law, Public Records Law, Conflict of Interest Law, Special Education Law, Collective Bargaining, School Leadership Standards and Evaluations, and the Roles and Responsibilities of School Committee Members.

The School Committee and Superintendent shall assist each new member to understand the Committee's functions, policies and procedures of the Committee as soon after election as possible. Each new member shall be given the following materials:

- A. A copy of the School Committee policy manual
- B. A copy of the Open Meeting Law
- C. A copy of the Conflict of Interest Regulations
- D. A copy of the district's budget
- E. Collective bargaining agreements and contracts
- F. Student and staff handbooks

Each new member shall also receive any other materials the Chair and/or the Superintendent determine to be necessary.

The Chair and/or Superintendent shall also clarify policy:

- A. arranging visits to schools or administrative offices
- B. requesting information regarding school district operations
- C. responding to community requests/complaints concerning staff or programs
- D. handling confidential information

Whether appointed or elected, new members should be advised that they are also members of the Massachusetts Association of School Committees, Inc. and should be encouraged to utilize the services and resources MASC provides by attending meetings or workshops specifically designed for new Committee members. Their expenses at these meetings or workshops will be reimbursed in accordance with established School Committee policy.

LEGAL REF.: M.G.L. 71:36A

SCHOOL COMMITTEE CONFERENCES, CONVENTIONS, AND WORKSHOPS

To provide continuing in-service training and development for its members, the School Committee encourages the participation of all members at appropriate School Committee conferences, workshops and conventions. However, in order to control both the investment of time and funds necessary to implement this policy, the Committee establishes these principles and procedures for its guidance:

1. The Committee secretary will maintain a calendar of School Committee conferences, conventions and workshops. The Committee will periodically decide which meetings appear to be most promising in terms of producing direct and indirect benefits to the school system. At least annually, the Committee will identify those new ideas or procedures and/or cost benefits that can be ascribed to participation at such meetings.
2. Funds for participation at such meetings will be budgeted for on an annual basis. When funds are limited, the Committee will designate which of its members would be the most appropriate to participate at a given meeting.
3. Reimbursement to Committee members for their travel expenses will be in accord with the travel expense policy for staff members.
4. When a conference, convention, or workshop is not attended by the full Committee, those who do participate will be requested to share information, recommendations and materials acquired at the meeting.

LEGAL REFS.: M.G.L. 40:5

SCHOOL COMMITTEE MEMBER COMPENSATION AND EXPENSES

The School Committee shall serve without compensation, except that a member of a School Committee of a city, town, regional school district or superintendency union may be compensated for his/her services by a majority vote of the city council in a city having a Plan D or Plan E charter; in a city not having a Plan D or Plan E charter by vote of the city council, subject to the provisions of the charter of such a city; in a town by a majority vote at a town meeting; and in a regional school district or school superintendency by a majority vote of the voting member towns authorized at their respective town meetings, the amount of such compensation, in each case, to be set by the respective cities, towns or groups of towns. No member of a School Committee in any town shall be eligible to the position of teacher, or Superintendent of public schools therein, or in any union school or superintendency union or district in which his/her town participates.

Upon submitting vouchers and supporting bills for expenses incurred in carrying out specific services previously authorized by the Committee, members may be reimbursed from school funds.

Reimbursable expenses may include the cost of attendance at conferences of School Committee associations and other professional meetings or visitations when such attendance and expense payment has had prior School Committee approval.

LEGAL REFS.: M.G.L. 40:5; 71:52

SCHOOL COMMITTEE LEGISLATIVE PROGRAM

The School Committee, as an agent of the state, must operate within the bounds of state and federal laws affecting public education. If the Committee is to meet its responsibilities to the residents and students of this community, it must work vigorously for the passage of new laws designed to advance the cause of good schools and for the repeal or modification of existing laws that impede this cause.

To this end:

1. The Committee will keep itself informed of pending legislation and actively communicate its concerns and make its position known to elected representatives at both the state and national level.
2. The Committee will work with its legislative representatives (both state and federal), with the Massachusetts Association of School Committees, and other concerned groups in developing an annual, as well as a long-range, legislative program. One of the major objectives of the Committee's legislative program will be to seek full funding for all state and federally mandated programs.
3. The Committee will annually designate a person--who may or may not be a member of the Committee--to serve as its legislative representative. This person will be authorized to speak on the Committee's behalf with respect to legislation being considered by the Massachusetts Legislature or the United States Congress or their respective Committees. In all dealings with individual elected representatives, the Legislature or Congress, the Committee's representative will be bound by the official positions taken by the School Committee.

SCHOOL COMMITTEE MEMBERSHIPS

The Committee will maintain memberships in the national, state and regional School Committees (boards) associations and take an active part in the activities of these groups.

It may also maintain institutional memberships in other educational organizations, which the executive officer and Committee find to be of benefit to members and personnel.

The materials and benefits of institutional memberships will be distributed and used to the best advantage of the Committee and the staff.

C. GENERAL SCHOOL ADMINISTRATION

ADMINISTRATION GOALS

It is the intent of the School Committee that the District employ qualified personnel to administer the school system efficiently and to require the Superintendent to organize the administration in a manner that will make clear the functions of each position and the relationships among them.

The Superintendent will establish clear lines of communication, both vertically and horizontally, and will form any staff councils or committees needed to provide for efficient conduct of school business. In order to engage in this process in an orderly and effective fashion, each individual and group will be given particular, clear-cut responsibilities. Channels will be established so that the recommendations and decisions of each group can be heard and reviewed by the chief administrative officer concerned, and, where appropriate, by the Superintendent and School Committee.

The organization and administration of the schools will balance responsibility with commensurate authority, subject to the reserved legal powers of the School Committee. This means that a staff member, when assigned a responsibility or a position, will be given the authority to make the decisions necessary to perform the assigned tasks.

For the schools to operate effectively, each administrative officer will be responsible and accountable for making a plan of development for all staff assigned to his/her area of operation.

SCHOOL SUPERINTENDENT

The Committee shall employ a Superintendent of Schools and fix his/her compensation. The Superintendent shall act in accordance with General Laws, Chapter 71, Section 59, and shall perform such other duties consistent with this section as the Committee may determine. He/she shall also prepare such reports as may be required by the State Department of Education and shall submit materials for the Committee's annual report to the (Mayor) Selectmen in sufficient time for printing in the annual report.

LEGAL REFS: M.G.L. 71:59, 72:3

SUPERINTENDENT OF SCHOOLS JOB DESCRIPTION

The Superintendent of Schools shall be the chief administrative officer of the School Committee and serves as its professional advisor. In accordance with the policies of the School Committee and the statutes of the State, the Superintendent shall provide professional leadership for public education in Swampscott. The Superintendent shall be responsible for administration and supervision of the Schools and all other activities under the control of the School Committee.

Reports to: School Committee

Supervises: All administrative and supervisory personnel of the school system.

Qualifications:

1. Superintendent's certification as prescribed by the state.
2. Successful experience as an educational leader and administrator.
3. Such alternatives to the above qualifications as the Committee may find appropriate and acceptable.

Job Goal: To provide leadership in developing and maintaining the highest quality educational programs and services.

Specific Duties and Responsibilities

1. Recommends the development of policies, where the Superintendent sees a need, for consideration by the School Committee.
2. Develops such administrative rules and procedures as may be necessary to implement all policies of the School Committee.
3. Prepares and submits to the School Committee recommendations relative to all matters requiring Committee action. This includes placing before the School Committee such necessary and helpful facts, information and reports as are needed to ensure the making of informed decisions.
4. Recommends to the School Committee for its adoption all courses of study, curriculum guides and major changes in text and time schedules to be used in the schools.
5. Prepares recommendations for the School Committee relating to school organization, school district boundaries and school plant requirements.
6. Prepares the annual operating budget recommendations and implements the budget approved by the School Committee.
7. Keeps the public informed about the purposes, conditions, values and needs of public education in Swampscott.
8. Assists the School Committee in the development of good relations with parents, townspeople, town officials and agencies, employees of the School Committee, and the pupils to the end that the needs and objectives of the school system will be better understood throughout the community.

9. Hires the best qualified personnel available on the basis of their merit and effectiveness without discrimination with respect to their national origin, religion, race, sex or marital status.
10. Recommends qualified persons for appointment by the School Committee to appropriate administrative and supervisory positions.
11. Recommends to the School Committee for final action the compensation of any member of the instructional staff or administrative-supervisory staff.
12. Attends or is represented by staff members at such seminars, workshops, and conferences as are necessary to keep abreast of latest educational trends.
13. Summons employees of the school system to attend such regular and occasional meetings as are necessary to carry out the educational program of the school system.
14. Submits reports as may be required by the Massachusetts Department of Education and the Swampscott School Committee.
15. Attends and participates in all meetings of the School Committee except executive sessions of those meetings which are concerned with the Superintendent's employment.
16. Assumes responsibility for closing any or all schools temporarily whenever conditions endanger the health and safety of the students.
17. Acts on own discretion if action is necessary in any matter not covered by School Committee policy, reports such action to the School Committee as soon as practicable, and recommends policy in order to provide guidance in the future.
18. Delegates at his own discretion to other staff members the exercise of any powers or the discharge of any duties with the knowledge that the delegation of power or duty does not relieve the Superintendent of final responsibility for the action taken under such delegation.
19. Performs such other duties as may from time to time be assigned by the School Committee.

Evaluation

Performance of this job will be evaluated annually in a manner determined by the School Committee.

SUPERINTENDENT'S CONTRACT

The Committee, upon the election of a candidate or upon reelection of the incumbent Superintendent, will enter into a written contract with the Superintendent which will meet the requirements of law and will protect the rights of both the Committee and the Superintendent.

LEGAL REFS.: M.G.L. 71:41; 71:42

EVALUATION OF THE SUPERINTENDENT

Through evaluation of the Superintendent, the School Committee will strive to accomplish the following:

1. Clarify for the Superintendent his/her role in the school system as seen by the School Committee.
2. Clarify for all Committee members the role of the Superintendent in light of his/her job description and the immediate priorities among his/her responsibilities as agreed upon by the Committee and the Superintendent.
3. Develop harmonious working relationships between the School Committee and Superintendent.
4. Provide administrative leadership of excellence for the school system.

The School Committee will periodically develop with the Superintendent a set of performance objectives based on the needs of the school system. The Superintendent's performance will be reviewed in accordance with these specified goals. Additional objectives will be established at intervals agreed upon with the Superintendent.

ADMINISTRATIVE STAFF ORGANIZATIONAL CHART

The School Committee directs the Superintendent of Schools to prepare prior to January 1 of each year a table of organization showing supervisory and line responsibilities established for the current school year, or to report that there have been no changes since the preceding year.

LINE AND STAFF RELATIONS

The School Committee expects the Superintendent to establish clear understandings on the part of all personnel of the working relationships in the school system.

Personnel will be expected to refer matters requiring administrative action to the administrator to whom they are responsible. The administrator will refer such matters to the next higher administrative authority when necessary.

It is expected that the established lines of authority will serve most purposes. But all personnel will have the right to appeal any decision made by an administrative officer through established grievance procedures.

Additionally, lines of authority do not restrict in any way the cooperative, sensible working together of all staff members at all levels in order to develop the best possible school programs and services. The established lines of authority represent direction of authority and responsibility; when the staff is working together, the lines represent avenues for a two-way flow of ideas to improve the program and operations of the school system.

ADMINISTRATIVE COUNCILS, CABINETS AND COMMITTEES

The Superintendent may establish such permanent or temporary councils, cabinets, and committees as he/she deems necessary for assuring staff participation in decision making, for implementing policies and regulations and for the improvement of the educational program.

Functioning in an advisory capacity, all councils, cabinets and committees created by the Superintendent may make recommendations for submission to the School Committee through the Superintendent. Such groups will exercise no inherent authority. Authority for establishing policy remains with the Committee and authority for implementing policy remains with the Superintendent.

The membership, composition and responsibilities of administrative councils, cabinets and committees will be defined by the Superintendent and may be changed at his/her discretion. However, the School Committee wishes to be kept informed of the establishment and dissolution of these groups as well as their membership and their purpose.

Expenses incurred by such groups for consultative services, materials, and any investigative travel will be paid by the school system, but only within budgetary allotments and when approved in advance by the Superintendent.

POLICY IMPLEMENTATION

The Superintendent has responsibility for carrying out, through regulations, the policies established by the School Committee.

The policies developed by the Committee and the regulations developed to implement policy are designed to increase the effectiveness and efficiency of the school system. Consequently, it is expected that all School Committee employees and students will carry them out.

Administrators and supervisors are responsible for informing staff members in their schools, departments, or divisions of existing policies and regulations and for seeing that they are implemented in the spirit intended.

DEVELOPMENT OF REGULATIONS

The Superintendent will be responsible for specifying required actions and designing the detailed arrangements under which the school system will be operated in accordance with School Committee policy. These detailed arrangements will be designed to implement policies, goals, and objectives of the Committee and will be one of the means by which the school system will be governed.

In the development of regulations, the Superintendent may involve at the planning stage those who would be affected by the regulations, including staff members, students, parents/guardians, and the public. He/she must weigh with care the counsel given by representatives of staff, student and community organizations. He/she will inform the Committee of such counsel in presenting pertinent reports of regulations and in presenting regulations for Committee approval.

As long as the Superintendent operates within the guidelines of policy adopted by the Committee, he/she may issue regulations without prior Committee approval unless Committee action is required by law, or the Committee has specifically asked that certain types of regulations be given Committee approval, or the Superintendent recommends Committee approval in light of strong community attitudes or probable staff reactions.

SCHOOL COMMITTEE REVIEW OF REGULATIONS

It is expected that the Superintendent and administrative staff will need to issue regulations implementing policies of the School Committee. Many of these will be routine from year to year; others will arise in special circumstances; some will be drawn up under specific directions from the Committee.

The Committee may review the regulations developed by the Superintendent for the school system prior to their issuance, but it will revise or veto such regulations only when, in the Committee's judgment, they are inconsistent with policies adopted by the Committee.

The Committee will not officially approve regulations except as required by state law, or in cases when strong community attitudes or possible student or staff reaction make it necessary or advisable for a regulation to have the Committee's advance approval.

Rules Pertaining to Staff and Student Conduct

Under Massachusetts law, the Superintendent is required to publish "rules and regulations pertaining to the conduct of teachers and students which have been adopted." (Codes of discipline, as well as procedures used to develop such codes shall be filed with the Department of Education for information purposes only.) Standards of conduct will be included in staff and student handbooks. These handbooks will be reviewed and approved annually by the School Committee.

LEGAL REFS.: M.G.L. 71:37H

REGULATIONS DISSEMINATION

It will be the responsibility of the Superintendent to see that the regulations developed to implement Committee policies and administer the school system are appropriately coded and included as regulations in the School Committee's policy manual.

A regulation concerning a particular group or groups in the schools will be distributed to the group(s) prior to the effective date of the regulation.

APPROVAL OF HANDBOOKS, DIRECTIVES, ETC.

The Superintendent shall be responsible for ensuring the preparation of faculty and student handbooks, which are consistent with the School Committee policies. The Superintendent shall also be responsible for ensuring review and revision of the handbooks, as needed. The Superintendent shall appoint ad hoc committees to prepare drafts of the handbooks and shall establish guidelines for these committees. All handbooks shall be approved prior to publication by the School Committee.

Any rules or regulations promulgated pertaining to the conduct of students and teachers, whether included in the handbooks or not, shall be published and copies provided to any person upon request without cost by building principals. Such rules and regulations are not effective until approved by the School Committee and filed with the Commissioner of Education, along with appropriate certification. Rules and regulations pertaining to the conduct of teachers shall not be in conflict with the teacher collective bargaining agreement.

APPROVAL OF HANDBOOKS AND DIRECTIVES

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

1. Any student who is found on school premises or at school-sponsored or school related events, including athletic games, in possession of a dangerous weapon or a controlled substance, may be subject to expulsion from school by the Principal.
2. Any student who assaults any employee of the School District may be subject to expulsion from school by the Principal.
3. Any student who is charged with a violation of either (1) or (2) above shall be notified in writing of their opportunity for a hearing, provided, however that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the Principal. After said hearing the Principal may decide to suspend rather than expel a student.
4. Any student who has been expelled shall have the right to appeal to the Superintendent.
5. When a student is expelled under the provisions listed above and applies for admission to another school for acceptance, the Superintendent of the sending school shall notify the Superintendent of the receiving school of the reasons for the pupil's expulsion.

LEGAL REFS.: M.G.L. 71:37H

ADMINISTRATION IN POLICY ABSENCE

When action must be taken within the school system where the Committee has provided no guides for administrative action, the Superintendent will have the power to act. The Superintendent's decisions, however, will be subject to review by the Committee.

ADMINISTRATIVE REPORTS

The School Committee will require reports from the Superintendent concerning conditions of efficiency and needs of the schools.

School building administrators will be required to keep such records and make reports as the Superintendent may direct or require.

Upon receipt of the Superintendent's reports, the Committee will take steps to appraise the effectiveness with which the schools are achieving the educational purposes of the school system.

Because statistical information often has a time value, each administrator will give careful consideration to all procedures related to reports, accounting, and general business matters that are required for the administration of the school program and will make accurate and prompt return on scheduled dates of all required statistical and other information.

SCHOOL DISTRICT ANNUAL REPORT

An annual report covering the diversified activities of the school system and the administration's recommendations for their improvement will be prepared by the Superintendent and presented to the School Committee. Upon Committee approval, the report will be made available to the public and used as one means for informing the parents/guardians, citizens, Commissioner of Education and others of the programs and conditions of the town's public schools.

Established by law and Committee policy

LEGAL REFS.: M.G.L. 72:4

D. FISCAL MANAGEMENT

FISCAL MANAGEMENT GOALS

The quantity and quality of learning programs are directly dependent on the effective, efficient management of allocated funds. It follows that achievement of the school system's purposes can best be achieved through excellent fiscal management.

As trustee of local, state, and federal funds allocated for use in public education, the Committee will fulfill its responsibility to see that these funds are used wisely for achievement of the purposes to which they are allocated.

Because of resource limitations, there is sometimes a temptation to operate so that fiscal concerns overshadow the educational program. Recognizing this, it is essential that the school system take specific action to make sure education remains central and that fiscal matters are ancillary and contribute to the educational program. This concept will be incorporated into Committee operations and into all aspects of school system management and operation.

In the school system's fiscal management, it is the Committee's intent:

1. To engage in thorough advance planning, with staff and community involvement, in order to develop budgets and to guide expenditures so as to achieve the greatest educational returns and the greatest contributions to the educational program in relation to dollars expended.
2. To establish levels of funding that will provide high quality education for the students.
3. To use the best available techniques for budget development and management.
4. To provide timely and appropriate information to all staff with fiscal management responsibilities.
5. To establish maximum efficiency procedures for accounting, reporting, business, purchasing and delivery, payroll, payment of vendors and contractors, and all other areas of fiscal management.

ANNUAL BUDGET

The annual budget is the financial expression of the educational program of the school department, and it mirrors the problems and difficulties that confront the school system.

The budget then is more than just a financial instrument and requires on the part of the Committee, the staff, and the community orderly and cooperative effort to ensure sound fiscal practices for achieving the educational goals and objectives of the school system.

Public school budgeting is regulated and controlled by legislation, state regulations, and local School Committee requirements. The operating budget for the school system will be prepared and presented in line with state policy and the town charter and will be developed and refined in accordance with these same requirements.

The Superintendent will serve as budget officer but he/she may delegate portions of this responsibility to members of his/her staff, as he/she deems appropriate. The three general areas of responsibility for the Superintendent as budget officer will be budget preparation, budget presentation, and budget administration.

LEGAL REFS.: M.G.L. 71:34; 71:37 and 71:38N

BUDGET DEADLINES AND SCHEDULES

Preparation of the annual budget will be scheduled in stages throughout the school year with attention to certain deadlines established by law and charter.

The calendar year for budget preparation will be determined by reference to the town charter and state law and other requirements set by the Committee.

In reaching its decision on the budget amount that it will submit to the Selectmen, the School Committee will also observe the statutory requirement of holding a public hearing on the proposed budget not less than seven days after the notice for this hearing has been published in a local newspaper.

Established by law and charter

LEGAL REFS.: M.G.L. 71:38N
 Town Charter (See local reference)

BUDGET PLANNING

The major portion of income for the operation of the public schools is derived from local property taxes, and the School Committee will attempt to protect the valid interest of the taxpayers. However, the first priority in the development of an annual budget will be the educational welfare of the children in our schools.

Budget decisions reflect the attitude and philosophy of those charged with the responsibility for educational decision-making. Therefore, a sound budget development process must be established to ensure that the annual operating budget accurately reflects this school system's goals and objectives.

In the budget planning process for the school system, the School Committee will strive to:

1. Engage in thorough advance planning, with staff and community involvement, in order to develop budgets and guide expenditures in a manner that will achieve the greatest educational returns and contributions to the educational program in relation to dollars expended.
2. Establish levels of funding that will provide high quality education for all our students.
3. Use the best available techniques for budget development and management.

The Superintendent will have overall responsibility for budget preparation, including the construction of, and adherence to, a budget calendar.

BUDGET ADOPTION PROCEDURES

Authority for adoption of the final school budget lies with the citizens who comprise, and who are entitled to vote at, the town meeting. The school budget is presented as part of the total town budget for action at the annual town meeting.

Established by law and charter

LEGAL REFS.: M.G.L. 71:34
 Town Charter (See local reference)

BUDGET TRANSFER AUTHORITY

In keeping with the need for periodic reconciliation of the school department's budget, the School Committee will consider requests for transfers of funds as they are recommended by the Superintendent.

The Committee wishes to be kept abreast of the need for these adjustments so that it may act promptly and expedite financial record keeping for the school system.

All funds in the general account not expended by the close of the fiscal year will be returned to the town.

GRANT REQUESTS

The Superintendent of Schools shall be responsible for preparation of all requests for grants. Prior to their submission to the granting authority, agency or organization, the Superintendent of Schools will submit any original grant proposal, along with supporting documentation, to the School Committee, which will review the documentation and proposal and where necessary, approval of the submission of the grant. The Superintendent shall report to the School Committee the disposition of all grant proposals at the meeting following notice of such disposition. In cases where time is of the essence, the proposal may be submitted to the granting authority concurrently with submission to the School Committee. The School Committee shall be informed of the renewal or continuation of existing grants.

FUNDING PROPOSALS AND APPLICATIONS

The School Committee will encourage the administration to seek and secure all possible sources of state, federal, and other special funds that will enhance the educational opportunities for the children in our schools.

The Superintendent will keep informed of all possible funds available to the school system under the various state and federal programs, and in what manner these funds can best be used in the school system.

The Superintendent will be responsible for seeking out and coordinating the development of proposals for all specially funded projects and for submitting the proposals to the Committee for approval.

The Superintendent is authorized to sign all reports for these projects and will be responsible for the proper expenditure of funds received for such projects.

LEGAL REFS.: M.G.L. 44:53A
 P.L. 874 Impact Aid
 Board of Education 603 CMR 32:00;34:00

AUTHORIZED SIGNATURES

The Chairman of the School Committee and the Superintendent will sign payrolls presented for approval.

The town treasurer, who also serves as the school department treasurer, signs all checks drawn against school department funds. No other signature is valid.

LEGAL REF.: M.G.L. 41:52

BONDED EMPLOYEES AND OFFICERS

Each employee of the school system who is assigned the responsibility of receiving and dispensing school funds will be bonded individually or covered by a blanket bond. The town will pay the cost of the bond.

LEGAL REFS.: M.G.L. 40:5

FISCAL ACCOUNTING AND REPORTING

The Superintendent will be ultimately responsible for receiving and properly accounting for all funds of the school system.

The accounting system used will conform with state requirements and with good accounting practices, providing for the appropriate separation of accounts, funds, and special monies.

The School Committee will receive periodic financial statements from the Superintendent showing the financial condition of the school department. Such other financial statements as may be determined necessary by either the Committee or the administration will be presented as found desirable.

LEGAL REF.: Board of Education 603 CMR 10:00

AUDITS

An audit of the school department's accounts should be conducted in accordance with the town's unified audit requirements. In addition, the Committee may request a private audit of the school system's accounts at its discretion.

The Committee will consider recommendations made by the auditor for maintaining an efficient system for recording and safeguarding the school department's assets.

PURCHASING

The School Committee declares its intention to purchase competitively without prejudice and to seek maximum educational value for every dollar expended.

The acquisition of materials, equipment and services will be centralized in the Superintendent's office of the school system.

The Superintendent or his/her designee will serve as purchasing agent. He/she will develop and administer the purchasing program for the schools in keeping with legal requirements and with the adopted school budget.

School purchases will be made only on official purchase orders approved for issuance by the appropriate unit head and signed by the Superintendent or his/her designee, with such exceptions as may be made by the latter for emergency purchases.

LEGAL REFS.: M.G.L. 7:22A; 7:22B; 30B; 71:49A

PURCHASING AUTHORITY

Authority for the purchase of materials, equipment, supplies, and services is extended to the Superintendent through the detailed listing of such items compiled as part of the budget-making process.

The purchase of items and services on such lists requires no further Committee approval except when by law or Committee policy the purchases or services must be put to bid.

LEGAL REF.: M.G.L. 30B

CROSS REF.: DJE, Bidding Requirements

BIDDING REQUIREMENTS

All purchases of materials and equipment and all contracts for construction or maintenance in amounts exceeding \$25,000 will be based upon competitive bidding.

An effort will be made to procure multiple bids for all purchases in excess of \$25,000. When recommending acceptance of a bid, the Superintendent will inform the School Committee, whenever possible, of the competitive price of a reasonable substitute for the item specified.

When bidding procedures are used, bids will be advertised appropriately. Suppliers will be invited to have their names placed on mailing lists to receive invitations to bid. When specifications are prepared, they will be mailed to all merchants and firms who have indicated an interest in bidding.

All bids will be submitted in sealed envelopes, addressed to the Superintendent and plainly marked with the name of the bid and the time of the bid opening. Bids will be opened in public at the time specified, and all bidders will be invited to be present.

The Committee reserves the right to reject any or all bids and to accept the bid that appears to be in the best interest of the school system. The Committee reserves the right to waive any informality in, or reject, any or all bids or any part of any bid. Any bid may be withdrawn prior to the scheduled time for the opening of the bids. Any bid received after the time and date specified will not be considered. All bids will remain firm for a period of 30 days after opening.

The bidder to whom an award is made may be required to enter into a written contract with the school system.

LEGAL REFS.: M.G.L. 7:22A; 7:22B; 30B

CROSS REF.: DJA, Purchasing Authority

VENDOR RELATIONS

Representatives of firms doing or hoping to do business with the school system will be acknowledged and interviews granted or not, depending on the circumstances. Personnel charged with the purchasing function will not be required to put their time at the indiscriminate use of sales personnel, who will limit their visits to staff members designated by school officials.

PAYMENT PROCEDURES

All claims for payment from school department funds will be processed in accordance with regulations developed by the Superintendent. Payment will be authorized against invoices properly supported by approved purchase orders, with properly submitted vouchers, or in accordance with salaries and salary schedules approved by the School Committee.

As an operating procedure, the Committee will receive monthly lists of bills for payment from school department funds. The lists will be certified as correct and approved for payment by the School Committee and then forwarded to the city auditor for processing and subsequent payment by the city treasurer. Actual invoices, statements, and vouchers will be available for inspection by the School Committee.

The Superintendent will be responsible for assuring that budget allocations are observed and that total expenditures do not exceed the amount allocated in the budget for all items.

The school building administrators will be responsible for observing budget allocations in their respective schools.

LEGAL REFS.: M.G.L. 41:41; 41:52 41:56

EXPENSE REIMBURSEMENTS

Personnel and school department officials who incur expenses in carrying out their authorized duties will be reimbursed by the school department upon submission of a properly completed and approved voucher and any supporting receipts required by the Superintendent.

When official travel by a personally owned vehicle is authorized, mileage payment will generally be made at the rate currently approved by the Committee. However, a monthly travel stipend, in an amount established by the Committee, will be paid to the Superintendent, Assistant Superintendent, Business Manager, and others authorized by the Committee who are required to travel regularly within the school system on official business.

LEGAL REFS.: M.G.L. 40:5; 44:58

E. SUPPORT SERVICES

SAFETY PROGRAM

Accidents are undesirable, unplanned occurrences that can result in tragic consequences--bodily harm, loss of school time, property damage, legal action, and even fatality. The School Committee will guard against such occurrences by taking every possible precaution to protect the safety of all students, employees, visitors and others present on school property or at school-sponsored events.

The Committee will comply with safety requirements established by governmental authorities and will insist that its staff adhere to recommended safety practices as these pertain, for example, to the school plant, special areas of instruction, student transportation, school sports and occupational safety.

The practice of safety will also be considered a facet of the instructional program of the schools. Instruction will include accident prevention as well as fire prevention; emergency procedures; traffic, bicycle, and pedestrian safety.

The Superintendent will have overall responsibility for the safety program of the school system. It will be the responsibility of the Superintendent to see that appropriate staff members are kept informed of current state and local requirements relating to fire prevention, civil defense, sanitation, public health, and occupational safety.

Efforts directed toward the prevention of accidents will succeed only to the degree that all staff members recognize that preventing accidents is a daily operational responsibility.

LEGAL REF.: M.G.L. 71:55C and Acts of 1985c 614 Sec 1
Board of Education 603 CMR 36:00

CROSS REFS.: EEAE, School Bus Safety Program
GBGB, Staff Personal Security and Safety
IHAM, Health Education

SCHOOL PEST MANAGEMENT POLICY STATEMENT

Structural and landscape pests can pose significant problems to people, property, and the environment. Pesticides can also pose risks to people, property, and the environment, it is therefore the policy of the Swampscott Public Schools to incorporate Integrated Pest Management (IPM) procedures for control of structural and landscape pests.

Pests

Pests are populations of living organisms (animals, plants, or microorganisms) that interfere with the use of the school site for human purposes. Strategies for managing pest populations will be influenced by the pest species and whether that species poses a threat to people, property, or the environment.

Pest Management

Approved pest management plans should be developed for the site and should include any proposed pest management measures.

Pests will be managed to:

- Reduce any potential human health hazard or to protect against a significant threat to public safety.
- Prevent loss of or damage to school structures or property.
- Prevent pests from spreading into the community or to plant and animal populations beyond the site.
- Enhance the quality of life for students, staff, and others.

Integrated Pest Management Procedures

IPM procedures will determine when to control pests and whether to use mechanical, physical, chemical, cultural, or biological means. IPM practitioners depend on current, comprehensive information on the pest and its environment and the best available pest control methods. Applying IPM principles prevents unacceptable levels of pest activity and damage by the most economical means and with the least possible hazard to people, property, and the environment.

The choice of using a pesticide will be based on a review of all other available options and a determination that these options are not acceptable or are not feasible. Cost or staffing considerations alone will not be adequate justification for use of chemical control agents, and selected non-chemical pest management methods will be implemented whenever possible to provide the desired control. It is the policy of the Swampscott Public Schools to utilize IPM principles to manage pest populations adequately. The full range of alternatives, including no action, will be considered.

When it is determined that a pesticide must be used in order to meet important management goals, the least hazardous* material will be chosen. The application of pesticides is subject to the

Federal Insecticide, Fungicide, and Rodenticide Act (7 United States Code 136 et seq.), School District policies and procedures, Environmental Protection Agency regulations in 40 Code of Federal Regulations, Occupational Safety and Health Administration regulations, and state and local regulations.

Education

Staff, students, pest managers, and the public will be educated about potential school pest problems and the IPM policies and procedures to be used to achieve the desired pest management objectives.

Record Keeping

Records of pesticide use shall be maintained on site to meet the requirements of the state regulatory agency and School Committee. Records must be current and accurate if IPM is to work. In addition, pest surveillance data sheets that record the number of pests or other indicators of pest populations are to be maintained to verify the need for treatments.

Notification

The Swampscott Public Schools takes the responsibility to notify the school staff and students of upcoming pesticide treatments. Notices will be posted in designated areas at school and sent home to parents who wish to be informed in advance of pesticide applications.

Pesticide Storage and Purchase

Pesticide purchases will be limited to the amount authorized for use during the year. Pesticides will be stored and disposed of in accordance with the EPA-registered label directions and state regulations. Pesticides must be stored in an appropriate, secure site not accessible to students or unauthorized personnel.

Pesticide Applicators

Pesticide applicators must be educated and trained in the principles and practices of IPM and the use of pesticides approved by the Swampscott School Committee, and they must follow regulations and label precautions. Applicators should be certified and comply with this Swampscott Public School IPM policy and Pest Management Plan.

*Precautionary statements are required on all pesticide labels. Signal words indicate the level of acute toxicity, the hazard to humans posed by the pesticide product. Every label bears the child hazard warning: Keep out of Reach of Children.

Work on School Pest Management is contracted to an outside organization which must, in accordance with School Committee Policy, adhere to the rules and regulations set forth by the School Committee in the above statement.

FIRST AID

The school attempts to provide a safe environment. If an accident or sudden illness occurs, school personnel will administer first aid and, if warranted, call the school physician.

First aid is defined as the immediate and temporary care given in case of an accident or sudden illness, which enables the child to be taken safely home or to a physician. It does not include diagnosis or treatment. Any care beyond first aid will not be given.

At each school, procedures will be developed for the proper handling of an injury to, or sudden illness of, a child or staff member. These will be made known to the staff and will incorporate the following requirements:

1. The school nurse or another trained person will be responsible for administering first aid.
2. When the nature of an illness or an injury appears in any way serious, every effort will be made to contact the parent and/or family physician immediately.
3. No young child who is ill or injured will be sent home alone, nor will any older child unless the illness or injury is minor. A young child who is ill or injured will not be taken home unless it is known that someone is there to receive him.
4. In extreme emergencies, the school nurse, school physician or Principal may make arrangements for immediate hospitalization of injured or ill students, contacting parent or guardian in advance if at all possible.
5. The teacher or other staff member to whom a child is responsible at the time an accident occurs will make out a report on an official form providing details about the accident. This will be required for every accident for which first aid is given.
6. All accidents to students and staff members will be reported as soon as possible to the Superintendent and, if the Superintendent deems appropriate, to the School Committee.

LEGAL REFS.: M.G.L. 71:55A; 71:56

CROSS REF.: JLC, Student Health Services and Requirements

EMERGENCY PLANS

Advance planning for emergencies and disasters is essential to provide for the safety of students and staff; it also strengthens the morale of all concerned to know that plans exist and that students and staff have been trained in carrying out the plans.

The Superintendent will develop and maintain plans that meet the requirements of state law for preparedness in case of fire, civil emergencies, and natural disasters.

Building Principals will meet all requirements for conducting fire drills to give students practice in moving with orderly dispatch to designated areas under emergency conditions, and the staff practice in carrying out their assigned responsibilities for building evacuation.

CROSS REF.: EBCD, Emergency Closings

EMERGENCIES AND DISASTER PREPAREDNESS

Although all employees of the school system are responsible for doing everything in their power to promote the safety of students at all times, it is important that orderly procedures delineated for specific emergencies be adhered to strictly.

Fire Emergencies

The principal shall hold at least a minimum of four fire drills in which all pupils, teachers and other employees shall be required to leave the school building.

In the event that a fire is discovered in the school building, the fire department shall be called immediately following giving the signal to evacuate the building.

1. Students must leave the building in an orderly and rapid manner and teachers are required to check to ascertain that no student remains in the building.
2. Real emergencies often call for alternate exits to be used. Teachers must be prepared to select and direct their classes to these alternate exits in the event the designated escape route is blocked. This demands close control of students.
3. A record shall be kept in the principal's office of each fire drill conducted. A copy of the record shall also be filed in the Office of the Superintendent.

Principals and teachers shall recognize that the essential element in any emergency is prevention of panic. Principal and teachers shall afford pupils such confidence as clarity of direction and supervision can contribute.

Bomb Threats

Authorized personnel only are to conduct searches of school buildings as a result of a bomb threat.

When a bomb threat is received, it should be reported immediately to the police by dialing on the school phone. Then notify the principal or designee.

Threats received by letter should be preserved for investigation by the police for possible fingerprints and should not be handled once the letter has been opened.

In the event that a bomb threat is received, a preliminary decision will be made, in coordination with the police, about the necessity for searching and/or evacuating the building. The procedures to be followed for each of two possible courses of action are summarized below.

Search of Building Without Evacuation

If the preliminary decision is to search the building without evacuating the students, the following announcement will be immediately made over the public address system: "All staff members are asked to carry out the instructions for checking the building that were outlined in the special bulletin issued." Upon receiving such an announcement, every teacher should make a prompt visual search of the classroom in which he/she is teaching at the time, and use the intercom to report to the main office any items or containers that are unusual or foreign to the normal operation of the school. Teachers are not to handle the item under suspicion. A representative from the Swampscott Police or Fire Department will be notified immediately upon receipt of the report. In addition, other personnel should also make a visual search of their specific areas.

Evacuation of the Building

If the decision is made to evacuate the building, the fire alarm will be sounded and the same procedures for evacuating pupils, teachers and employees in the event of fire shall be followed.

Most bomb threat calls are very brief. The caller normally states his or her message in a few words and hangs up. However, where possible, every effort should be made to obtain detailed information from the caller, such as:

1. Exact location of the bomb
2. Time set for detonation
3. Description of explosive or container
4. Type of explosive
5. Reason for call or threat

The person receiving the call should also note such details about the call as:

1. Date and time of call
2. Exact language used
3. Sex of caller
4. Estimated age of caller
5. Peculiar or identifiable accent
6. Identifiable background noise such as jukebox, trucks, street cars, or other conversations.

EMERGENCY CLOSINGS

The Superintendent may close the schools or dismiss them early in the event of hazardous weather or other emergencies that threaten the health or safety of students and personnel. While it may be prudent, under certain circumstances, to excuse all students from attending school, to delay the opening hour or to dismiss students early, the Superintendent has the responsibility to see that as much of the administrative, supervisory and operational activity is continued as maybe possible. Therefore, if conditions affect only a single school, only that school will be closed.

In making the decision to close schools, the Superintendent will consider many factors, including the following principal ones relating to the fundamental concern for the safety and health of the children:

1. Weather conditions, both existing and predicted.
2. Driving, traffic, and parking conditions affecting public and private transportation facilities.
3. Actual occurrence or imminent possibility of any emergency condition that would make the operation of schools difficult or dangerous.
4. Inability of teaching personnel to report for duty, which might result in inadequate supervision of students.

The Superintendent will weigh these factors and take action to close the schools only after consultation with public works and public safety authorities and with school officials from neighboring towns. Students, parents and staff will be informed early in each school year of the procedures that will be used to notify them in case of emergency closings. When schools are closed for emergency reasons, staff members will comply with School Committee policy in reporting for work.

LEGAL REFS.: M.G.L. 71:4; 71:4A

CROSS REF.: EBC, Emergency Plans

BUILDINGS AND GROUNDS MANAGEMENT

The School Committee's most important function is to provide for the education of children, and it recognizes that the education of children is dependent upon many factors, including a proper physical environment that is safe, clean, sanitary, and as comfortable and convenient as the facilities will permit or the use requires.

The supervision over the care and safekeeping of property used by the school department will be the general responsibility of the Superintendent. He/she will work with other town departments, as necessary, to develop a comprehensive and well-defined plan for the proper maintenance, cleanliness, and safekeeping of all school buildings and grounds to ensure that each school is equally well maintained, equipped, and staffed.

The Superintendent will establish procedures and employ such means as may be necessary to provide accurate information in regard to the nature, condition, location, and value of all property used by the school department; to safeguard the property against loss, damage, or undue depreciation; to recover and restore to usefulness any property that may be lost, stolen or damaged; and to do all things necessary to ensure the proper maintenance, cleanliness, and safekeeping of school property.

Within the separate schools, the building administrator will be responsible for proper care, maintenance, and cleanliness of buildings, equipment and grounds.

LEGAL REF.: M.G.L. 71:68

BUILDINGS AND GROUNDS SECURITY

Public school buildings and grounds are one of the greatest investments of the town. It is deemed in the best interest of the school department and town to protect the investment adequately.

Security should mean not only maintenance of a secure (locked) building, but protection from fire hazards and faulty equipment, and safe practices in the use of electrical, plumbing, and heating equipment. The Committee expects close cooperation with fire and law enforcement departments and with insurance company inspectors.

Access to school buildings and grounds outside of regular school hours will be limited to personnel whose work requires it. An adequate key control system will be established, which will limit access to buildings to authorized personnel and will safeguard against the chance of entrance to buildings by unauthorized persons.

Funds and valuable records will be kept in a safe place and under lock and key.

Protective devices designed to be used as safeguards against illegal entry and vandalism will be installed when appropriate to the individual situation. Employment of watchmen may be approved in situations where special risks are involved.

VANDALISM

The School Committee recognizes that acts of vandalism committed against public and private property are costly and require positive action through educational programs. Consequently, the Committee will support various programs aimed at reducing the amount of vandalism.

Every citizen of the town, staff members, students, and members of the police department are urged by the School Committee to cooperate in reporting any incidents of vandalism to property under control of the school department, and the name(s) of the person or persons believed to be responsible. Each employee will report to the Principal of the school every incident of vandalism known to him/her and, if known, the names of those responsible.

The Superintendent is authorized to sign a criminal complaint and to press the charges against perpetrators of vandalism against school property, and is further authorized to delegate, as he/she sees fit, authority to sign such complaints and to press charges.

Parents and students will be made aware of the legal implications involved. Reimbursement will be sought for all or part of any damages.

AUTHORIZED USE OF SCHOOL-OWNED MATERIALS

The School Committee wishes to be of assistance, whenever possible, to other town departments and community organizations. Therefore, permission to use school equipment may be granted by the Superintendent upon request by responsible parties or organizations.

Staff members may use school equipment when the use is related to their school employment, and by students when the equipment is to be used in connection with their studies or extracurricular activities.

Proper controls will be established by the Superintendent to assure the user's responsibility for, and return of, all school equipment.

STUDENT TRANSPORTATION SERVICES

The major purpose of the school system's transportation services is to aid students in getting to and from school in an efficient, safe, and economical manner.

The school system will contract for transportation services. The School Committee will award contracts on a competitive bid basis. Bus contractors and taxi contractors, who will be held responsible for the safe operation of school buses, will comply with all applicable state laws and regulations, including but not limited to:

1. Specifications for school bus design and equipment
2. Inspection of buses
3. Qualifications and examinations of bus drivers (including C.O.R.I.)
4. Driving regulations
5. Small vehicle requirements, if applicable
6. Insurance coverage
7. Adherence to local regulations and directives as specified in bid contracts

The Superintendent, working with the bus contractor and other appropriate administrators, will be responsible for establishing bus schedules, routes, stops, and all other matters relative to the transportation program.

LEGAL REFS.: M.G.L. 40:5; 71:7A, B and C; 71:37D; 71:48A; 71:68; 71:71A;
71B:4; 71B:5; 71B:8; 74:8A; 76:1; 76:12Bi; 76:14

CROSS REF.: EEAA, Walkers and Riders

WALKERS AND RIDERS

Students will be entitled to transportation to and from school at the expense of the public schools when such transportation conforms to applicable provisions of the Massachusetts General Laws. Reimbursement to the school system for transportation costs is given by the Commonwealth only for (a) students living at least one and one half miles from school, (b) students who live more than one mile from the nearest bus stop, and (c) students with special needs for whom transportation must be provided.

Exceptions to these guidelines may be made at the discretion of the Superintendent. This will apply particularly to any student who must travel in a hazardous area to and from school, as determined by the Superintendent in consultation with the Safety Officer.

LEGAL REFS.: M.G.L. 40:5; 71:7A; 71:68; 71B:5

CROSS REF.: EEA, Student Transportation Services

SCHOOL BUS SAFETY PROGRAM

The safety and welfare of student riders will be the first consideration in all matters pertaining to transportation. Safety precautions will include the following:

1. Children will be instructed as to the proper procedure for boarding and exiting from a school bus and in proper and safe conduct while aboard.
2. Emergency evacuation drills will be conducted at least twice a year to acquaint student riders with procedures in emergency situations.
3. All vehicles used to transport children will be inspected periodically for conformance with state and federal safety requirements.
4. Classroom instruction on school bus safety will be provided.

LEGAL REFS.: M.G.L. 90:7b as amended by Ch. 246 Acts of 1986
M.G.L. 90:1 et seq.; 713:2; 713:7L
Highway Safety Program Standard No. 17

CROSS REF.: EB, Safety Program

BUS DRIVER EXAMINATION AND TRAINING

The School Committee will reserve the right to approve or disapprove persons employed by the bus contractor to drive school transportation vehicles.

1. Courteous and careful drivers will be required.
2. Each driver will file with school officials a medical certificate and proof of freedom from tuberculosis.
3. No person under 18 years and only persons of high character will be allowed to operate school buses.
4. Only persons who are properly licensed by the state, have passed a C.O.R.I., and have completed the driver-training program will be permitted to drive school buses.
5. The contractor will furnish the School Committee with a list of names of drivers and their safety records for the last three years.
6. The contractor will notify school officials as soon as possible of any change of bus drivers.

LEGAL REFS.: Highway Safety Program Standard No. 17
M.G.L. 90:7B; 90:8A; 90:8A ½

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS

The District shall adhere to federal law and Department of Transportation regulations requiring a drug and alcohol-testing program for school bus drivers and commercial vehicle drivers. Such testing will be conducted for five different situations: pre-employment, randomly, following an accident, following an authorization to return to duty, and upon reasonable suspicion that a driver is under the influence of alcohol or using drugs.

The District will comply with Department of Transportation protocols regarding the collection and testing necessary to establish whether alcohol or drugs are present in the driver's system, and regulations will be established for the steps to be taken in the event that test results are positive.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49, Section 382 et seq. The Superintendent or designees shall adopt and enact procedures consistent with the federal regulations, defining the circumstances and procedures for testing.

LEGAL REF.: 49 U.S.C. sec. 2717 et seq. (Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 40 Procedures for Transportation Workplace and Drug and Alcohol
Testing Programs
49 C.F.R. Part 382 Controlled Substance and Alcohol Use and Testing
49 C.F.R. Part 391 Qualification of Drivers

STUDENT CONDUCT ON SCHOOL BUSES

The School Committee and its staff share with students and parents the responsibility for student safety during transportation to and from school. The authority for enforcing School Committee requirements of student conduct on buses will rest with the Principal.

To ensure the safety of all students who ride in buses, it may occasionally be necessary to revoke the privilege of transportation from a student who abuses this privilege. Parents of children whose behavior and misconduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of transportation privileges in accordance with regulations approved by the School Committee.

STUDENT CONDUCT ON SCHOOL BUSES

Procedures for Drivers and Parents

1. In case of any misconduct on a bus, the incident will be reported on the proper form to the school Principal. He/she will report the incident in writing to the parent concerned, with a copy to the Superintendent.
2. In case of a repetition by the same student, the Principal will suspend the student's transportation privileges with written notice to the parent to report at once with the child to the Superintendent's office.
3. After a second offense and a conference with the Superintendent, if a third such incident occurs, bus privileges will be denied the student and the responsibility for transportation will then rest with the parent.

Loading and Unloading at Bus Stop

1. Riders must be on time. Bus drivers will not wait.
2. Riders will enter or leave the bus at regular stops only.
3. Orderly behavior and respect for private property will be required.
4. Instructions and directions of the driver must be followed by the riders when entering or leaving the bus.

Required Conduct aboard the Bus

1. Riders must remain in seats or in place when the bus is in motion.
2. Whistling and shouting are not permitted.
3. Profanity and obscene language are forbidden.
4. Smoking is prohibited.

5. The following disturbances are prohibited:

Pushing or wrestling
Annoying other passengers or disturbing their possessions
Talking to the driver
Throwing objects within the bus or out of windows
Climbing over seats
Opening or closing windows
Leaning out of windows
Littering the bus

6. Parents will be held responsible for any defacing or damaging of the bus.

Parents and students will be informed of these regulations at the beginning of each school year, and parents will be asked to return signed forms indicating that the regulations have been received and read.

STUDENT TRANSPORTATION IN PRIVATE VEHICLES

School buses will be used for the transportation of students participating in co-curricular or extracurricular activities. However, when buses are not available, private vehicles may be permitted to transport students to or from school activities that fall within the academic day or extend the school day provided all of the following conditions are met:

1. The activity has the approval of the Superintendent of Schools.
2. The owner of the vehicle being used in transporting students must file evidence with the Superintendent of personal liability insurance coverage on the vehicle in the amounts of \$100,000 - \$300,000 or more.
3. The parents of students to be transported in this manner will be fully informed as to this means of transportation and will sign a statement to this effect.

FREE AND REDUCED PRICE FOOD SERVICES

The school system will take part in the National School Lunch Program and other food programs that may become available to assure that all children in the schools receive proper nourishment.

In accordance with guidelines for participation in these programs, and in accordance with the wishes of the Committee, no child who a teacher believes is improperly nourished will be denied a free lunch or other food simply because proper application has not been received from his parents or guardians.

As required by state and federal regulations, the School Committee will approve a policy statement pertaining to eligibility for free milk, free meals, and reduced price meals.

LEGAL REFS.: National School Lunch Act, as amended (42 USC 1751-1760)
 Child Nutrition Act of 1966, P.L. 89-642, 80 Stat. 885, as amended
 M.G.L. 15:1G; 15:1L; 69:1C; 71:72

COPYRIGHT POLICY

The employees of the Swampscott Public Schools shall abide by the provisions of the current federal copyright laws. It is the intent of the Swampscott Public Schools to adhere to the provisions of the copyright laws in the area of microcomputer software and to comply with the license agreements and/or policy statements contained in software packages used in the school system.

School system employees are prohibited from duplicating, preparing derivative works, distributing copies to the public, performing or displaying publicly, in any form, copyrighted materials without prior written permission from the owner of the copyright except under provisions of PL 94-553, Section 107, as detailed in Administrative Regulation 2302.

It is the responsibility of the individual employee to determine that the federal copyright laws have been violated.

Employees are prohibited from using school system equipment to duplicate copyrighted materials which have not been cleared through the copyright owner or which do not fall under the provisions of the Fair Use Doctrine.

LEGAL REF.: Public Law 94-553, Section 107 Administrative Regulation 2302

COPYRIGHT LAWS

Public Law 94-553, Section 107, notwithstanding the provisions of Section 106, permits educators “fair use” of copyrighted materials based on four (4) factors; (1) the purpose and character of use (instructional), (2) the nature of the work (various formats), (3) the amount of work used (usually ten percent limit), and (4) the effect on the potential market of the work (sales).

Copyrighted materials duplicated for classroom instruction must have the “nature of the work” criteria applied. The guidelines detailed below explain the duplication that is permissible for each format. Generally, duplication should not exceed ten per cent of the total work or excerpt the creative “essence” of the work. The making of multiple copies for classroom use must meet the tests of brevity, spontaneity, and cumulative effect.

In some instances a special notice is provided with some materials specifically prohibiting reproduction of any kind. Permission to use any part of such works must be secured in writing from the author or producer.

A. Printed Materials

1. Permitted

- a. Single copies at the request of an individual teacher for the teacher’s scholarly research or use in teaching or preparation for a class of
 - (1) a chapter of a book
 - (2) an article from a magazine or newspaper
 - (3) a short story, short essay, or short poem whether or not from a collective work
 - (4) a chart, graph, diagram, drawing, cartoon or picture from a book, magazine or newspaper
- b. Multiple copies at the request of a teacher for classroom use (not to exceed one copy per pupil in a course) must meet the tests of spontaneity in the duplicating of
 - (1) a complete poem if less than 250 words
 - (2) an excerpt from a longer poem, but not to exceed 250 words
 - (3) a complete article, story, or essay of less than 2,500 words

- (4) an excerpt from a larger printed work not to exceed ten percent of the whole or 1,000 words, whichever is less
- (5) one chart, graph, diagram, cartoon or picture per book or magazine issue
- (6) ten percent or two pages of “special works,” whichever is less of such works as children’s books which combine language with illustration. (These often are less than 2,500 words in their entirety.)

All of the preceding duplication must bear the copyright notice.

2. Prohibited

- a. Duplicating more than one work or two excerpts from a single author during one class term
- b. Duplicating more than three works from a collective work or periodical volume during one class term
- c. Duplicating more than nine sets of multiple copies for distribution to students in one class term.
- d. Duplication used to create or replace or substitute for anthologies or collective work.
- e. Duplication of “consumable” works such as workbooks, standardized tests, answer sheets, etc.
- f. Duplication charges to the student beyond the actual cost of photocopying.

The cumulative effect test prohibitions do not apply to current news magazines and newspapers.

B. Sheets and Recorded Music

1. Permitted

- a. Emergency copies for an imminent performance are permitted, provided the copies are replacing purchased copies and replacement is planned.
- b. Multiple copies (one per pupil) of excerpts not constituting an entire performance unit or more than ten percent of the total work may be made for academic purposes other than performances.

- c. Purchased sheet music may be edited or simplified provided the character of the work isn't distorted or lyrics added or altered.
- d. A single copy of a recorded performance by students may be retained by the institution or individual teacher for evaluation or rehearsal purposes.
- e. A single copy of recordings of copyrighted music owned by the institution for constructing exercises or examination and retained for exercises or examination may be made if the permission of the copyright owner of the recording is obtained.

2. Prohibited

- a. Duplication to replace a substitute for anthologies or collections.
- b. Duplication from works intended to be "consumable."
- c. Duplication for purposes of performances except as detailed in 1-a. Permitted.
- d. Duplication to substitute for purchase of music.
- e. Duplication without inclusion of copyright notice on the copy.

C. Audiovisual Works

1. Permitted

- a. Creating a slide or overhead transparency series from multiple sources as long as creation does not exceed ten percent of photographs in one source (book, magazine, filmstrip, etc.) unless the source forbids photographic reproduction.
- b. Creating a single overhead transparency from a single page of a "consumable" workbook.
- c. Reproducing selected slides from a series if reproduction does not exceed ten percent of total or excerpt "the essence."
- d. Excerpting sections of a film for a local videotape (not to be shown over cable) if excerption does not exceed ten percent of the total or "the essence" of the work.
- e. Literary excerpts may be narrated on tape and duplicated, as long as similar material is not available for sale.

2. Prohibited
 - a. Duplication of tapes unless reproduction rights were given at the time of purchase.
 - b. Reproduction of musical works or conversion to another format (e.g., record to tape).
 - c. Reproduction of commercial “ditto masters,” individually or in sets (including multimedia kits) if available for sale separately.
 - d. Reproduction of an audiovisual work in its entirety.
 - e. Conversion of one media format to another (e.g., film to videotape) unless permission is secured.

D. Computer Software

1. Permitted
 - a. New copies or adaptations created as an essential step in the utilization of a computer program in conjunction with a machine and the copies or adaptations are used in no other manner.
 - b. New copies or adaptations for archival purposes only. (All archival copies must be destroyed in the event that the right to continue to possess the computer program is lost.)
2. Prohibited
 - a. Creation of any new copies of copyrighted programs for any purpose other than the purposes detailed in 1.-a. and 1.-b. Permitted.
 - b. Creation of new copies while using a disk-sharing system.
 - c. The use of one disk or program to load other machines for student use, unless a special agreement or license has been obtained.

E. Off-Air Recording

1. Permitted
 - a. A broadcast program may be recorded off—air simultaneously with transmission and retained by a nonprofit educational institution for 45 calendar days after date of recording.

- b. Off-air recordings may be used once by individual teachers for relevant classroom activities and once for necessary reinforcement during the first ten consecutive school days after recording.
 - c. After the first ten school days, recordings may be used up to the end of the 45-day retention period for teacher evaluation purposes only (e.g., to determine if the program should be purchased for the curriculum).
 - d. Such recordings may be made only at the request of and used by individual teachers. No broadcast programs may be recorded more than once for the same teacher.
 - e. Such recordings need not be used in their entirety and may not be altered or edited and must include the copyright notice on the program as recorded. The recordings may not be physically or electronically combined or merged to constitute teaching anthologies or compilations.
2. Prohibited
- a. Off-air recording of programs that are available through sale, rent, or lease.

F. FACILITIES DEVELOPMENT

FACILITIES DEVELOPMENT GOALS

The School Committee believes that any educational program is influenced greatly by the environment in which its functions. The development of a quality educational program and school facilities that help to implement the program must go hand in hand.

Therefore, it is the Committee's goal to provide the facilities needed for the number of students in the school system, and to provide the kind of facilities that will best support and accommodate the educational program.

In planning facilities, the Committee recognizes that capital outlay funds are limited, and that priorities must be established to make the best use of the school building dollar. The Committee's first objective will be to develop a plan that eliminates overcrowding and minimizes the need for extended day programs and double sessions. Whenever possible, the cultural as well as educational needs of the community will be considered in planning facility expansions.

Architects retained by the Committee are expected to plan for simplicity of design; sound economics, including low long-range maintenance costs and efficiency in energy needs; low insurance rates; high educational use; and flexibility.

LEGAL REF.: 603 CMR 26:07

FACILITIES DEVELOPMENT GOALS

Facilities

- (1) Every new school which is to be constructed and every addition to an existing school or program for modernization of an existing school shall be designed or planned so as to ensure that the educational opportunities to be offered within that school following its construction, expansion or reconstruction will be available equally to all students thereof without regard to the race, color, sex, religion, sexual orientation, disability or national origin of any such student.
- (2) The goal of each school shall be to provide males and females with equal facilities and conveniences within a school which are separated for reasons of privacy, e.g. showers, locker rooms, changing rooms, toilets and lavatories. Any school to be constructed shall make such provision and any plan for the expansion or modernization of an existing school shall include whatever provision is necessary in order to achieve compliance with 603 CMR 26.07.

LEGAL REF.: 603 CMR 26:07

FACILITIES PLANNING

School Building Committee

The town moderator creates a school building committee for specific building projects. These committees act as the administrative authority for the projects, subject to approval of various actions by the School Committee and town.

The school building committee has the following responsibilities:

1. To study and make recommendations to the town with respect to school building needs.
2. To review thoroughly with the Superintendent and the School Committee the educational requirements in relation to school buildings.
3. To review previous studies and initiate needed studies with or without consultative assistance.
4. To employ the services of architects and cost estimators and such other professional assistance as it may deem necessary.

Staff Planning

Arrangements will be made by the Superintendent, working through Principals, for the school staff to contribute in the planning of new school buildings. Teachers will be given the opportunity to submit suggestions for possible inclusion in the educational specifications.

LEGAL REFS.: M.G.L. 71:37C and D; 71:68; 71:70
Massachusetts Board of Education Regulations Governing the School Building Assistance Act
Chapter 645 of the Acts of 1948 as amended, FY 79
Board of Education 603 CMR 38:00 and 603 CMR 26:07

RETIREMENT OF FACILITIES

When a school building becomes inadequate by virtue of age, condition, size of site, lack of need, or other overriding limitations, and cannot reasonably and economically be brought up to the current educational standards, the building should be considered for a comprehensive closing study. The Superintendent will recommend to the School Committee, which facilities appear to justify further analysis.

The School Committee may seek both professional advice and the advice of the community in making its recommendations as to the retirement of any school facility. This will permit the public, which originally acquired the property, to benefit from its recycling or retirement.

A closing study will include direct involvement by those neighborhoods considered in the study and will be concerned with all or some of the following factors:

1. Age and current physical condition of the facilities, its operating systems, and program facilities
2. Adequacy of site, location, access, surrounding development, traffic patterns, and other environmental conditions
3. Reassignment of children, including alternative plans according to Committee policy
4. Transportation factors, including numbers of children bussed, time, distance, and safety
5. Alternative uses of the building
6. Cost/Savings
 - a. Personnel
 - b. Plant Operation
 - c. Transportation
 - d. Capital Investment
 - e. Alternative Use
7. Continuity of instructional and community programs

NAMING NEW FACILITIES

Naming a school is an important matter that deserves thoughtful attention. Personal prejudice or favoritism, political pressure, or temporary popularity should not be an influence in choosing a school name. A name with educational significance or inspiration should be chosen. The Committee also feels that it is appropriate to name schools for physical locations; geographical areas; distinguished local, state, and national leaders whose names will lend dignity and stature to the school; or significant or pertinent events.

The Superintendent will prepare for the approval of the Committee a procedure to follow in recommending names for school buildings. Whenever possible, the wishes of the community, including parents and students, should be considered in naming new facilities.

It is expected that an orderly, announced procedure will lessen the community or factional pressures that so quickly build up when the selection is delayed or seems uncertain. A prompt decision will reduce disappointments and advance community solidarity. Much confusion in accounts, files, and records can be avoided if a new school can be identified by name before the planning starts.

G. PERSONNEL

PERSONNEL POLICIES GOALS

NOTE: School Committees must realize that even though they are no longer involved in the process of hiring school district employees other than the Superintendent and Assistant Superintendent, they are responsible to the students and residents of the school district they represent to insure that the highest quality individuals available are hired to meet the needs of the District. They have the additional responsibility to articulate the expectations of the District relative to personnel. This must be done in the form of District Policy. The School Committee recognizes that an efficient staff dedicated to education is necessary to maintain a constantly improving educational program.

The District's specific personnel goals are:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection that will result in the employment and retention of individuals with the highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the system's learning program.
2. To develop a general staff assignment strategy that will contribute to the learning program, and to use it as the primary basis for determining staff assignments.
3. To provide positive programs of staff development that contribute both to improvement of the learning program and to each staff member's career development aspirations.
4. To provide for a genuine team approach to education.
5. To develop and use for personnel evaluation positive processes that contribute to the improvement of both staff capabilities and the learning program.

LEGAL REF.: 603 CMR 26:08 paragraphs 3,7,8,9

EQUAL EMPLOYMENT OPPORTUNITY

The School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the District who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, creed, color, age, sex, national origin, disability or sexual orientation. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

LEGAL REF.: 603 CMR 26:08

CROSS REF.: AC, Nondiscrimination

SCHOOL COMMITTEE-STAFF COMMUNICATIONS

The School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.

Staff Communications to the School Committee

All communications or reports to the Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Committee from administrative decisions on important matters, except those matters that are outside the Committee's legal authority, provided that the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Committee's policy on complaints and grievances. Staff members are also reminded that Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the Committee's deliberations on problems of staff concern.

School Committee Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Committee's problems, concerns and actions.

Visits to Schools

Individual School Committee members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the Principals of the various schools. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Committee members will be carried on only under Committee authorization.

STAFF ETHICS / CONFLICT OF INTEREST

The School Committee expects members of its professional staff to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

No employee of the Committee will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises a reasonable question of conflict with his duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to him.

In order to avoid the appearance of any possible conflict, it is the policy of the School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a School Committee member or district administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the School Committee and the Town or District Clerk at least two weeks prior to executing the hiring in accordance with the law.

LEGAL REFS.: M.G.L. 71:52; 268A:1 et seq.

STAFF CONDUCT

All staff members have a responsibility to familiarize themselves with and abide by the laws of the State as these affect their work, the policies of the School Committee, and the regulations designed to implement them.

In the area of personal conduct, the Committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

All staff members will be expected to carry out their assigned responsibilities with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Committee and their implementing regulations and school rules in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

LEGAL REFS.: M.G.L. 71:37H; 264:11; 264:14

PUBLIC COMMENTS BY SCHOOL PERSONNEL

School personnel may comment publicly about school matters as long as the comment is attributed to the school system employee and does not disclose confidential information secured during the course of the performance of his/her official duties.

GIFTS TO AND SOLICITATIONS BY STAFF

Gifts

The acceptance of personal gifts by school personnel from school suppliers, from parents and/or students can be subject to misinterpretation and a source of embarrassment to the school system and all persons involved. When families, students, or others wish to express personal appreciation to a teacher or other staff member, the School Committee urges them to find modes of expression that do not involve personal gifts.

In keeping with this policy, no employee of the School Committee will accept a personal gift from a business concern supplying, or with an interest in supplying, goods, materials, equipment, or services to the school system. This restriction does not relate to the acceptance of gifts for the school system, nor to the acceptance of small and clearly identifiable advertising and promotional materials.

Solicitations

In spirit, the School Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their support. However, the solicitation of funds from staff members through the use of school personnel and school time must be held at a minimum. Therefore, no solicitations of funds for charitable purposes will be made among staff members except with specific School Committee approval. Whenever such solicitations are made, no pressure will be exerted to obtain contributions even though the drive is one that the School Committee has specifically approved.

The solicitation of funds for the United Way will be permitted on an annual basis.

CROSS REFS.: KHA, Public Solicitations in the Schools
 JP, Student Donations and Gifts

DRUG-FREE WORKPLACE POLICY

The School District will provide a drug-free workplace and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, is prohibited in the District's workplace, and specify the actions that will be taken against employees for violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the District's policy of maintaining a drug-free work-place; and available drug counseling, rehabilitation, and employee assistance programs; and the penalty that may be imposed on employees for drug abuse violations occurring in the workplace.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

LEGAL REFS.: The Drug-Free Workplace Act of 1988

CROSS REFS.: JICH, Alcohol Use by Students

TOBACCO USE ON SCHOOL PROPERTY BY STAFF MEMBERS

Smoking or the use of tobacco within school buildings, the school facilities or on school property or buses by any individual, including school personnel, is prohibited.

Staff members who violate this policy will be referred to their immediate supervisor.

LEGAL REF.: M.G.L. 71:37H

AIDS AND EMPLOYEES

The Swampscott Public Schools affirms the right of staff who have AIDS or who are infected with HIV, the virus which causes AIDS and AIDS Related Complex (ARC), to continue employment with the school system as long as the staff member is able to meet acceptable performance standards and medical evidence indicates that their condition is not a threat to themselves or others.

Those employees who have AIDS or who are carrying the HIV virus are encouraged to disclose this fact to an appropriate supervisor; just as any individual with a handicap is encouraged to disclose such a handicap in order that the employer can assist the employee in dealing with the handicap in the work place.

These staff members shall not be discriminated against on the basis of their handicap, and if it becomes necessary, some reasonable accommodation shall be made to enable qualified staff to continue to work.

Staff with HIV infection should seek assistance by contacting the Director of Personnel and Business Administration and/or other community or medical organizations.

A staff member's health condition is personal and confidential. Personnel and medical files or information about staff are exempt from public disclosure by M.G.L. Ch. 4, Section 7 (26).

Special precautions should be taken to protect such information regarding a staff member's health condition to prevent incidence of disclosure that may invade the personal privacy of the staff member. Only those persons with a clear need to know should be informed of an employee's health condition, particularly if it relates to the AIDS infection status of that staff member.

STAFF PERSONAL SECURITY AND SAFETY

Through its overall safety program and various policies pertaining to school personnel, the Committee will seek to assure the safety of employees during their working hours and assist them in the maintenance of good health.

Prior to employment in the school system, all employees will submit evidence of freedom from tuberculosis, as specified by state law. Additional physical examinations will also be required of bus drivers and food handlers as law or state regulations require.

The Superintendent may require an employee to submit to a physical examination by a physician appointed by the school system whenever that employee's health appears to be a hazard to children or others in the school system or when a doctor's certificate is needed to verify need for sick leave.

LEGAL REFS.: M.G.L. 71:54; 71:55B; 71:55C

CROSS REFS.: EB, Environmental and Safety Program
GDBD, Support Staff Fringe Benefits

STAFF PARTICIPATION IN POLITICAL ACTIVITIES

The School Committee recognizes that employees of the school system have the same fundamental civic responsibilities and privileges as other citizens. Among these are campaigning for an elective public office and holding an elective or appointive office.

In connection with campaigning, an employee will not: use school system facilities, equipment or supplies; discuss his campaign with school personnel or students during the working day; use any time during the working day for campaigning purposes. Under no circumstances, will students be pressured into campaigning for any staff member.

LEGAL REF.: M.G.L. 71:44

PERSONNEL RECORDS

Information about staff members is required for the daily administration of the school system, for implementing salary and other personnel policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting the School Committee's education reporting requirements. To meet these needs, the Superintendent will implement a comprehensive and efficient system of personnel records maintenance and control under the following guidelines:

1. A personnel folder for each present and former employee will be accurately maintained in the central administrative office. In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.
2. The Superintendent will be the official custodian for personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.
3. Personnel records are considered confidential under the law and will not be open to public inspection. Access to personnel files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above.
4. Each employee will have the right, upon written request, to review the contents of his own personnel file.
5. Employees may make written objections to any information contained in the file. Any written objection must be signed by the staff member and will become part of the employee's personnel file. Further, no negative comment will be placed in a staff member's file unless it is signed by the person making the comment and the staff member is informed of the comment and afforded the opportunity to include his written response in the file.

LEGAL REFS.: Family Educational Rights and Privacy Act, Sec. 438, P.L. 90-247
Title IV, as amended
88 Stat. 571-574 (20 U.S.C. 1232g) and regulations
M.G.L. 4:7; 71:42C
Teachers' Agreement

CONTRACT REF.: All Agreements

CROSS REF.: KDB, Public's Right to Know

STAFF COMPLAINTS AND GRIEVANCES

The School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and School Committee.

It is the Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a Principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Committee, **except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and Committee action would be in conflict with that law.**
3. That all hearings of complaints before the Superintendent or Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

LEGAL REFS.: M.G.L. 150E:5 and 8

CONTRACT REFS.: All Contract Agreements

PROFESSIONAL STAFF POSITIONS

All professional staff positions in the school system will be created initially by the School Committee. It is the Committee's intent to activate a sufficient number of positions to accomplish the school system's goals and objectives and to provide for the equitable staffing of each school building. Although such positions may remain temporarily unfilled, only the Committee may abolish a position it has created.

Each time a new position is established by the Committee, the Superintendent will present for the Committee's approval a job description for the position, which specifies the jobholder's qualifications and the job's performance responsibilities. The Superintendent will maintain a comprehensive set of job descriptions for all positions.

PROFESSIONAL STAFF SALARY SCHEDULES

Teachers

The School Committee will adopt a salary schedule for regular teaching personnel as part of the contract negotiated with the teachers' bargaining unit. The schedule will be designed to recognize and reward training and experience and encourage additional study for professional advancement.

Principals

Salaries will be reviewed annually prior to July 1. The School Committee, with the advice of the Superintendent, will establish levels of compensation for each position based on the circumstances, dynamics, and requirements of each position. Consideration may be given to individuals for exceptional performance as a basis for establishing merit increases for Principals. It is the responsibility of the Superintendent to present evidence to the School Committee to support recommendations for merit increases.

Administrators

Salaries will be reviewed annually prior to July 1. The Superintendent may, upon the request of the Committee, survey other school systems to determine salaries being paid for comparable positions in each system. The survey will include the effective date of the specified salary.

LEGAL REFS.: M.G.L. 71:40; 71:43

CONTRACT REF.: Teachers' Agreement

EMPLOYMENT OF PRINCIPALS

Principals shall be employed by the Swampscott Public Schools under individual contracts of employment. Said contracts shall be submitted to the School Committee for their approval of all terms concerning compensation/benefits, prior to the presentation of a contract of employment to the Principal. The compensation/benefit levels, above referenced, may be exceeded only with the approval of the School Committee.

Contracts issued to Principals will be up to three years in length, and may be reissued by the Superintendent at levels of compensation/benefits, determined by the School Committee, provided that the Superintendent may employ a Principal under the terms and conditions of the previous contract of employment.

As a condition of employment, each Principal must maintain current certification, adhere to the policies and goals of the School Committee and the directives of the Superintendent, and annually before April 1 must submit, with the school council, the educational goals and school improvement plan for the school building(s) under his/her direction.

PROFESSIONAL STAFF SUPPLEMENTARY PAY PLANS

Certain assignments require extra responsibility or extra time over and above that required of other staff members who are on the same position on the basic salary schedule. When such supplemental assignments require extra time and responsibility beyond that regularly expected of teachers, they will be rewarded with extra compensation.

Assignments that are to be accorded extra compensation will be designated by the Committee. Appointments to these positions will be made by the Superintendent for District-wide positions or by the Principal with the approval of the Superintendent for building based personnel. The amount of compensation for the position will be established by the Committee at the time the position is created.

A teacher who is offered and undertakes a supplementary pay assignment will receive a supplementary contract specifying the pay, duration and terms of the assignment. If a teacher will not be extended the assignment for the following school year but will remain on the teaching staff, he/she or she will be so notified in writing prior to the expiration of the contract. Upon termination of the assignment, the supplementary pay will cease.

LEGAL REF.: Collective Bargaining Agreement

SICK LEAVE BANK FOR ADMINISTRATORS

It is the policy of the Swampscott School Committee to establish a Sick Leave Bank for the use of those administrators who wish to participate and who have exhausted their own sick leave. Every September, an administrator may join the Bank by signing an authorization card and donating one day of sick leave from his/her sick leave allotment from that school year.

The School Committee shall also provide one (1) additional sick leave day per administrative member per year to fund the Swampscott School Administrators' Association Sick Leave Bank.

The Sick Leave Bank shall be administered by a Sick Bank Committee consisting of three (3) administrators elected by the Participating administrators, and three (3) employer representatives elected by the School Committee. The Sick Bank Committee shall determine the time when it becomes necessary to replenish the Bank by an assessment of an additional day of Sick Leave from participating administrators. The Sick Bank Committee shall promulgate guidelines to determine the eligibility for use of the Bank and the amount of leave to be granted. The initial grant of leave from the Bank shall not exceed thirty (30) days. Upon expiration of the thirty (30) day entitlement, the period may be extended by the Sick Bank Committee for additional thirty (30) day maximum periods.

The decision of the Sick Bank Committee with respect to eligibility shall be final. The following positions are eligible to participate:

- High School Principal
- High School Assistant Principal
- Middle School Principal
- Middle School Assistant Principal
- Elementary Principal
- Director of Pupil Personnel Services
- Assistant Superintendent for Business and Personnel
- Director of Plant and Maintenance

PROFESSIONAL STAFF FAMILY AND MEDICAL LEAVE

The School System shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue, and from time to time amend, regulations setting forth the rights and procedures granted by the Act, and shall ensure compliance with those regulations either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REFS.: P.L. 103-3, "Family and Medical Leave Act of 1993"

FAMILY AND MEDICAL LEAVE

A. Leave without Pay

1. Employees may take leave without pay when they have exhausted their leave benefits and need additional leave to cover personal illness, the illness of a spouse, child, or parent, or the birth or adoption of a child.
2. The employee's immediate supervisor may authorize leave without pay for up to two (2) days per year. Only the Director may approve leave without pay beyond two (2) days per year. An employee requesting leave without pay for more than two (2) days must put the request in writing.
3. An employee is not entitled to leave without pay unless
 - a. That employee has been employed for at least twelve (12) months by the School Committee and
 - b. That employee has worked at least 1250 hours in the previous 12-month period.
4. Extent of leave:
 - a. An eligible employee may take up to twelve weeks of leave total during a twelve month period, including any paid leave used. The employee must exhaust all available paid vacation leave and personal leave before being entitled to take leave without pay.
 - b. In any case where both husband and wife work for the School Committee, parental leave or family medical leave to care for a sick parent is limited to twelve work weeks total for the husband and wife. Except as otherwise provided, the husband and wife may divide the twelve workweeks leave in any way they may agree to.
5. Definitions:
 - a. "Child" means a son or daughter, whether biological adopted, or foster child, or a stepchild, legal ward or child to whom the employee stands in loco parentis, if the child is either under the age of eighteen (18) years or is incapable of self-care because of a mental or physical disability.
 - b. "Director" means the Director of Finance and Personnel or the designee of the Superintendent.
 - c. "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state where the doctor practices, or any person determined by the Secretary of Labor to be capable of providing health care services.

- d. "Intermittent Leave" means leave taken in whole day periods but less than a whole workweek.
- e. "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- f. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee. Except for teachers, no employee exempt from the overtime rules of the Fair Labor and Standards Act may take leave on a reduced leave schedule without the permission of the Director.
- g. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which involves--
 - (1) Inpatient care in a hospital, hospice, or residential medical care facility, or
 - (2) Continuing treatment by a health care provider.
- h. "Spouse" means a husband or wife.
- i. "Twelve Month Period" means the school system's fiscal year.

B. Types of Leave without Pay

- 1. Personal Medical Leave without Pay: The Director may grant a medical leave of absence without pay to an employee who, because of a serious health condition is unable to perform the functions of his or her job.
 - a. An employee must exhaust all available sick leave, including leave from the sick leave bank, before taking leave without pay.
 - b. Licensure:
 - (1) The Director may require a licensure from the employee's health care provider, stating--
 - i. The date on which the health condition began,
 - ii. The probable duration of the condition,
 - iii. The appropriate medical facts within the health care provider's knowledge regarding the condition,
 - iv. A statement that the employee is unable to perform the functions of his/her job.

- (2) If the Director has reason to doubt the validity of the licensure provided by the employee's health care provider, he/she or she may require, at the School Committee's expense, a second opinion. The employee must obtain the opinion of the Director's designated health care provider concerning the information in b., above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee
 - (3) If the second opinion conflicts with the first, the Director may require, at the School Committee's expense, a third opinion. The health care provider shall provide a report concerning information in b., above. The provider shall be final and binding on the School Committee and the employee.
 - (4) The Director may require an employee on medical leave without pay to provide re-licensure at reasonable intervals.
 - c. If the necessity for leave is foreseeable based on planned medical treatment, the employee—
 - (1) Shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the School System, subject to the approval of the employee's health care provider.
 - (2) Shall give the employee's supervisor at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take personal medical leave without pay, except that if the date of treatment requires the leave to begin in less than thirty days, the employee shall provide such notice as practicable.
 - d. Failure to provide notice as mandated by c. above shall result in the denial of leave until the required notice period has passed.
 - e. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
 - f. Before the employee may resume work, the employee must present his or her supervisor with written licensure from the employee's health care provider that the employee is able to resume work.
2. Family Medical Leave without Pay: The Director may grant a medical leave of absence without pay to an employee who needs the time off to care for the employee's spouse, child or parent, if the spouse, child or parent has a serious health condition.

- a. Licensure:
- (1) The Director may require a licensure from the health care provider for the spouse, child, or parent, as the case may be, stating--
 - i. The date on which the health condition began,
 - ii. The probable duration of the condition,
 - iii. The appropriate medical facts within the health care provider's knowledge regarding the condition,
 - iv. A statement that the employee is needed to care for the spouse, child, or parents, as the case may be, and an estimate of the amount of time that such employee is needed to care for the spouse, child, or parent.
 - (2) If the Director has reason to doubt the validity of the licensure provided by the employee's health care provider, he/she or she may require, at the School Committees expense, a second opinion. The employee must obtain the opinion of the Director's designated health care provider concerning the information in b. above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee.
 - (3) If the second opinion conflicts with the first, the Director may require, at the School Committee's expense, a third opinion. The health care provider shall provide a report concerning information in b. above. The provider shall be final and binding on the School Committee and the employee.
 - (4) The Director may require an employee on medical leave without pay to provide re-licensures at reasonable intervals.
- b. If the necessity for leave is foreseeable based on planned medical treatment, the employee--
- (1) Shall make a reasonable effort to schedule the treatments to as not to disrupt unduly the operations of the School System, subject to the approval of the health care provider for the spouse, child, or parent of the employee, as the case may be, and
 - (2) Shall give the employee's supervisor at least 30 days notice, before the date the leave is to begin, of the employee's intention to take family medical leave without pay, except that if the date of the treatment requires the leave to begin in less than thirty days, the employee shall provide such notice as practicable.

- c. Failure to provide notice as mandated by b. above shall result in the denial of leave until the required notice period has passed.
 - d. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
3. Parental Leave without Pay: An employee may take parental leave without pay within one year of the birth of the child in order to care for that child. An employee may take parental leave without pay within one year of the placement of a child with the employee for adoption or foster care.
- a. When the need for parental leave without pay is foreseeable based on expected birth or placement, the employee shall give his or her supervisor at least 30 days' notice before the date the leave is to begin. If the date of the birth or replacement requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.
 - b. Failure to provide notice as mandated by a. above shall result in the denial of leave until the required notice period has passed.
 - c. An employee taking parental leave without pay may not take intermittent leave or work on a reduced leave schedule without the express consent of the Director in writing.

C. Special Rules

1. Rules Applicable to Instructors in Periods near the Conclusion of the Academic Term: The following rules apply to any employee who takes leave without pay under this policy and who is employed principally in an instructional capacity.
- a. If leave without pay begins more than five weeks before the end of an academic term, the Principal may require the employee to continue taking leave until the end of that academic term, if--
 - (1) The leave is of at least three weeks duration, and
 - (2) The return to work would occur during the three-week period before the end of the academic term.
 - b. If Parental or Family Medical leave without pay begins within five weeks before the end of an academic term, the Principal may require the employee to continue taking leave until the end of that term, if--
 - (1) The leave is of more than two weeks duration, and
 - (2) The return to work would occur during the two-week period before the end of the academic term.

- c. If Parental or Family Medical leave without pay begins within three weeks before the end of an academic term the Principal may require the employees to continue taking leave until the end of that term, if the leave is for more than five working days.
 - d. the extended leave is counted against the teacher's FMLA allotment. If the teacher's FMLA allotment expires during the extension the additional time is nevertheless deemed FMLA leave.
2. Intermittent Leave and Reduced Leave Schedules:
- a. If the intermittent leave or reduced leave schedule is foreseeable based on planned medical treatment, the Director may require the employee to transfer temporarily to an available alternate position--
 - (1) Which is offered by the Director,
 - (2) For which the employee is qualified,
 - (3) Which has equivalent pay and benefits, and
 - (4) Which better accommodates recurring periods of leave than the regular employment position of the employee.
 - b. If a teacher does not give the School Committee the required 30 days notice for intermittent leave or a reduced leave schedule which is foreseeable, he/she or she must delay the taking of leave until the notice provision is met.
 - c. If a teacher takes intermittent leave or a reduced leave schedule which is for more than 20% of the normal working days over the period of the leave, that teacher must instead take the entire period as FMLA leave.
3. Benefits during Leave:
- a. While the employee is on leave, the School System shall maintain coverage of that employee under its group health plan at the level and under the conditions which would have been provided if the employee had continued in employment instead of being on leave.
 - b. If the employee normally had a monthly payment to that plan, the employee must make that monthly payment. If the employee fails to make such payments, the School System shall, if possible, continue the benefits at the reduced rate permitted for the School System's payment alone. If such a reduced rate is not possible, then the employee shall be excluded from the group health plan.

4. Employment and Benefits upon Return to Work:
 - a. Any employee who takes leave under this Policy for the intended purpose of the leave shall be entitled, on return from leave--
 - (1) To be restored to his or her former job, or
 - (2) To be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
 - b. The taking of leave under this policy shall not result in the loss of any employment benefit accrued before the date on which the leave began.
 - c. No employee shall accrue seniority or employment benefits during any period of leave, nor shall the employee be entitled to any right, benefit, or position of employment other than those to which the employee would have been entitled if the employee had not taken the leave. This policy does not change the legal requirement that probationary teachers teach at least 160 contractual teaching days during the school year in order to count the year toward the three years of service needed to attain continuing contract status.
 - d. The Director may deny restoration to salaried employees who are among the highest paid 10 percent of the School System's employees, if
 - (1) Such denial is necessary to prevent substantial and grievous economic injury to the operations of the School System,
 - (2) The Director notifies the employee of the intent of the School System to deny restoration on the basis of economic injury at the time the Director determines that such injury would occur, and
 - (3) If the leave has begun, the employee does not return to work after receiving the notice of intent not to restore him or her.
5. Failure to Return from Leave: The School System may recover the premium which it paid for maintaining coverage of the employee under its group health plan during the employee's unpaid leave under this policy if--
 - a. The employee fails to return from unpaid leave under this policy after the period of leave to which the employee is entitled has expired; and
 - b. The employee fails to return to work for a reason other than--
 - (1) The continuance, recurrence, or onset of a serious health condition which would entitle the employee to personal or family medical leave without pay, or
 - (2) Other circumstances beyond the control of the employee.

6. Prohibited Acts:

- a. No employee of the School System shall interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this title.
- b. No employee of the School System shall discriminate against any individual for opposing any practice contrary to this policy.
- c. No employee of the School System shall discriminate against any individual for
 - (1) Filing any charge, instituting or causing to be instituted any proceeding, under or related to this policy,
 - (2) Giving, or being about to give, any information in connection with any inquiry or proceeding relating to any right provided under this policy, or
 - (3) Testifying, or being about to testify, in any inquiry or proceeding relating to any right provided under this policy.

SOURCE: MASC

LEGAL REFS.: P.L. 103-3 "Family and Medical Leave Act of 1993"
29 U.S.C. S 2601 et seq.
Department of Labor Regulations, 29 C.P.R. Part 825
Va Code S 22.1-303.

PROFESSIONAL STAFF VACATIONS AND HOLIDAYS

Vacations

All administrators and other professional personnel employed on a 12-month basis will be entitled to annual vacation days.

Vacations for supervisory professional staff members who are employed on a 12-month basis and are members of a recognized bargaining unit will be established through negotiations. Vacations for supervisory personnel not in bargaining units will be established by the Committee and delineated in their individual contracts.

Holidays

Professional staff members will not be required to work on legal holidays. Paid holidays for the professional staff will be established when the School Committee approves the calendar for the school year and will include all legal holidays.

PROFESSIONAL STAFF RECRUITING/POSTING OF VACANCIES

It is the responsibility of the Superintendent, with the assistance of the administrative staff, to determine the personnel needs of the school system and it is the responsibility of the Principal, in consultation with the Superintendent, to determine the personnel needs of the individual schools. In addition, school councils may review personnel requirements as a means of evaluating the needs of a school. Any recommendations for the creation or elimination of a position must be approved by the School Committee.

The search for good teachers and other professional employees will extend to a wide variety of educational institutions and geographical areas. It will take into consideration the characteristics of the town and the need for a heterogeneous staff from various cultural backgrounds.

Recruitment procedures will not overlook the talents and potential of individuals already employed by the school system. Any current employee may apply for any position for which he or she has certification and meets other stated requirements.

Openings in the schools will be posted in sufficient time, before the position is filled, to permit current employees to submit applications.

LEGAL REFS.: Collective Bargaining Agreements

PROFESSIONAL STAFF HIRING

Through its employment policies, the District will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the children attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the approval of the School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the children

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to age, sex, creed, race, color, national origin, disability, sexual orientation or place of residence.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision.

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45; 71:55B
Massachusetts Board of Education Requirements for Certification of Teachers,
Principals, Supervisors, Directors, Superintendents and Assistant Superintendents
in the Public Schools of the Commonwealth of Massachusetts, revised 1994
603 CMR 7:00 and 44:00

PART-TIME AND SUBSTITUTE PROFESSIONAL STAFF EMPLOYMENT

Part-Time Teachers

Teachers may be employed on a part-time basis. The salary of part-time teachers will bear the same ratio to the first step of the salary schedule that the teacher would earn if employed full-time as the hours worked bear to the hours the teacher would work if employed full-time (for example, a teacher employed for half the number of hours would receive half the salary of a full-time teacher).

Substitute Teachers

Each building Principal will have the authority to employ as many substitute teachers as may be necessary to take the place of teachers who are temporarily absent. Periodically he/she will submit to the Superintendent a list of qualified substitutes for approval.

The school system will employ as substitute teachers, to the extent possible, persons who meet the requirements for teacher appointments and will assign teachers substitute-teaching positions on the basis of their areas of competence. When the supply of potential substitutes in a particular subject area is too limited to meet school department needs, there will be active recruitment for substitutes in those areas. All substitute teachers will be expected to provide educational services, rather than to assume merely a student-supervisory role. They will be provided with as much support as possible by building administrators and teachers.

The School Committee will set the daily rate of pay for substitute teachers, including extended-term substitutes. The latter will be granted such additional benefits as approved by the School Committee.

PHILOSOPHY OF STAFF DEVELOPMENT

All staff members will be encouraged in and provided with suitable opportunities for the development of increased competencies beyond those they may attain through the performance of their assigned duties and assistance from supervisors.

Opportunities for professional growth may be provided through such means as the following:

1. Planned in-service programs and workshops offered within the school system from time to time; these may include participation by outside consultants.
2. Membership on curriculum development committees drawing personnel from within and without the school system.
3. Released time for visits to other classrooms and schools and for attendance at conferences, workshops, and other professional meetings.
4. Leaves of absence for graduate study, research, and travel.
5. Partial payment of tuition for approved courses.

The Superintendent will have authority to approve or deny released time for conferences and visitations and reimbursements for expenses, provided such activities are within budget allocations for the purpose.

PROFESSIONAL TEACHER STATUS

Teachers and certain other professional employees who have served in the School District for three consecutive years shall be entitled to professional teacher status. The Superintendent, upon recommendation of the Principal, may award such status to a teacher who has served in the Principal's school for not less than one year or a teacher who has obtained such status in any other public school district in the Commonwealth. The Superintendent will base his decisions on the results of evaluation procedures conducted according to Committee policy.

At the end of each of the first three years of a teacher's employment, it will be the responsibility of the Superintendent to notify each employee promptly in writing of the decision on reappointment. Notification to a teacher not being reappointed must be made by June 15 or at an earlier date if required by a collective bargaining agreement.

A teacher who attains professional teacher status will have continuous employment in the service of the school system. A teacher with professional teacher status whose position is abolished by the School Committee may be continued in the employ of the school system in another position for which he/she is legally qualified.

Nothing in these provisions will be considered as restricting the Superintendent from changing teaching assignments or altering or abolishing supervisory assignments except that, by law, no teacher may be assigned to a position for which he/she or she is not legally qualified.

Established by law and Committee policy

LEGAL REFS.: M.G.L. 71:38; 71:38G; 71:38H; 71:41; 71:42; 71:43

PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS

The basic consideration in the assignment of professional staff members will be the needs of the students and the instructional program.

Therefore, the assignment and transfer of professional staff members will be accomplished by the Superintendent on the basis of the employee's qualifications, the needs of the school system, and the employees' expressed desires.

Care will be exercised by the Superintendent to assure that all schools are staffed with effective teachers.

Within an individual school, the building administrator will have the authority to assign classes and courses, provided this is done with full regard for the teacher's area of certification and the policies delineated above.

CONTRACT REF.: Teachers' Agreement

PROFESSIONAL STAFF TIME SCHEDULES

Administrators

The nature of the duties and responsibilities of administrators and supervisors will require their hours of work to vary and extend as necessary to fulfill the requirements of their positions.

During the course of their contract year, all administrators will be expected to work during the hours and on the days that the Superintendent's office is open unless special scheduling arrangements have been made with the Superintendent. On days schools are closed because of bad weather or other emergencies, all staff members except those who work only on teacher workdays are required to report to work as soon as they are able to do so.

The working year for administrators will be established individually through their contracts.

Teachers

Generally, the working day for teachers will be determined by the hours established for students. As specified in the collective bargaining agreement, teachers will arrive prior to the time students arrive and be available after the school day for conferences with students, parents/guardians, and administrators, as well as to take care of other professional responsibilities. Exceptions to the after-school time requirements may be permitted, however, on days preceding weekends, holidays, and vacation periods.

Every effort will be made by the administration to provide a uniform workday for teachers at the various levels.

The working year for teachers will be established in connection with the Committee's adoption of the school calendar.

LEGAL REF.: M.G.L. 71:80

CONTRACT REF.: Teachers' Contract

EVALUATION OF PROFESSIONAL STAFF

In order to assure a high quality of teacher and administrator performance and to advance the instructional programs of the schools, a continuous program for teacher and administrator evaluation will be established by the School Committee. Regular reports will be made to the Superintendent concerning the outcomes of these evaluations.

The evaluation process will include:

1. The development and periodic review of techniques and procedures for making evaluations.
2. Interpretation of the information gained in the evaluative process in terms of the objectives of the instructional program.
3. The application of the information gained to the planning of staff development and in-service training activities, which are designed to improve instruction and increase teacher competence.

The evaluation process will include self-evaluation, supervisor initiated observations, and teacher initiated observations.

The formal evaluations will be written and will be discussed by the supervisor and the person being evaluated. The discussions may either precede or follow the writing of the evaluation document. Copies of the written document will be signed by both parties and incorporated into the personnel files of the teacher or administrator. In addition, the individual and his department chairman (if applicable) will receive a signed copy. The signature should indicate that the evaluation has been read and discussed.

The written evaluation should be specific in terms of the person's strengths and weaknesses. Those areas where improvement is needed should be clearly set forth and recommendations for improvement should be made. Subsequent evaluations should address themselves to any improvement or to any continuing difficulty that is observed.

LEGAL REFS.: M.G.L. 69:1B; 71:38; 71:38Q; 150E; 152B
603 CMR 35:00

CONTRACT REF.: Teachers' Agreement

EVALUATION OF PROFESSIONAL STAFF

M.G.L. 71:38 reads in part:

Performance standards for teachers and other School District employees shall be established by the School Committee upon the recommendation of the Superintendent, provided that where teachers are represented for collective bargaining purposes, all teachers' performance standards shall be determined as follows:

The School Committee and the collective bargaining representative shall undertake for a reasonable period of time to agree on teacher performance standards.

Prior to said reasonable period of time, the School District shall seek a public hearing to comment on such standards.

In the absence of an agreement, after such reasonable time teacher performance standards shall be determined by binding interest arbitration

Either the School District or the teachers' collective bargaining representative may file a petition seeking arbitration with the Commissioner of Education.

The performance standards developed either by mutual agreement or as a result of arbitration will be incorporated in the collective bargaining agreement and may be used in decisions to dismiss, demote or remove a teacher or administrator pursuant to M.G.L. 71:42; 71:42A and 71:63.

EVALUATION OF PROFESSIONAL STAFF TEACHERS

To bring a desirable degree of consistency and uniformity to the evaluation process, the following procedures will be observed:

1. Evaluations may be initiated by the Superintendent, the Assistant Superintendents, Principals, Assistant Principals, and department heads or coordinators. These personnel will have the privilege of observing a teacher at any time.
2. The evaluation instruments will be the Teacher Evaluation Criteria booklet and the Evaluation Worksheet. Each staff member will be provided with a copy of these materials. The worksheet will be used by the evaluator who will provide the teacher with a copy.
3. Teachers will be evaluated through classroom observation during a school year.
4. Conferences will be arranged by the evaluator following each classroom observation. The worksheets will be reviewed and discussed at this time. Teachers may file written comments with the summary of each conference.
5. It is the teacher's responsibility to request assistance, the evaluator's responsibility to give assistance. A program designed to bring about needed improvement should be developed by the teacher and the evaluator.
6. The evaluation process will be subject to periodic revision.

The substance of the teacher's evaluation will be based on the basic function of the teacher as it is understood by the School Committee. Specifically, the teacher must institute and direct learning activities compatible with the philosophy of the school system. These learning activities should lead to the acquisition of knowledge and promote the maximum development of desirable behavior, skills, habits, attitudes, appreciation, beliefs, and standards. Therefore, teachers will be appraised in terms of the following characteristics, qualities, and demonstrated skills:

1. Extent and currency of knowledge and understanding of subject matter, the learning process, and general education.
2. Development and use of effective techniques for motivation and instruction.
3. Daily preparation as evidenced in thorough planning and preparation.
4. Quality of student-teacher relationships.
5. Classroom management.
6. Professional appearance and manner.

7. Personal development.
8. Effective guidance procedures and use of professional support personnel.
9. Quality of teacher-home-community relationships.
10. Loyalty to, and conscientious support of, all personnel, the objectives of the School Committee, and the philosophical principles of the school system.

LEGAL REFS.: Collective Bargaining Agreement

EVALUATION OF TEACHERS AND ADMINISTRATORS

Authority, Scope and Purpose:

The specific purposes of evaluation under M.G.L. c. 71, & 38 and 603 CMR 35:00 are:

- (A) To provide information for the continuous improvement of performance through an exchange of information between the person being evaluated and the evaluator, and
- (B) To provide a record of facts and assessments for personnel decisions.

The purpose of 603 CMR 35:00 is to ensure that every school committee has a system to enhance the professionalism and accountability of teachers and administrators which will enable them to assist all students to perform at high levels. 603 CMR 35:00, together with the Principles of Effective Teaching and Principles of Effective Administrative Leadership adopted by the Board of Education, set out what Massachusetts teachers and administrators are expected to know and be able to do. 603 CMR 35:00 requires that school committees establish a rigorous and comprehensive evaluation process for teachers and administrators, consistent with these principles to assure effective teaching and administrative leadership in the Commonwealth's public schools.

Definitions

Administrator: shall mean any person employed in a school district in a position requiring a certificate as described in 603 CMR 7.10 (34) through (38) or who has been approved as an administrator in the area of vocational education as provided in 603 CMR 4.00 et seq.

Evaluation: shall mean the ongoing process of defining goals and identifying, gathering and using information as part of a process to improve professional performance (the "formative evaluation") and to assess total job effectiveness and make personnel decisions (the "summative evaluation").

Evaluator: shall mean any person designated by a Superintendent, consistent with the procedures set out in 603 CMR 35.06, who has responsibility for evaluation.

Performance Standards: shall mean the performance standards locally developed pursuant to M.G.L. c.71,& 38, 6093 CMR 35:00, and the Principles of Effective Teaching and Principles of Effective Administrative Leadership adopted by the Board of Education.

School Committee: shall mean the school committee in all cities, towns and regional school districts, local and district trustees for vocational education, educational collaborative boards and boards of trustees for the county agricultural schools.

Superintendent: shall mean the person employed by the School Committee pursuant to M.G.L. c. 71, & 59, or &59A. The Superintendent is responsible for the implementation of 603 CMR 35:00. S/he shall be evaluated by the School Committee pursuant to 603 CMR 35.00 and such other standards that may be established by the School Committee.

Teacher: shall mean any person employed in a school district in a position requiring a certificate as described in 603 CMR 7.10 (1) through (33), and 603 CMR 7.10 (39) through (42) or who has been approved as an instructor in the area of vocational education as provided in 603 CMR 4.00 et seq.

Principles of Evaluation

- (1) The performance standards shall be measurable.
- (2) The performance standards shall reflect and allow for significant differences in assignments and responsibilities. These differences shall be described in evaluation reports.
- (3) The performance standards shall be shared with the person being evaluated in advance of the evaluation process.
- (4) The purpose of evaluation shall be stated clearly, in writing, to the person being evaluated.
- (5) The evaluation process shall be free of racial, sexual, religious and other discrimination and biases as defined in state and federal laws.
- (6) The person being evaluated shall be allowed to gather and provide additional information on his/her performance. Such information must be provided in a timely manner and must be considered by the evaluator.
- (7) The person being evaluated shall have an opportunity to respond in writing to the evaluation reports.

Performance Standards for Teachers and Administrators

- (1) School committees shall establish performance standards for teachers upon the recommendation of the Superintendent and in accordance with the process described in M.G.L. c. 71 s.38, including conducting a public hearing and engaging in collective bargaining and, if necessary, binding interest arbitration. All performance standards established for teachers shall be consistent with and meet the Principles of Effective Teaching adopted by the Board of Education.
- (2) School committees shall establish performance standards for the evaluation of all administrators upon the recommendation of the Superintendent. Performance standards for those administrators who are subject to collective bargaining shall be developed in accordance with M.G.L. c. 150E. All performance standards established for administrators shall be consistent with and meet the Principles of Effective Administrative Leadership adopted by the Board of Education.

- (3) School committees are encouraged to establish programs and standards which provide for a rigorous and comprehensive evaluation process for teachers and administrators. The evaluation process may include the extent to which students assigned to teachers and administrators satisfy student academic standards or individual education plans, and the successful implementation of professional development plans, as provided in M.G.L. c. 69 s.1B and c.71, s.38.

NOTE: Prior to September 1, 1996, each School Committee shall file its evaluation procedures and performance standards for teachers and administrators with the Department of Education unless such School Committee is then engaged in the interest arbitration process described in M.G.L. c.71, s. 38. The Superintendent shall certify that the performance standards established pursuant to 603 CMR 35.04 meet the requirements of 603 CMR 35:00 and are consistent with all of the Principles of Effective Teaching and Principles of Effective Administrative Leadership adopted by the Board of Education.

LEGAL REFS.: M.G.L. 69:1B; 71:38
603 CMR 35.00

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

In the event it becomes necessary to reduce the number of staff members, the school department will follow the procedure below:

1. Teachers without professional teacher status generally will be terminated first if there is a qualified teacher with professional teacher status to fill the position.
2. Should all teachers in the areas subject to reduction be fully certified, the Superintendent will review the performance of teachers without professional teacher status and make recommendations for termination without prejudice.

Prior to making a decision, the Superintendent must be sure that there are teachers who are qualified and certified to perform all of the needed duties of the terminated teachers.

All certified personnel terminated for purposes of reduction in force may be considered for reemployment as vacancies occur in positions for which they are qualified. Opportunity for re-employment will be extended for two years to personnel in the reverse order of the termination order above. If recall is refused, the staff member's name will be dropped from the list.

The District will follow all of the requirements of the law in terminating teachers in order to reduce staff.

LEGAL REFS.: M.G.L. 71:41; 71:42

CONTRACT REFS.: Collective Bargaining Agreements

RESIGNATION OF PROFESSIONAL STAFF MEMBERS

Professional staff members may discontinue their service in the school system during the school year by submitting a written notice of intent to resign to the appropriate hiring authority.

Such written notice of intent to resign will be given to the Superintendent. The staff member will be notified in writing of the Superintendent's action on the resignation.

When a resignation is accepted by the Superintendent the employee may be expected to continue in service at his or her assigned duties for a period of 30 days after submission of the resignation.

RETIREMENT OF PROFESSIONAL STAFF MEMBERS

Annually, the Superintendent will inform the Committee of the professional staff members who have indicated their intention to retire at the end of the current school year. No further School Committee action is necessary unless approval is needed for the payment of or participation in continued local benefits.

LEGAL REF.: Age Discrimination in Employment Law, P.L. 95-256

CONTRACT REF.: Teachers' Contract

SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS

The Superintendent will strive to assist personnel to perform their duties efficiently. However, the Superintendent may dismiss any employee in accordance with state law. Further, the Committee recognizes the constitutional rights of the District's employees and assures them the protection of due process of law. To guarantee such rights, a system of constitutionally and legally sound procedures will be followed in each case of suspension or dismissal of an employee.

When the Superintendent or a Principal determines that sufficient cause exists that a professional employee be suspended or dismissed from service in the school system, he or she will:

1. Be certain that each such case is supported by defensible records.
2. Determine if the individual is to be suspended immediately with the understanding that the suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual.
3. Follow the procedures for dismissal or suspension that are contained in applicable laws as well as those included in the current agreement with the teachers' bargaining unit.
4. Provide the individual involved with a written statement that will:
 - a. Indicate whether the action the Superintendent is taking is dismissal or suspension.
 - b. State the reason for the suspension or dismissal.
 - c. Guarantee that all procedures will be in accordance with due process of law.
 - d. Inform employees who have a right to request a hearing under appropriate laws that they may be represented at such a hearing by counsel of their choice.

LEGAL REFS.: M.G.L. 71:42; 71:42D

TUTORING FOR PAY

Definition: "Tutoring" means giving private instruction or help to an individual or group for which the teacher receives remuneration other than through the School Committee.

Tutoring is not to be recommended for a student unless the appropriate teacher of the student involved is consulted and agrees that it will be of real help. If tutoring seems advisable, the Principal may give the parents/guardians a list of persons who are willing to tutor. This list may include teachers, but not the student's teacher of the subject in which he/she is to be tutored.

Tutoring for pay is not to be done in the school building.

SUPPORT STAFF POSITIONS

Education is a cooperative enterprise in which all employees of the school system must participate intelligently and effectively for the benefit of the children. This school system will employ support staff members in positions that function to support the education program.

All support staff positions will be established initially by the Committee. In each case, the Superintendent will submit for the Committee's consideration and action a job description or job specifications for the position.

Although positions may remain temporarily unfilled or the number of persons holding the same type of position reduced in event of de-staffing requirements, only the Committee may abolish a position it has created.

SUPPORT STAFF CONTRACTS AND COMPENSATION PLANS

In establishing salaries and salary schedules for support staff personnel, the School Committee will take into account the responsibilities of the position, the qualifications needed, past experience of the individual, and years of service in the school department.

Compensation plans will be reviewed annually for all categories of staff. Such review, where applicable, will be carried out in connection with negotiations with representatives of recognized bargaining units. The master agreements with these units will be considered appendices to this manual and will have the full force of School Committee policy.

The School Committee will set the rates of pay for personnel not covered by collective bargaining agreements.

LEGAL REF.: M.G.L. 71:38

CROSS REFS.: GDB sub codes (all relate to compensation)

CONTRACT REFS.: All Contracts

SUPPORT STAFF SUPPLEMENTARY PAY PLANS

Support staff employees will be paid overtime wages for work performed in excess of 40 hours in a work week.

In counting hours for the purpose of allowing overtime work and pay, supervisors will consider sick leave, vacation time, and holidays as time worked.

Every effort must be made to minimize overtime by scheduling duties during the regular workday. Overtime will be authorized only by the Superintendent and only to cover emergency situations. All such work will be assigned on a fair and equitable basis.

CROSS REF.: GDB, Support Staff Contracts and Compensation Plans

SUPPORT STAFF FRINGE BENEFITS

Benefits in addition to basic salary are recognized by the School Committee as an integral part of the total compensation plan for staff members. The benefits extended regular full-time support staff members will be designed to promote their economic security and will include a comprehensive health insurance program.

Certain fringe benefits are established through negotiations with employee bargaining units. Because the Committee wishes to be fair with all its employees, benefits granted to employees who are not members of a bargaining unit will be generally equal to those granted employees in similar positions that are covered by a negotiated agreement.

LEGAL REFS.: M.G.L. 71:37B; 71:48B

CROSS REFS.: GBGB, Staff Personal Security and Safety
GDB, Support Staff Contracts and Compensation Plans

CONTRACT REFS.: All support staff contracts

SUPPORT STAFF LEAVES AND ABSENCES

Leaves and absences accorded to the support staff will be for the purposes of helping them maintain their physical health, take care of family and other personal emergencies, and discharge important and necessary obligations.

All requests for long-term leaves of absence will be submitted to the Superintendent.

Support staff employees will be granted leaves in accordance with the terms of the agreements with recognized bargaining units.

Leave benefits granted to employees who are not members of a recognized bargaining unit will be comparable to those granted employees in similar positions that are covered by master agreements with employee organizations.

LEGAL REFS.: M.G.L. 149:105D; 71:41A

CONTRACT REFS.: All support staff contracts

SUPPORT STAFF FAMILY AND MEDICAL LEAVE

The School System shall comply with the mandatory provisions of the Family and Medical Leave Act of 1993. The Superintendent shall issue, and from time to time amend, regulations setting forth the rights and procedures granted by the Act, and shall ensure compliance with those regulations either personally or by delegation, or by some combination of personal oversight and delegation.

LEGAL REF.: P.L. 103-3, "Family and Medical Leave Act of 1993."

FAMILY AND MEDICAL LEAVE

A. Leave without Pay

1. Employees may take leave without pay when they have exhausted their leave benefits and need additional leave to cover personal illness, the illness of a spouse, child, or parent/guardian, or the birth or adoption of a child.
2. The employee's immediate supervisor may authorize leave without pay for up to two (2) days per year. Only the Director may approve leave without pay beyond two (2) days per year. An employee requesting leave without pay for more than two (2) days must put the request in writing.
3. An employee is not entitled to leave without pay unless
 - a. That employee has been employed for at least twelve (12) months by the School Committee and
 - b. That employee has worked at least 1250 hours in the previous 12 month period.
4. Extent of leave:
 - a. An eligible employee may take up to twelve weeks of leave total during a twelve month period, including any paid leave used. The employee must exhaust all available paid vacation leave and personal leave before being entitled to take leave without pay.
 - b. In any case where both husband and wife work for the School Committee, parent/guardian leave or family medical leave to care for a sick parent/guardian is limited to twelve work weeks total for the husband and wife. Except as otherwise provided, the husband and wife may divide the twelve workweeks leave in any way they may agree to.
5. Definitions:
 - a. "Child" means a son or daughter, whether biological adopted, or foster child, or a stepchild, legal ward or child to whom the employee stands in loco parent/guardian is, if the child is either under the age of eighteen (18) years or is incapable of self-care because of a mental or physical disability.
 - b. "Director" means the Director of Finance and Personnel or the designee of the Superintendent.
 - c. "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state where the doctor practices, or any person determined by the Secretary of Labor to be capable of providing health care services.

- d. "Intermittent Leave" means leave taken in whole day periods but less than a whole workweek.
- e. "Parent/guardian" means a biological parent/guardian of an employee or an individual who stood in loco parent/guardian is to an employee when the employee was a child.
- f. "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee. Except for teachers, no employee exempt from the overtime rules of the Fair Labor and Standards Act may take leave on a reduced leave schedule without the permission of the Director.
- g. "Serious health condition" means an illness, injury, impairment, or physical or mental condition which involves--
 - (1) Inpatient care in a hospital, hospice, or residential medical care facility, or
 - (2) Continuing treatment by a health care provider.
- h. "Spouse" means a husband or wife.
- i. "Twelve Month Period" means the school system's fiscal year.

B. Types of Leave without Pay

- 1. Personal Medical Leave without Pay: The Director may grant a medical leave of absence without pay to an employee who, because of a serious health condition, is unable to perform the functions of his or her job.
 - a. An employee must exhaust all available sick leave, including leave from the sick leave bank, before taking leave without pay.
 - b. Licensure:
 - (1) The Director may require a licensure from the employee's health care provider, stating--
 - i. the date on which the health condition began,
 - ii. The probable duration of the condition,
 - iii. The appropriate medical facts within the health care provider's knowledge regarding the condition,
 - iv. A statement that the employee is unable to perform the functions of his/her job.

- (2) If the Director has reason to doubt the validity of the licensure provided by the employee's health care provider, he/she or she may require, at the School Committee's expense, a second opinion. The employee must obtain the opinion of the Director's designated health care provider concerning the information in b., above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee
 - (3) If the second opinion conflicts with the first, the Director may require, at the School Committee's expense, a third opinion. The health care provider shall provide a report concerning the information in b., above. The provider shall be final and binding on the School Committee and the employee.
 - (4) The Director may require an employee on medical leave without pay to provide relicensures at reasonable intervals.
- c. If the necessity for leave is foreseeable based on planned medical treatment, the employee--
- (1) Shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the School System, subject to the approval of the employee's health care provider.
 - (2) Shall give the employee's supervisor at least 30 days' notice, before the date the leave is to begin, of the employee's intention to take personal medical leave without pay, except that if the date of treatment requires the leave to begin in less than thirty days, the employee shall provide such notice as practicable.
- d. Failure to provide notice as mandated by c. above shall result in the denial of leave until the required notice period has passed.
- e. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
- f. Before the employee may resume work, the employee must present his or her supervisor with written licensure from the employee's health care provider that the employee is able to resume work.
2. Family Medical Leave without Pay: The Director may grant a medical leave of absence without pay to an employee who needs the time off to care for the employee's spouse, child or parent/guardian, if the spouse, child or parent/guardian has a serious health condition.

- a. Licensure:
- (1) The Director may require a licensure from the health care provider for the spouse, child, or parent/guardian, as the case may be, stating--
 - i. the date on which the health condition began,
 - ii. the probable duration of the condition,
 - iii. the appropriate medical facts within the health care provider's knowledge regarding the condition,
 - iv. a statement that the employee is needed to care for the spouse, child, or parent/guardians, as the case may be, and an estimate of the amount of time that such employee is needed to care for the spouse, child, or parent/guardian.
 - (2) If the Director has reason to doubt the validity of the licensure provided by the employee's health care provider, he/she or she may require, at the School Committees expense, a second opinion. The employee must obtain the opinion of the Director's designated health care provider concerning the information in b., above. The health care provider giving the second opinion may not be a person regularly employed by the School Committee.
 - (3) If the second opinion conflicts with the first, the Director may require, at the School Committees expense, a third opinion. The health care provider shall provide a report concerning information in b., above. The provider shall be final and binding on the School Committee and the employee.
 - (4) The Director may require an employee on medical leave without pay to provide relicensures at reasonable intervals.
- b. If the necessity for leave is foreseeable based on planned medical treatment, the employee--
- (1) Shall make a reasonable effort to schedule the treatments to as not to disrupt unduly the operations of the School System, subject to the approval of the health care provider for the spouse, child, or parent/guardian of the employee, as the case may be, and
 - (2) Shall give the employee's supervisor at least 30 days notice, before the date the leave is to begin, of the employee's intention to take family medical leave without pay, except that if the date of the treatment requires the leave to begin in less than thirty days, the employee shall provide such notice as practicable.

- c. Failure to provide notice as mandated by b. above shall result in the denial of leave until the required notice period has passed.
 - d. The employee may take intermittent leave or take leave on a reduced leave schedule when medically necessary.
3. Parent/Guardian Leave without Pay: An employee may take parent/guardian leave without pay within one year of the birth of the child in order to care for that child. An employee may take parent/guardian leave without pay within one year of the placement of a child with the employee for adoption or foster care.
- a. When the need for parent/guardian leave without pay is foreseeable based on expected birth or placement, the employee shall give his or her supervisor at least 30 days' notice before the date the leave is to begin. If the date of the birth or replacement requires leave to begin in less than thirty days, the employee shall provide such notice as is practicable.
 - b. Failure to provide notice as mandated by a. above shall result in the denial of leave until the required notice period has passed.
 - c. An employee taking parent/guardian leave without pay may not take intermittent leave or work on a reduced leave schedule without the express consent of the Director in writing.

C. Special Rules

1. Rules Applicable to Instructors in Periods Near the Conclusion of the Academic Term: The following rules apply to any employee who takes leave without pay under this policy and who is employed Principally in an instructional capacity.
- a. If leave without pay begins more than five weeks before the end of an academic term, the Principal may require the employee to continue taking leave until the end of that academic term, if--
 - (1) The leave is of at least three weeks duration, and
 - (2) The return to work would occur during the three-week period before the end of the academic term.
 - b. If parent/guardian or Family Medical leave without pay begins within five weeks before the end of an academic term, the Principal may require the employee to continue taking leave until the end of that term, if--
 - (1) The leave is of more than two weeks duration, and
 - (2) The return to work would occur during the two-week period before the end of the academic term.

- c. If parent/guardian or Family Medical leave without pay begins within three weeks before the end of an academic term the Principal may require the employees to continue taking leave until the end of that term, if the leave is for more than five working days.
- d. If the School System requires a teacher to extend leave under these rules, the extended leave is counted against the teacher's FMLA allotment. If the teacher's FMLA allotment expires during the extension the additional time is nevertheless deemed FMLA leave.

2. Intermittent Leave and Reduced Leave Schedules:

- a. If the intermittent leave or reduced leave schedule is foreseeable based on planned medical treatment, the Director may require the employee to transfer temporarily to an available alternate position--
 - (1) Which is offered by the Director,
 - (2) For which the employee is qualified,
 - (3) Which has equivalent pay and benefits, and
 - (4) Which better accommodates recurring periods of leave than the regular employment position of the employee.
- b. If a teacher does not give the School Committee the required 30 days notice for intermittent leave or a reduced leave schedule which is foreseeable, he/she or she must delay the taking of leave until the notice provision is met.
- c. If a teacher takes intermittent leave or a reduced leave schedule which is for more than 20% of the normal working days over the period of the leave, that teacher must instead take the entire period as FMLA leave.

3. Benefits during Leave:

- a. While the employee is on leave, the School System shall maintain coverage of that employee under its group health plan at the level and under the conditions which would have been provided if the employee had continued in employment instead of being on leave.
- b. If the employee normally had a monthly payment to that plan, the employee must make that monthly payment. If the employee fails to make such payments, the School System shall, if possible, continue the benefits at the reduced rate permitted for the School System's payment alone. If such a reduced rate is not possible, then the employee shall be excluded from the group health plan.

4. Employment and Benefits upon Return to Work:
 - a. Any employee who takes leave under this Policy for the intended purpose of the leave shall be entitled, on return from leave--
 - (1) To be restored to his or her former job, or
 - (2) To be placed in an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.
 - b. The taking of leave under this policy shall not result in the loss of any employment benefit accrued before the date on which the leave began.
 - c. No employee shall accrue seniority or employment benefits during any period of leave, nor shall the employee be entitled to any right, benefit, or position of employment other than those to which the employee would have been entitled if the employee had not taken the leave. This policy does not change the legal requirement that probationary teachers teach at least 160 contractual teaching days during the school year in order to count the year toward the three years of service needed to attain continuing contract status.
 - d. The Director may deny restoration to salaried employees who are among the highest paid 10 percent of the School System's employees, if
 - (1) Such denial is necessary to prevent substantial and grievous economic injury to the operations of the School System,
 - (2) The Director notifies the employee of the intent of the School System to deny restoration on the basis of economic injury at the time the Director determines that such injury would occur, and
 - (3) If the leave has begun, the employee does not return to work after receiving the notice of intent not to restore him or her.

5. Failure to Return from Leave: The School System may recover the premium which it paid for maintaining coverage of the employee under its group health plan during the employee's unpaid leave under this policy if--
 - a. The employee fails to return from unpaid leave under this policy after the period of leave to which the employee is entitled has expired; and
 - b. The employee fails to return to work for a reason other than--
 - (1) The continuance, recurrence, or onset of a serious health condition which would entitle the employee to personal or family medical leave without pay, or
 - (2) Other circumstances beyond the control of the employee.

6. Prohibited Acts:

- a. No employee of the School System shall interfere with, restrain, or deny the exercise of or the attempt to exercise any right provided under this title.
- b. No employee of the School System shall discriminate against any individual for opposing any practice contrary to this policy.
- c. No employee of the School System shall discriminate against any individual for
 - (1) Filing any charge, instituting or causing to be instituted any proceeding, under or related to this policy,
 - (2) Giving, or being about to give, any information in connection with any inquiry or proceeding relating to any right provided under this policy, or
 - (3) Testifying, or being about to testify, in any inquiry or proceeding relating to any right provided under this policy.

LEGAL REFS.: P.L. 103-3 "Family and Medical Leave Act of 1993"
29 U.S.C. S 2601 et seq.
Department of Labor Regulations, 29 C.P.R. Part 825
Va Code S 22.1-303.

SUPPORT STAFF VACATIONS AND HOLIDAYS

Holidays

The school calendar, as adopted by the School Committee, establishes holidays and school recess periods for the employees who work on teacher and/or student days.

Employees who work on a 12-month basis will be granted paid holidays on all legal holidays and such other holidays as designated by the School Committee. They will also be expected to report to work during school recess periods unless days during these periods are considered official and designated as paid holidays by the Committee.

To qualify for holiday pay, the employee must be at work on the day before and the day following the holiday, unless his absence is approved on the basis of current leave policies.

Vacations

All 12-month employees will be eligible for paid-vacations in accordance with the following:

1-5 years	-- two weeks vacation
5-10 years	-- three weeks vacation
After 10 years	-- four weeks vacation

Support staff members employed on 10-month basis will be granted two weeks' paid vacation after completing 10 full years of services in the school system.

LEGAL REFS.: M.G.L. 4:7; 136:12

CONTRACT REFS. All support staff contracts

SUPPORT STAFF RECRUITING/POSTING OF VACANCIES

The School Committee will establish, and budget for, support staff positions in the school system on the basis of need.

The recruitment and selection of candidates for such positions will be the responsibility of the Principal for building based positions, and the Superintendent for District-wide positions, who will confer with Principals and other supervisory personnel, as appropriate, in making a selection.

All support staff vacancies will be made known to all support staff personnel.

SUPPORT STAFF HIRING

All candidates will be considered on the basis of their merits, qualifications, and the needs of the school system. In each instance, the Superintendent and others playing a role in the selection process will seek to employ the best qualified person for the job.

Vacancies in positions will be filled by the Superintendent and/or the Principal in accordance with the law and with the applicable regulations.

LEGAL REFS.: M.G.L. 71:55B; 71:59B

SUPPORT STAFF PROBATION

Each support staff employee will serve a probationary period of six months in any position for which he/she is newly hired or in any new classification to which he/she is transferred or promoted. During that time, the employee will be adequately assisted and supervised so that his abilities to carry out the required duties, and job performance, may be ascertained. Should his/her performance be unsatisfactory, a new employee may be released at any time during the probationary period, or an employee who has been transferred to a new classification may be returned to his/her former position.

SUPPORT STAFF ASSIGNMENTS AND TRANSFERS

The Superintendent will make District-wide assignments and transfers of support staff members for the efficient operation of the school department as necessary.

The preferences of employees will be taken into consideration in making assignments and transfers; however, the best interests of students and the school system must be given priority.

Within an individual school, the Principal may assign support staff members to tasks appropriate to their positions and qualifications.

CONTRACT REFS.: All Support Staff Agreements

SUPPORT STAFF TIME SCHEDULES

The workday and the work year for members of the support staff will be as set forth on the salary schedule.

Specific time schedules for support staff members will be set by the appropriate administrators in line with pertinent school opening and closing times, student schedules, and so on. Administrators will inform the Superintendent of the assigned schedules so that there may be continuity as needed throughout the school system.

EVALUATION OF SUPPORT STAFF

A program of continuous observation and evaluation will be developed to find the right employees to fill vacancies, determine assignments and equitable work loads, and establish wage and salary policies that encourage employees to put forth their best efforts. The evaluation of employee achievements and the provision of a good atmosphere are some of the major duties of the Committee.

The evaluation will cover the major areas of the employee's responsibilities and will include the following:

1. Specific work assignment
2. Attitude toward students
3. Attitude toward public education
4. Attitude toward supervisors, teachers, and fellow employees
5. Work habits

Each employee will be informed of the basis upon which he/she is to be evaluated in advance of evaluation.

The Superintendent shall establish guidelines and criteria for evaluating nonprofessional personnel. Nonprofessional personnel shall be evaluated annually.

CONTRACT REFS.: All support staff agreements

SUPPORT STAFF PROMOTIONS

When support staff vacancies are to be filled, preference will be given to qualified applicants from within the school system, provided their qualifications (proven and potential ability, training, experience, and personal characteristics) are equal to those of other applicants. However, the best qualified person from among all who apply within and without the school system will be selected.

The performance of an employee promoted to a higher position will be reviewed during the probationary period in the new job. The employee will discuss the reviews with his supervisor or Principal and will receive a copy of each. At the completion of the appraisal period, the employee will be notified of continued employment in his new position or reinstatement in his former one.

RETIREMENT OF SUPPORT STAFF MEMBERS

All full-time non-instructional personnel are required to participate in the Commonwealth of Massachusetts Retirement System.

Periodically, the Superintendent will present to the Committee the names of support staff members who have indicated their intentions to retire.

LEGAL REFS.: Age Discrimination in Employment Law, P.L. 95-256

SUSPENSION AND DISMISSAL OF SUPPORT STAFF MEMBERS

Support staff employees employed by the School District may be terminated by the Principal of the building in which they serve, with the approval of the Superintendent. However, employees may request the Superintendent to review the circumstances of their termination.

Bus drivers are employed on a monthly basis with continuity of employment conditioned only upon satisfactory performance. In the event of failure to perform as required, the Superintendent may immediately suspend employment.

Support staff employees will generally be given notice of their dismissal two weeks prior to the effective date.

The Superintendent, or the Principal, with the approval of the Superintendent, may also suspend employees from their assignments.

H. NEGOTIATIONS

NEGOTIATIONS

NOTE: This section is for filing policies relating to the process of negotiations, not for filing personnel "policies" that have been negotiated. (Most of the latter would go in the Personnel Section if you determine to include items from negotiated agreements in your policy manual.)

In compiling a policy manual, you need to make a decision at the start as to how you will handle the various statements in agreements with staff units that relate to the bargaining process and to employee compensation, benefits, and other conditions of work determined through the process.

It is recommended that:

1. You use references to pertinent portions of agreements as appropriate to the various categories in the classification system. Otherwise, use agreement excerpts verbatim as appropriate to the various categories.
2. Whichever method you choose, be consistent in the treatment of negotiated "policies" throughout your manual and give the same treatment to agreements with all staff units with which you negotiate.

Many examples of the use of contract references appear in the Personnel (G) Section of this reference manual.

NEGOTIATIONS GOALS

The School Committee recognizes that education is a public trust; it therefore is dedicated to providing the best possible educational opportunities for the young people of this community. In negotiations, this objective may be best attained if there is a climate of mutual trust and understanding between the negotiating parties.

The School Committee believes that the best interests of public education will be served by establishing procedures that provide an orderly method for the School Committee and representatives of the staff to discuss matters of common concern.

It is further recognized that nothing in negotiations will compromise the School Committee's legal responsibilities nor will any employee's statutory rights and privileges be impaired.

NEGOTIATIONS LEGAL STATUS

All negotiations between the School Committee and recognized employee groups are conducted subject to Chapter 150E of the Massachusetts General Laws. The legal status of negotiations is defined in part by Section 2 of that chapter, as follows:

Employees shall have the right of self-organization and the right to form, join, or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion. An employee shall have the right to refrain from any or ~~of~~ such activities, except to the extent of making such payment of service fees to an exclusive representative as provided in section twelve.

Basic to all employer/employee negotiations is the concept of "bargaining in good faith." It is the legal responsibility of both the School Committee and employee organizations to bargain in good faith as they conduct negotiations. However, such obligation does not compel either party to agree to a proposal or make a concession.

Established by law

LEGAL REF.: M.G.L. 150E:1 et seq.

SCHOOL COMMITTEE NEGOTIATING AGENTS

The School Committee is responsible for negotiations with recognized employee bargaining units. However, because of the expertise and time required for negotiations, the Committee may hire a negotiator to bargain in good faith with recognized bargaining units to help assure that mutually satisfactory agreements on wages, hours, and other terms and conditions of employment will be developed.

The School Committee will appoint the negotiator and the fee or salary for his services will be established in accordance with the law at the time of appointment.

The duties of the negotiator will be as follows:

1. To negotiate in good faith with recognized bargaining units to arrive at a mutually satisfactory agreement on wages, hours, and working conditions of employees represented by the units.
 - a. The negotiator may recommend members of the administration to serve on the negotiation team. They will not be members of any unit that negotiates with the Committee, and their participation in negotiations must be recommended by the Superintendent and approved by the Committee.
 - b. He/she will direct accumulation of necessary data needed for negotiations, such as comparative information.
 - c. He/she will follow guidelines set forth by the Committee as to acceptable agreements and will report on the progress of negotiations.
 - d. He/she will make recommendations to the Committee as to acceptable agreements.
2. The negotiator will interpret the signed negotiated contracts to administrators and may be called upon to offer advice on various aspects of contract administration during the terms of the contracts with employee organizations.

LEGAL REF.: M.G.L. 71:37E

I. INSTRUCTIONAL PROGRAM

INSTRUCTIONAL GOALS

The primary function of a school program is the instruction of students. All staff activities and efforts shall be directed toward providing a high quality, effective, and ever-improving instructional program.

There are primarily three functions involved in carrying out the instructional program:

- Operating Function
- Coordinating and Developing Function
- Evaluating and Assessment Function

The operating function involves classroom instruction and building program management. The coordinating and developing function includes monitoring activities (curriculum development), in-service education, and special services. The evaluation and assessment function involves data collection and synthesis and establishing future direction.

LEGAL REFS.: 603 CMR 26:00

CROSS REF.: AD, Educational Philosophy

ACADEMIC FREEDOM

The School Committee seeks to educate students in the democratic tradition, to foster recognition of individual freedom and social responsibility, to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Fairness in procedures will be observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate example the basic objectives of a democratic society as set forth in the Constitutions of the United States and the State.

LEGAL REF.: Constitution of the Commonwealth of Massachusetts

SCHOOL YEAR/SCHOOL CALENDAR

The school calendar for the ensuing year will be prepared by the Superintendent and submitted to the School Committee for approval by May 1st of each year. The number of days or instructional hours scheduled for the school year will be determined in accordance with the following standards set by the Massachusetts Board of Education:

1. Elementary school will operate for a minimum of 180 days. Schools shall ensure that every elementary school student is scheduled to receive a minimum of 900 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.
2. Secondary schools will operate for a minimum of 180 days. Schools shall ensure that every secondary school student is scheduled to receive a minimum of 990 hours per school year of structured learning time, as defined in 603 CMR 27.02. Time which a student spends at school breakfast and lunch, passing between classes, in homeroom, at recess, in non-directed study periods, receiving school services, and participating in optional school programs shall not count toward meeting the minimum structured learning time requirement for that student.

For the information of staff, students, and parents, the calendar will set forth the days schools will be in session; holidays and vacation periods; in service days; and parent conferences.

LEGAL REFS.: M.G.L. 4:7; 15:1G; 71:1; 71:4; 71:4A; 71:73; 136:12
Board of Education Regulations for School Year and School Day, effective 9/1/75
Board of Education, Student Learning Time Regulations
603 CMR 27.00, Adopted 12/20/94

SCHOOL DAY

The length of the school day is established in the collective bargaining agreements with the various school unions. The specific opening and closing times of the schools will be recommended by the Superintendent and set by the Committee.

The Superintendent is authorized to make minor changes in opening and closing times to simplify transportation scheduling; however, major changes in schedules will be subject to Committee approval.

Parents and guardians will be informed of the opening and closing times set by the Committee. To help insure the safety of all children, parents will also be notified that students will not be admitted into the school building until 15 minutes prior to the start of the official day unless bus schedules require earlier admittance.

LEGAL REFS.: M.G.L. 15:1G; 71:1; 71:59
 Board of Education Regulations for School Year and Day, effective 9/1/75

ORGANIZATION OF INSTRUCTION

The District offers a diversified educational program compatible with the needs of the community and state standards.

The organizational plan is designed to facilitate the philosophy of educating every student, each to his/her fullest potential.

The structure will consist of three levels -- Primary/Elementary, Middle and Secondary levels.

The Primary/Elementary level includes schools with kindergarten through grade five. The Middle level consists of schools for grades six, seven and eight The Secondary level consists of schools with grades nine, ten, eleven, and twelve.

Special education services are integrated across each grade level in all schools.

The organization is designed to meet the standards established within the Curriculum Frameworks as required by the State Department of Education and to serve the needs of all students.

CURRICULUM DESIGN/DEVELOPMENT/ADOPTION

Continuous work is required to maintain an up-to-date and effective curriculum in a constantly changing world. In order to provide a curriculum that effectively meets the needs of students and the expectations of the community:

1. The curriculum will be prescribed by the School Committee and will comply with state requirements.
2. The curriculum will be subjected to ongoing evaluation and review. Gaps and weaknesses will be identified and offerings in other area schools will be examined. The needs of industry and colleges will be considered for their input.
3. The School Committee expects the administration and faculty to be continually sensitive to changing conditions that may require corresponding changes in the curriculum.

Each year, the administrators responsible for overseeing departments and/or programs shall, after consultation with the Superintendent, determine those aspects of his/her department/program which are in need of evaluation and review. The Superintendent shall promulgate regulations in order to ensure timely, efficient and effective review and evaluations, keeping in mind the timing of the budgetary process and the School Committee's desire for student and citizen involvement, where feasible.

LEGAL REF.: M.G.L. 69:1E
 603 CMR 26:05

SUPPORT SERVICES PROGRAMS

To support the classroom activities and other instructional needs of the District, various educational services as listed shall be provided. The Support Services staff will work in cooperation with building staff and the administration of the District in (1) the coordination and the supervision of the curriculum implementation of the instructional program, and (2) support services programs.

Curricular Supervision and Coordination

Coordinating personnel for specific curricular areas shall be assigned by the administration. These coordinators shall assist in the organization, supervision, and coordination of subject material and activities in the schools.

Support Services

The Superintendent or his/her designee shall be responsible for all programs for educationally handicapped and gifted students' psychological services, speech correction, homebound and hospital teaching and such other programs as may be assigned to the Learning Support Services.

CROSS REF.: ACE, Nondiscrimination on the Basis of Handicap

REMEDIAL INSTRUCTION

Remedial Reading

Remedial reading teachers and/or remedial reading tutors shall be assigned to assist those students accepted into a remedial reading program. Standard procedures will be established for entry into and exit from the remedial reading program. The procedures will be reviewed annually.

ALTERNATIVE PROGRAMS

It is the philosophy of the District to provide programs for all its students. Where additional programs and/or environments could facilitate meeting the needs of students and the philosophy and objectives of the District, alternative programs may be established.

Definition

Alternative programs are defined as provisions within the public education system which offer major choices among diverse educational environments based on student needs, talents and interests; occupy a significant proportion of an individual student's time; and meet the District's philosophy and objectives.

Development

Any project shall have been discussed with the Administration and must receive its endorsement prior to development.

Alternative programs shall observe all policies and regulations that govern all of the schools and programs of the District unless specifically waived by the board.

Proposals for alternative programs must include a design for evaluating the effectiveness in achieving the purposes of the program and determining the extent to which it is successful in achieving the philosophy and objectives of the District. Alternative programs will be reviewed and evaluated annually for the first three years with a recommendation to the Committee as to continuation of the programs.

Approval

Prior to implementation, the Committee shall approve alternative programs.

CURRICULUM ADOPTION

The School Committee will rely on its professional staff to design and implement instructional programs and courses of study that will forward the educational goals of the school system.

The Superintendent will have authority to approve new programs and courses of study after they have been thoroughly studied and found to support educational goals. The Committee itself will consider, and officially adopt, new programs and courses when they constitute an extensive alteration in instructional content or approach.

The Committee wishes to be informed of all new courses and substantive revisions in curriculum. It will receive reports on changes under consideration. Its acceptance of these reports, including a listing of the high school program of studies, will constitute its adoption of the curriculum for official purposes.

LEGAL REF.: M.G.L. 71:1; 69:1E

BASIC INSTRUCTIONAL PROGRAM

State law requires that schools:

. . . shall give instruction and training in orthography, reading, writing, the English language and grammar, geography, arithmetic, drawing, music, the history and Constitution of the United States, the duties of citizenship, health education, physical education and good behavior. . .

The law further states that American history and civics, including the Constitution of the United States, the Declaration of Independence, the Bill of Rights, local history and government will be taught as required subjects in the public schools.

Physical education is compulsory for all students, except that no student will be required to take part in physical education exercises if a physician certifies in writing that such exercises would be injurious to the student.

The Fundamental Skills

The business of the schools is to equip all children with the skills, tools, and attitudes that will lay the basis for learning now and in the future. This means giving highest priority to developing skills in reading, writing, speaking, listening, and solving numerical problems.

The first claim of the community's resources will be made for the realization of these priorities. School dollars, school talent, school time, and whatever innovation in program is required must be concentrated on these top-ranking goals. No student should be bypassed or left out of the school's efforts to teach the fundamental skills. Schooling for basic literacy must reach all students, in all neighborhoods, and from all homes.

LEGAL REFS.: M.G.L. 71:1, 2, 3; 71:13
 603 CMR 26:05

BASIC INSTRUCTIONAL PROGRAM

Curricula

- (1) The curricula of all public school systems shall present in fair perspective the culture, history, activities, and contributions of persons and groups of different races, nationalities, sexes, and colors.
- (2) All school books, instructional and educational materials shall be reviewed for sex-role and minority group stereotyping. Appropriate activities, discussions and/or supplementary materials shall be used to counteract the stereotypes depicted in such materials.
- (3) School books, instructional and educational materials purchased after the date of 603 CMR 26.00 shall in the aggregate, include characterizations and situations which depict individuals of both sexes and of minority groups in a broad variety of positive rolls.
- (4) Each school shall provide equal opportunity for physical education for all students. Goals, objectives and skill development standards, where used, shall neither be designated on the basis of sex nor designed to have an adverse impact on members of either sex.

LEGAL REFS.: M.G.L. 71:1, 2, 3; 71:13
603 CMR 26:05

WRITING POLICY

It is the policy of the Swampscott Public Schools to develop writing skills in all students from Kindergarten to Grade 12.

The Swampscott Public School system adheres to a developmental approach to writing. Students' writing shall be guided by teachers at all grade levels and evaluated according to student progress over time.

The curriculum at each grade level K—12, in each subject area, and in special education classes shall provide for writing assignments appropriate to the abilities of the students and the content of the subject matter. The teaching of writing shall occur across all curriculum areas in forms suited to each discipline.

By high school graduation, each student shall have completed at least one research paper or project of length, using multiple sources and following standard procedures for references and citations.

PHYSICAL EDUCATION

The School Committee will attempt to provide every student with an opportunity for wholesome and enriched educational experiences. It is the Committee's belief that the following basic aims and objectives of the physical education program will contribute to this goal:

1. To aid the development of the entire student so that a well trained mind may function properly in a healthy body.
2. To encourage student participation in vigorous physical activity while in school, and to teach the skills of those activities so that they will have a carry-over value for later activities in every day life.
3. To increase appreciation of physical fitness and its importance in regard to good health.
4. To impress upon students the importance of integrating one's mind, body and attitude in preparing to face the obligations of a complex society.

LEGAL REFS.: M.G.L. 71:1; 71:3
Board of Education Regulations Pertaining to Physical Education, adopted 4/25/78, effective 9/1/78
603 CMR 26:05

OCCUPATIONAL EDUCATION

The School Committee recognizes that students in kindergarten through grade 12 should:

1. Be afforded the opportunity to be informed about the world of work.
2. Be aware of the many vocations available to them.
3. Develop a respect for the dignity of work.
4. Be allowed the opportunity to develop an understanding regarding the technical, consumer, occupational, recreational and cultural aspects of industry and technology; they should also be afforded the opportunity to develop skills related to such aspects through creative problem solving experiences.

LEGAL REFS.: M.G.L. 71:37K; 71:38A through 71:38F; 74:1 et seq.
Board of Education Chapter 74 Regulations, adopted 6/28/77, effective 9/1/77

HEALTH EDUCATION

Good health depends upon continuous life-long attention to scientific advances and the acquisition of new knowledge.

The School Committee believes that the greatest opportunity for effective health education lies within the public schools because of their potential to reach children at the age when positive, lifelong health habits are best engendered and because the schools are equipped to provide qualified personnel to conduct health education programs.

The School Committee is committed to a sound, comprehensive health education program as an integral part of each student's general education. Health education will be taught as a separate academic discipline in grades K through 6 and as a separate class in grade 7.

The health education program will emphasize a contemporary approach to the presentation of health information, skills, and the knowledge necessary for students to understand and appreciate the functioning and proper care of the human body. Students also will be presented with information regarding complex social, physical and mental health problems, which they might encounter in society. In an effort to help students make intelligent choices on alternative behavior of serious personal consequence, health education will examine the potential health hazards of social, physical and mental problems existing in the larger school-community environment.

In order to promote a relevant, dynamic approach to the instruction of health education, the School Committee will continue to stress the need for curricular, personnel, and financial commitments that are necessary to assure the high quality of the system's health education program.

LEGAL REF.: M.G.L. 71:1

CROSS REF.: EB, Safety Program

PARENTAL NOTIFICATION RELATIVE TO SEX EDUCATION

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

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

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

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

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

The Superintendent of Schools will distribute a copy of this policy to each Principal by September 1 of each year.

REF.: Department of Education

SAMPLE NOTICE TO PARENT/GUARDIAN

[Date]

Dear Parent/Guardian:

Enclosed is an outline of our school's grade 7 and 8 comprehensive health education curriculum. This program has been developed by our professional staff under the guidance of the community health education advisory council. The overall goal of the course is to continue efforts begun in earlier grades to promote the health and well-being of our students, and to help them make wise and informed decisions during their teenage years and beyond.

Sex education is part of the health education curriculum in grades 7 and 8, including topics such as puberty; dating; relationships and communication skills; pregnancy; birth control; abortion; homosexuality; prevention of HIV/AIDS and other sexually transmitted diseases; and prevention of sexual abuse. The instructional materials we use for the course include a curriculum package and a video, listed on the enclosed outline. If you would like to review these materials at the school, you are welcome to do so. Please call me to arrange a convenient time.

During the course, students will be able to ask questions, which will be answered factually and in an age-appropriate manner. Each student's privacy will be respected, and no one will be put on the spot to ask or answer questions or reveal personal information. Material will be presented in a balanced, factual way that makes clear that people may have strong religious and moral beliefs about issues such as birth control and abortion, and that these beliefs must be respected.

Under Massachusetts law and School Committee policy, you may exempt your child from any portion of the curriculum that primarily involves human sexual education or human sexuality issues. To receive an exemption, simply send me a letter requesting an exemption for your child. No student who is exempted from this portion of the curriculum will be penalized. We may provide an alternative assignment to students who are exempted.

We look forward to working with you to ensure that your child has a positive and educationally enriching experience this school year. If you have any questions about sex education or any other matter concerning your child's education, please call me.

Sincerely,

Principal
[Phone Number]

Enclosure: [course outline; list of curriculum materials for sex education]

HEALTH EDUCATION (Exemption Procedure)
(Exemption Procedure)

Exemption will be granted from a specific portion of health education curriculum on the grounds that the material taught is contrary to the religious beliefs and/or teachings of the student or the student's parent/guardian.

A request for exemption must be submitted in writing to the Principal in advance of instruction in that portion of the curriculum for which the exemption is requested. The request must state the particular conflict involved.

The Principal will confer with the teacher to determine the length of time a student will be exempt. The teacher will develop an alternative activity for which the student will receive credit.

The Principal will inform the parent/guardian of disposition of the request within a reasonable number of school days of receipt of the request.

LEGAL REF.: M.G.L. 71:1

TEACHING ABOUT DRUGS, ALCOHOL, AND TOBACCO

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

The drug and alcohol education program shall address the legal, social, and health consequences of drug and alcohol use. It shall include special instruction as to the effects upon the human system; the emotional, psychological and social dangers of such use with emphasis on nonuse by school age children and the illegal aspects of such use. The program also shall include information about effective techniques for resisting peer pressure to use illicit drugs or alcohol.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of each individual to the dangers of drugs, alcohol, and tobacco.

To create an awareness of the total drug problem--prevention, education, treatment, rehabilitation, and law enforcement on the local, state, national and international levels.

To relate the use of drugs and alcohol to physical, mental, social and emotional practices.

To develop the student's ability to make intelligent choices based on facts and to develop the courage to stand by one's own convictions.

To understand the personal, social and economic problems causing the misuse of drugs and alcohol.

To develop an interest in preventing illegal use of drugs in the community.

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

LEGAL REFS.: M.G.L. 71:1

CROSS REF.: JICH, Alcohol Use by Students

SPECIAL INSTRUCTIONAL PROGRAMS AND ACCOMMODATIONS (PROGRAMS FOR CHILDREN WITH SPECIAL NEEDS)

The goals of this school system's special education program are to allow each child to grow and achieve at his own level, to gain independence and self-reliance, and to return to the mainstream of school society as soon as possible.

The requirements of Chapter 71B and the Massachusetts General Laws (known as Chapter 766 of the Acts of 1972) and state regulations will be followed in the identification of children with special needs, in referrals for their evaluation, in prescribing for them suitable programs and in assessing their educational progress. In keeping with state requirements, all children with special needs between the ages of three through 21 who have not attained a high school diploma or its equivalent will be eligible for special education.

The School Committee believes that most children with special needs can be educated in the regular school program if they are given special instruction, accommodations and the support they need. These children should also be given the opportunity to participate in the school system's non-academic and extracurricular activities.

The Committee recognizes that the needs of certain children are so great that special programs, special classes or special schools may be necessary. When appropriate programs, services, or facilities are not available within the public schools, the Committee will provide these children with access to schools where such instruction and accommodations are available.

It is the desire of the Committee that the schools work closely with parents in designing and providing programs and services to children with special needs. Parents will be informed, and conferred with, whenever a child is referred for evaluation. In event of any disagreement concerning diagnosis, program plan, special placement, or evaluation, the parents will be accorded the right of due process.

The Committee will secure properly trained personnel to work with the children with special needs. Since the financial commitment necessary to meet the needs of all of these children is extensive, the Committee will make every effort to obtain financial assistance from all sources.

LEGAL REFS.: The Individuals with Disabilities Ed. Act (PL 94-142 adopted 1/1/91)
 Rehabilitation Act of 1973
 M.G.L. 71B:1 et seq. (Chapter 766 of the Acts of 1972)
 Board of Education Chapter 766 Regulations, adopted 10/74, as amended through
 7/1/81
 603 CMR 28:00 inclusive

PROGRAMS FOR STUDENTS WITH DISABILITIES

In keeping with the intention of the state of Massachusetts to offer educational opportunities to all students that will enable them to lead fulfilling and productive lives, the District shall provide appropriate educational opportunities to all resident students in accordance with the requirements of state and federal statutes.

GIFTED AND TALENTED EDUCATION

"Gifted and talented" students are those students who demonstrate outstanding performance or the assessed potential for such performance or whose abilities, talents and potential for accomplishment in one or more areas of endeavor are so outstanding that they require special provisions to meet their educational needs.

A gifted and talented educational program shall be identified and provided for students in grades kindergarten through twelve who are intellectually and creatively gifted.

The program shall be flexible, responsive to individual student needs and provide a variety of options for gifted students. These options should include higher level learning activities and experiences, opportunity for independent study, access to multiple resources and intellectual peer interaction.

The program shall provide gifted and talented students, families and educators an atmosphere of support and guidance.

COMPENSATORY EDUCATION

(Title 1)

Title 1 funds shall be used to provide educational services that are in addition to the regular services provided for District students. By adoption of this policy, the School Committee ensures equivalence in the provision of curriculum materials and supplies.

ENGLISH AS A SECOND LANGUAGE

In keeping with the intention of the state of Massachusetts to offer educational opportunities to those children whose dominant language is other than English, the District shall provide suitable instructional programs for all such students in grades kindergarten through 12 in accordance with the requirements of state statutes and the Massachusetts Department of Education.

Foreign exchange or visiting students are not eligible for English as a Second Language programs.

HOMEBOUND INSTRUCTION

The schools may furnish homebound instruction to those students who are unable to attend classes for at least four consecutive weeks due to a physical injury, medical situation, or a severe emotional problem. The instruction is designed to provide maintenance in the basic academic courses so that when a student returns to school he/she will not be at a disadvantage because of the illness or the hospitalization.

To qualify for the program the student needs a written statement from a medical doctor requesting the homebound instruction, stating the reasons why, and estimating the time the student will be out of school. This statement needs to be sent to the Director of Pupil Services.

Homebound instruction is offered in basic elementary subjects and in secondary subjects which do not require laboratories and special equipment, subject in all cases to the availability of qualified teachers. Certified teachers are assigned to homebound instruction by the Director of Pupil Services with the approval of the Superintendent.

HOME SCHOOLING

The Massachusetts General Law requires the School Committee to determine that a Home Schooling program meet with the minimum standards established for public schools in the Commonwealth prior to approving such a program.

When a parent or guardian of a student below the age of 16 wants to establish a home-based educational program for his/her child, the following procedures shall be followed in accordance with the law:

Prior to removing the child from public school:

The parent/guardian must submit written notification of establishment of the home-based program to the appropriate administrator 14 days before the program is established, and resubmit notification on an annual basis as long as the child or children are being educated in a home-based environment.

The parent/guardian must certify in writing, on a form provided by the District, the name, age, place of residence, and number of hours of attendance of each child in the program.

The Superintendent shall give the notice to produce records required by law if there is probable cause to believe the program is not in compliance with the law. Factors to be considered by the Superintendent or School Committee in deciding whether or not to approve a home education proposal may be:

1. The proposed curriculum and the number of hours of instruction in each of the proposed subjects.
2. The competency of the parents to teach the children,
3. The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents.
4. Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards.

A student being educated in a home-based program within the District may have access to public school activities of either a curricular or extracurricular nature upon approval of the Superintendent.

A student, with the approval of the School Committee, may be awarded a high school diploma if he/she or she has satisfied the Department of Education's competency requirements and has met the District's educational standards for graduation.

LEGAL REFS.: M.G.L. 69:1D; 76:1, Care and Protection of Charles
Care and Protections of Charles - MASS. Supreme Judicial Court 399 Mass. 324
(1987)

HOME SCHOOLING

1. Requirements for approval of home instruction will include:
 - a. The parent or legal guardian must request permission to hold home instruction on an annual basis.
 - b. A home instruction application form will be provided to the parents or legal guardian. This form must be completed and returned to the Superintendent before approval may be granted.
 - c. The Committee delegates the approval of home instruction to the Superintendent. Any approval or rejection of an application by the Superintendent is subject to review by the Committee.
2. Children in home instruction may, at the discretion of parents or guardian, attend the public schools on a part-time basis. It may be an advantage for a home-taught child to attend specialized classes in the public school.
3. Parents or a legal guardian in charge of home instruction should make provision for regular testing or use of other indicators of student progress such as standardized achievement tests. As an alternative to home testing and at the request of those in charge of the home instruction, the School District will make provision for inclusion of home-taught children in the annual achievement test battery, which is usually administered in February or March of each school year. The home instruction summary form must include either a summary of home testing results for each required subject for each child or the results of the achievement test that is administered through the School District.
4. Auditing functions of the Committee for the home instruction will include:
 - a. The Committee at any time may request a review by the Superintendent of the attendance rolls, records of test scores or other achievement indicators in each required subject for any child in home instruction.
 - b. The Committee may request at any time that the Superintendent review the instructional materials and methods used by the person(s) responsible for the home instruction.
 - c. The Superintendent will prepare for the Committee an annual summary of the children included in home instruction. This report will also summarize, in general, the appropriateness or possible deficiencies of home education situations.
5. Within one week of the ending date of the home instruction, as indicated on the home instruction application form, the School District will mail the parents or legal guardian a home instruction summary form. The completed form should be returned to the School District within 30 days. This summary form must be returned to the School District office before annual approval of home instruction can be made for any succeeding years.

6. The Committee will act in a responsible, cooperative manner to ensure that all children in the School District receive competent, adequate instruction. This concern includes children in home education. If the Committee determines that a home instruction situation is inadequate, a conference between the parents or legal guardian and the Superintendent will be scheduled to find mutually acceptable ways to correct any deficiency.
7. If deficiencies in a home education situation are not corrected or the proper annual application or summary is not completed by the parents or legal guardian, an appropriate referral will be made.

HOME SCHOOLING

In March 1987, the Massachusetts Supreme Judicial Court decided the case entitled Care and Protection of Charles, 399 Mass. 324 (1987). The decision sets forth the legal standards for approval of home education programs for children of compulsory school age in Massachusetts. This advisory opinion, prepared by Rhoda E. Schneider, General Counsel of the Department of Education, is intended to inform public school officials and other interested parties of the standards set forth in the decision. It supersedes the department's January 4, 1980 Advisory Opinion on Home Education, although the approval guidelines established by the court are very similar to those in the 1980 advisory.

There are four main components to the decision, which may be summarized as follows:

I. The School Committee may enforce the compulsory school attendance law through a care and protection proceeding.

The court held that the Canton School Committee had authority to file a petition for care and protection (pursuant to General Laws Chapter 119, Section 24) with respect to three school-age children whose parents had not enrolled them in public school or an approved private school, and who had not been granted permission to educate them at home. The court noted that the compulsory school attendance law (General Laws Chapter 76, Section I) states that "the School Committee of each town shall provide for and enforce the school attendance of all children (ages 6-16) actually residing therein in accordance here-with," and concluded that one appropriate way for the School Committee to do so is a petition to find the children in need of care and protection with respect to their educational care.

II. The compulsory school attendance law provides adequate standards to determine a child's need for educational care and to withstand constitutional challenge.

The court held that General Laws Chapter 76, Section 1, the compulsory school attendance law, provides the standards by which a judge may determine that a child is in need of educational care, and is neither void for vagueness nor an unlawful delegation of legislative authority. In pertinent part, the statute provides:

Every child between the minimum and maximum ages established for school attendance by the board of education (6-16) . . . shall . . . attend a public day school . . . or some other day school approved by the School Committee . . . unless the child attends school in another town . . . **but such attendance shall not be required of a child . . . who is being otherwise instructed in a manner approved in advance by the Superintendent or the School Committee.** (Emphasis added.)

The court concluded that this grant of authority to the Superintendent or School Committee to approve an alternative manner of instruction for a child (specifically, home instruction) is not unconstitutionally vague, because the school officials may draw approval criteria from three sources. First, the legislatures established a general framework for public education, by mandating the subjects that must be taught in public schools and qualifications public school teachers must meet. (See General Laws Chapter 71, Sections 1, 2, 3 and 38G.) Second, the court stated that proposed home education programs are subject to the same standard of approval as private schools under General Laws Chapter 76, Section 1:

“For the purposes of this section, school committees shall approve a private school when satisfied that the instruction in all the studies required by law equals in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town; but shall not withhold such approval on account of religious teaching.... “

Third, the court set forth specific procedures and approval guidelines for home education programs, which are discussed in section IV of this advisory. In light of all these factors, the court concluded that the law provides reasonable standards for reviewing and approving home education programs, and therefore meets constitutional requirements.

III. Parents have a basic right to direct their children's education, but that right is subject to reasonable regulation to promote the state's substantial interest in the education of its citizens.

Several United States Supreme Court decisions, cited by the court, have affirmed substantial state interest in the education of its citizenry, with which parents' basic right to direct children's education must be reconciled. The court agreed with the parents: "the state interest in this regard lies in ensuring that the children residing within the state receive an education, not that the educational process be dictated in its minutest detail." However, the court concluded that the approval process required under General Laws Chapter 76, Section 1 "is necessary to promote effectively the state's substantial interest," and that the School Committee may use that statutory approval process to impose on home education programs "certain reasonable educational requirements similar to those required for public and private schools."

IV. Guidelines for approval of home education plans.

Having concluded that the approval process under General Laws Chapter 76, Section 1 is constitutionally permissible the court set forth guidelines for parents and school officials to follow in considering home education plans. They may be summarized as follows:

A. Procedures.

1. Parents must obtain approval **prior** to removing the children from the public school and beginning the home education program.
2. The Superintendent or School Committee must provide the parents with an opportunity to explain their proposed plan and present witnesses on their behalf. A hearing during a School Committee meeting is sufficient to meet this requirement.
3. In obtaining approval from the Superintendent or School Committee, the parents must demonstrate that the home education proposal meets the requirements of General Laws Chapter 76, Section 1, in that the instruction will equal "in thoroughness and efficiency, and in the progress made therein, that in the public schools in the same town."

4. If the home education plan is rejected, the Superintendent or School Committee must detail the reasons for the decision, and allow the parents to revise their proposal to remedy its inadequacies. If they begin the home education program without the necessary approval, the School Committee may initiate a truancy proceeding or a care and protection petition, in which it would have to show that the instruction in the home does not meet the statutory standard for thoroughness, efficiency and educational progress.

B. Approval factors.

The court listed the following factors that may be considered by the Superintendent or School Committee in deciding whether or not to approve a home education proposal:

1. **The proposed curriculum and the number of hours of instruction in each of the proposed subjects.**

General Laws Chapter 71, Section 1, 2 and 3 list the subjects of instruction that must be taught in the public schools. Section 1 allows the School Committee also to require such other subjects, as it may deem expedient. In addition, the Superintendent or School Committee "may properly consider the length of the proposed home school year and the hours of instruction in each subject," noting that state law requires public schools to operate for a minimum of 180 days.

2. **The competency of the parents to teach the children.**

General Laws Chapter 71, Section 1 provides that teachers shall be "of competent ability and good morals." The court noted that parents providing education at home need not be certified, nor must they have college or advanced academic degrees. However, "the Superintendent or School Committee may properly inquire as to the academic credentials or other qualifications of the parent or parents who will be instructing the children."

3. **The textbooks, workbooks and other instructional aids to be used by the children and the lesson plans and teaching manuals to be used by the parents.**

The Superintendent or School Committee need access to this material "to determine the type of subjects to be taught and the grade level of instruction for comparison purposes with the curriculum of the public schools," but they "may not use this access to dictate the manner in which the subjects will be taught."

4. **Periodic standardized testing of the children to ensure educational progress and the attainment of minimum standards.**

The Superintendent or School Committee may properly require such testing, and in consultation with the parents may decide where the testing will occur and the type of testing instrument to be used. The court noted that "where practical, a neutral party should administer the test" and that the school authorities and parents may agree to other means of measuring the children's progress, such as periodic progress reports or dated work samples. In addition, it suggested that on-site visits by public school representatives may be included, although "with appropriate testing procedures or progress reports, there may be no need for periodic on-site visits or observations of the learning environment by school authority personnel."

V. Conclusion.

The Supreme Judicial Court's decision provides both a legal framework and useful guidance for public school officials and parents with respect to proposals to educate a school-age child at home. We recommend that Superintendents and School Committees review their procedures and approval criteria for home education plans, to assure that they are consistent with the court's decision. As long as the school officials making the decision to approve or disapprove a home education program do so reasonably and in good faith, using the standards and procedures discussed above, it is likely that a court will uphold their educational judgments.

LEGAL REFS.: M.G.L. 69:1D; 76:1

ALTERNATIVE SCHOOL PROGRAMS

Some children have great difficulty coping with the conventional school program and as a result will drop out of school. Some children require more support and direct supervision than is reasonably available in conventional school settings. And, some children, along with a highly structured academic experience, require a special focus on life skills and an appropriate vocational involvement.

The School Committee will provide alternative education programs where these needs have been identified, where establishment of such programs is feasible, and where the proposed programs fall within the function normally associated with the public school system.

These alternative educational programs will seek to provide an appropriate academic, social, and vocational experience to aid these young people either to reenter the regular school system, move into another educational setting, or prepare them for successful employment.

LEGAL REFS.: M.G.L. 71:37I; 71:37J
 Board of Education Regulations Pertaining to Section 8 of Chapter 636 of the Acts of
 1974, Regarding Magnet School Facilities and Magnet Educational Programs,
 adopted 2/25/75

SUMMER SCHOOLS

The school system will conduct summer sessions as a supplement to the instruction offered during the school year, when funding for such programs is available. The focus of the program will be remedial work in reading and mathematics.

To attend tuition-free remedial summer school, students must have the approval of their classroom and/or special subject teachers.

Students at all instructional levels may attend approved summer schools for remedial, enrichment, or make-up purposes. Credit towards graduation requirements may be granted high school students in line with regulations of the School District.

All summer programs will be subject to annual approval by the School Committee.

LEGAL REF.: M.G.L. 71:28

INSTRUCTIONAL MATERIALS

The School Committee believes that materials appropriate to the needs of the school program must be available to each student and teacher. These will be furnished by the School Committee subject to budgetary constraints.

The task of selecting instructional materials for programs will be delegated to the professional staff of the school system. Because instructional programs and materials are of great importance, only those that meet the following criteria will be approved by the Committee:

1. They must present balanced views of international, national, and local issues and problems of the past, present and future.
2. They must provide materials that stimulate growth in factual knowledge, literary appreciation, aesthetic and ethical values.
3. They must help students develop abilities in critical reading and thinking.
4. They must help develop and foster an appreciation of cultural diversity and development in the United States and throughout the world.
5. They must provide for all students an effective basic education that does not discriminate on the basis of race, age, color, religion, national origin, sex, physical disabilities or sexual preference.
6. They must allow sufficient flexibility for meeting the special needs of individual students and groups of students.

LEGAL REFS.: M.G.L. 71:48; 71:49; 71:50

CROSS REF.: KEC, Public Complaints about the Curriculum or Instructional Materials

RECONSIDERATION OF INSTRUCTIONAL RESOURCES

Material that is challenged usually belongs to one of the three basic categories: religion, ideology, or profanity/obscenity. Board policies regarding these areas shall be as follows:

Religion -- Factual, unbiased material on religions has a place in school libraries.

Ideologies -- Libraries should, with no thought toward swaying reader judgment, make available a balanced collection of primary and factual material, on the level of their students on various ideologies or philosophies which exert or have exerted a strong force, either favorably or unfavorably, in government, current events, politics, education and other phases of life.

Profanity/obscenity -- Materials shall be subjected to a test of literary merit and reality in context using the criteria established.

When a problem concerning instructional resources in a school arises, the disposition of the problem will be made in a reasonable period of time using District adopted procedures.

In accordance with the statement of philosophy, no questioned materials shall be removed from the school pending a final decision. Pending the outcome of the request for reconsideration, however, access to questioned materials can be denied to the students of the parents making the complaint, if they so desire.

If the decision of the School Committee is that the questioned instructional resource be retained, the District will not convene a Review Committee relative to the same complaint for a period of three years. If a substantially different point of view is advanced, it will be investigated. (The period of three years does not apply in this instance).

If an individual or a group undertakes action to keep material from the shelves by checking it out and failing to return it, or by taking turns in keeping it checked out so that it is not available for student use, the Superintendent shall request, in writing, the return of the material. If it is not returned within thirty (30) days, a bill for the current replacement cost of the item shall be rendered to the party holding the item.

After the School Committee has adopted new materials or approved certain methods, that decision will not be reconsidered for a period of three years beginning with the end of the school year when the adoption is made.

TEXTBOOK SELECTION AND ADOPTION

Responsibility for the review and selection of textbooks to be purchased shall rest with the Principal of each school. The Principal is encouraged through the School Committee to establish a review committee to assist in the process to determine the textbooks that best meet the curriculum guidelines of the District. The review committee should include teachers who will use the texts and other staff members as found desirable. Students and parents will be encouraged to serve.

Principles that apply generally to the selection of instructional materials and library materials shall apply to textbooks. Additionally, basic textbooks and textbook support materials shall be chosen:

- To advance the educational objectives of the school system and particular objectives of the course program;
- To contribute toward continuity, integration, and articulation of the curriculum; and
- To establish a general framework for the particular course or program.

Because the instructional purposes of textbooks, as stated above, are of such importance, particular care shall be taken in their selection as to content.

Although many points must be examined, the School Committee directs the staff to be mindful of the following considerations:

- The needs of all learners must be provided for.
- Attention should be given to gender roles depicted in the materials.
- The textbook and textbook support materials should lead the student and teacher beyond the textbook into a wide variety of other materials and educational experiences.
- If the textbook deals with problems and issues of our times, it should present and encourage examination of varied points of view.
- Because textbooks are selected for several years' use, special attention also shall be given their physical characteristics, durability, format and price.

LEGAL REFS.: 71:48; 30B:7; 71:50
603 CMR 26:05

CROSS REF.: KEC, Public Complaints about the Curriculum or Instructional Materials

SUPPLEMENTARY MATERIALS SELECTION AND ADOPTION

The School Committee recognizes that knowledge is changing and expanding and that it may be necessary to use various types of supplementary materials in addition to the basic and fundamental textbooks.

For the purpose of this policy, supplementary materials shall be defined as any instructional materials other than textbooks including, but not limited to, books, periodicals, newspapers, pictures, diagrams, maps, charts, slides, filmstrips, films, records, audiotapes, and suitable technological applications which relate directly to the adopted curriculum.

The School Committee believes that teachers and administrators should have a large role in selection and recommendation of supplementary materials. Teachers are encouraged to use a wide range of learning aids, provided the expense incurred in purchasing these aids remains within the limits of the budget.

LEGAL REF.: 603 CMR 26:05

LIBRARY MATERIALS SELECTION AND ADOPTION

The School Committee endorses the School Library Bill of Rights, as adopted by the American Library Association, which asserts that the responsibility of the school library is to:

1. Provide materials that will enrich and support the curriculum, taking into consideration the varied interests, abilities, and maturity levels of the students served.
2. Provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
3. Provide a background of information that will enable students to make intelligent judgments in their daily lives.
4. Provide materials on opposing sides of controversial issues so that young citizens may develop under guidance the practice of critical reading and thinking.
5. Provide materials representative of the many religious, ethnic, and cultural groups and their contributions to our American heritage.
6. Place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive collection appropriate for the users of the library.

Initial purchase suggestions for library materials may come from all personnel--teachers, coordinators, and administrators. Students will also be encouraged to make suggestions. The librarian will recommend materials to be included in the school library. Final approval and authority for distribution of funds will rest with the building Principal subject to the approval of the Superintendent.

Gifts of library books will be accepted in keeping with the above policy on selection. Complaints about library books will be handled in line with Committee policy on complaints about instructional materials.

LEGAL REF.: 603 CMR 26:05

CROSS REF.: KEC, Public Complaints about the Curriculum or Instructional Materials

LIBRARY MATERIALS SELECTION AND ADOPTION

The continuous review of integrated learning center (library) materials is necessary as a means of maintaining a useful and active collection. As new materials are selected and added, some older materials are withdrawn. The responsibility for determining which materials shall be withdrawn shall rest with the professional staff.

Among the other reasons for withdrawing an item shall be the following:

- Curricular changes have rendered as superfluous materials (or multiple copies of materials) formerly used but no longer in demand.
- Materials contain information which is no longer accurate or current.
- Materials intended for recreational reading have become dated or unattractive and are no longer in demand. Some books which are deemed standards or classics shall be retained even though they rarely circulate.
- Materials have worn out, been damaged or physically deteriorated, and have lost utility, and/or appeal.
- Materials have been superseded by newer items, which present the same information, but in superior format.

LEGAL REF.: 603 CMR 26:05

LIBRARY RESOURCES

The primary objective of the library/media center is to implement its resources to enrich and to support the educational program of the school.

Definition of Library Resources

Library resources are those materials, both print and non-print, found in school libraries which support curricular and personal information needs. Print items include books, magazines, newspapers, pamphlets, microfiche or microfilm. Non-print items include films, disc records, filmstrips, slides, prints, audiotapes, videotapes, compact discs, and computer software.

Criteria for Selection of Library Resources

The criteria for selection of library resources in the District are:

- Needs of the individual student
Based on knowledge of students
Based on requests of parents and students
- Needs of the individual school
Based on knowledge of the curriculum of the school
Based on requests from the professional staff
- Provision of a wide range of materials on many levels of difficulty with a diversity of appeal and the presentation of different points of view.
- Provision of materials of high artistic quality.
- Provision of materials with superior format.
- Reputable, unbiased, professionally prepared selection aids are consulted as guides.

In accordance with the District's policy of providing instructional materials on opposing sides of controversial issues, it should be noted that neither the media centers nor the District serve as advocates for the ideas expressed in any materials, nor does the presence of any material indicate automatic endorsement of the ideas expressed therein.

Disclosure of Information/Privacy of Circulation Records

Circulation records shall not be made available to anyone except pursuant to such process, order, or subpoena as may be authorized by law.

Re-evaluation (Weeding) of Library Resources

The continuous review of library/media center materials is necessary as a means of maintaining a useful and active collection. As new materials are selected and added, some older materials are withdrawn. The responsibility for determining which materials are to be withdrawn rests with the professional staff.

Among the reasons for withdrawing an item are the following:

- Curricular changes have rendered superfluous some materials (or multiple copies of materials) formerly used but no longer in demand.
- Some materials contain factual material that is no longer accurate nor current.
- Some materials intended for recreational reading have become dated or unattractive and are no longer in demand. (Some such books, which are deemed “standards” or “classics”, will be retained even though they rarely circulate).
- Some materials have become worn out, damaged or physically deteriorated and have lost utility and/or appeal.
- Some materials have been superseded by newer items, which present the same information, but in superior format.

Withdrawn library/media center materials are processed in one or more of the following ways:

- Made available to be used as resource or supplementary material by teachers.
- Offered to other media centers in the District, as it is possible that a material, which lacks utility in one building, may have some usefulness in another.
- Contributed to appropriate charitable or educational agencies.
- Discarded, when warranted.

Continuing evaluation is closely related to the goals and responsibilities of library/media centers and is a valuable tool of collection development. This procedure is not to be used as a convenient or expedient means to remove materials presumed to be controversial or likely to be disapproved by segments of the community. Materials are not to be proscribed or removed because of actual or potential partisan or doctrinal disapproval, nor because of the origin, background or views of those contributing to their creation.

SPECIAL INTEREST MATERIALS SELECTION AND ADOPTION

Organizations, institutions, and individuals at times develop materials that are offered to schools free or inexpensively. As a general rule, sponsored materials present a particular point of view, and extreme care must be exercised in evaluating and using them. The responsibility for using sponsored materials rests with the certified staff member who recommends its use. In any questionable instance, the Principal should be informed and shall decide whether its use in the best interests of the students.

Sponsored materials must meet the same basic selection criteria as any other learning material, as well as the following special criteria.

Any expression of a point of view should be clearly identified.

Any advertising that appears on or with any material should be in good taste and unobtrusive.

The source of all material should be clearly identifiable.

LEGAL REF.: 603 CMR 26:05

CURRICULUM AND INSTRUCTIONa

Access to Electronic Media

The Committee supports the right of students, employees, and community members to have reasonable access to various information formats and believes it is incumbent upon users to utilize this privilege in an appropriate and responsible manner.

Safety Procedures and Guidelines

The Superintendent or designee shall develop and implement appropriate procedures to provide guidance for access to electronic media. Guidelines shall address teacher supervision of student computer use, ethical use of electronic media (including, but not limited to, the Internet, e-mail, and other District technological resources), and issues of privacy versus administrative review of electronic files and communications. In addition, guidelines shall prohibit utilization of networks for prohibited or illegal activities, the intentional spreading of embedded messages, or the use of other programs with the potential of damaging or destroying programs or data.

Internet safety measures shall be implemented that effectively address the following:

- Controlling access by minors to inappropriate matter on the Internet and World Wide Web;
- Safety and security of minors when they are using electronic mail, chat rooms, and other forms of director electronic communications;
- Preventing unauthorized access, including “hacking” and other unlawful activities by minors online;
- Unauthorized disclosure, use and dissemination of personal information regarding minors; and
- Restricting minors’ access to materials harmful to them.

The District shall provide reasonable public notice of, and at least one (1) public hearing or meeting to address and communicate its Internet safety measures.

Permission/Agreement Form

A written parental request shall be required prior to the student being granted independent access to electronic media involving District technological resources. The required permission/agreement form, which shall specify acceptable uses, rules of on-line behavior, access privileges, and penalties for policy/procedural violations, must be signed by the parent or legal guardian of minor students (those under 18 years of age) and also by the student. This document shall be kept on file as a legal, binding document. In order to modify or rescind the agreement, the student's parent/guardian (or the student who is at least 18 years old) must provide the Superintendent with a written request.

Employee Use

Employees shall use electronic mail only for purposes directly related to work-related activities.

Employees shall not use a code, access a file, or retrieve any stored communication unless they have been given authorization to do so. (Authorization is not required each time the electronic media is accessed in performance of one's duties.) Each employee is responsible for the security of his/her own password.

Community Use

On recommendation of the Superintendent or designee, the Committee shall determine when and which computer equipment, software, and information access systems will be available to the community. Upon request to the Principal or designee, community members may have access to the Internet and other electronic information sources and programs available through the District's technology system, provided they attend any required training and abide by the rules of usage established by the Superintendent or designee.

Disregard of Rules

Individuals who refuse to sign required acceptable use documents or who violate District rules governing the use of District technology shall be subject to loss or restriction of the privilege of using equipment, software, information access systems, or other computing and telecommunications technologies.

Responsibility for Damages

Individuals shall reimburse the Committee for repair or replacement of District property lost, stolen, damaged, or vandalized while under their care.

Responding to Concerns

School officials shall apply the same criterion of educational suitability used to review other educational resources when questions arise concerning access to specific databases or other electronic media.

Audit of Use

Users with network access shall not utilize District resources to establish electronic mail accounts through third-party providers or any other nonstandard electronic mail system.

The Superintendent or designee shall establish a process to determine whether the District's education technology is being used for purposes prohibited by law or for accessing sexually explicit materials. The process shall include, but not be limited to:

1. Utilizing technology that blocks or filters Internet access for both minors and adults to certain visual depictions that are obscene, child pornography, or, with respect to computers with Internet access by minors, harmful to minors;
2. Maintaining and securing a usage log; and
3. Monitoring online activities of minors.

LEGAL REFS: 47 USC § 254

CROSS REFS: IJNDB, Acceptable Use Policy – Technology

ACCEPTABLE USE POLICY – TECHNOLOGY

Purpose

The Swampscott Public Schools shall provide access for employees and students to the system/network, including access to external networks, for limited educational purposes. *Educational purposes* shall be defined as classroom activities, career and professional development, and high quality self-discovery activities of an educational nature. The purpose of the system/network is to assist in preparing students for success in life and work by providing access to a wide range of information and the ability to communicate with others. The system/network will be used to increase communication (staff, parent, and student), enhance productivity, and assist staff in upgrading existing skills and acquiring new skills through a broader exchange of information. The system/network will also be utilized to provide information to the community, including parents, governmental agencies, and businesses.

Availability

The Superintendent or designee shall implement, monitor, and evaluate the District's system/network for instructional and administrative purposes.

Access to the system/network, including external networks, shall be made available to employees and students for instructional and administrative purposes and in accordance with administrative regulations and procedures.

Access to the system/network is a privilege, not a right. All users shall be required to acknowledge receipt and understanding of all administrative regulations and procedures governing use of the system and shall agree in writing to comply with such regulations and procedures. Noncompliance with applicable regulations and procedures may result in suspension or termination of user privileges and other disciplinary actions consistent with the policies of the Swampscott Public Schools. Violations of law may result in criminal prosecution as well as disciplinary action by the Swampscott Public Schools.

Acceptable Use

The Superintendent or designee shall develop and implement administrative regulations, procedures, and user agreements, consistent with the purposes and mission of the Swampscott Public Schools as well as with law and policy governing copyright.

Monitored Use

Electronic mail transmissions and other use of electronic resources by students and employees shall not be considered confidential and may be monitored at any time by designated staff to ensure appropriate use for instructional and administrative purposes.

Liability

The Swampscott Public Schools shall not be liable for users' inappropriate use of electronic resources or violations of copyright restrictions, users' mistakes or negligence, or costs incurred by users. The Swampscott Public Schools shall not be responsible for ensuring the accuracy or usability of any information found on external networks.

CROSS REF.: IJND, Curriculum and Instruction – Access to Electronic Media

USER AGREEMENT FOR PARTICIPATION IN AN ELECTRONIC COMMUNICATIONS SYSTEM

This user agreement must be renewed each academic year.

Users Name:

Grade level:

School:

I have read the District's Acceptable Use Policy and Administrative Procedures and agree to abide by their provisions. I understand that violation of these provisions may result in disciplinary action including but not limited to suspension or revocation of privileges, suspension or expulsion from school, termination of employment, and criminal prosecution.

Signature: _____

Parent/Guardian Sponsor

I have read the District's Acceptable Use Policy and Administrative Procedures. In consideration for the privilege of using the District's system/network, and in consideration for having access to the public networks, I hereby release the District, its operators, and institutions with which they are affiliated from any and all claims and damages of any nature arising from my child's use of, or inability to use, the system/network, including, without limitation, the type of damage identified in the District's policy and administrative procedures.

___ I give permission for my child to participate in the District's system/network.

___ I do not give permission for my child to participate in the District's system/network.

___ I give permission for my child's name to appear on their student web page should one be developed.

___ I give permission for my child's photo to appear on their student web page should one be developed.

Signature of parent/guardian: _____

This spaced reserved for system administrator.

Assigned Username:

Assigned password:

ACCEPTABLE USE POLICY – TECHNOLOGY

Administrative Procedures for Implementation

1. Commercial use of the system/network is prohibited.
2. The District will provide training to users in the proper use of the system/network.
3. The District will provide each user with copies of the Acceptable Use Policy and Procedures.
4. Copyrighted software or data shall not be placed on the District system/network without permission from the holder of the copyright and the system administrator.
5. Access will be granted to employees with a signed access agreement and permission of their supervisor.
6. Access will be granted to students with a signed access agreement and permission of the building administrator or designee(s).
7. Account names will be recorded on access agreements and kept on file at the building level.
8. Initial passwords provided by the network administrator should be set to expire on login.
9. Passwords shall be changed every 15 days and all passwords shall be expired at the end of each school year.
10. Passwords are confidential. All passwords shall be protected by the user and not shared or displayed.
11. Students completing required course work will have first priority for after hours use of equipment.
12. Principals or their designee will be responsible for disseminating and enforcing policies and procedures in the building(s) under their control.
13. Principals or their designee will ensure that all users complete and sign an agreement to abide by policies and procedures regarding use of the system/network. All such agreements are to be maintained at the building level.
14. Principals or their designee will ensure that training is provided to users on appropriate use of electronic resources.
15. Principals or their designee shall be authorized to monitor or examine all system activities, including electronic mail transmissions, as deemed appropriate to ensure proper use of electronic resources.
16. Principals or their designee shall be responsible for establishing appropriate retention and backup schedules.
17. Principals or their designee shall be responsible for establishing disk usage limitations, if needed.
18. Individual users shall, at all times, be responsible for the proper use of accounts issued in their name.
19. The system/network may not be used for illegal purposes, in support of illegal activities, or for any activity prohibited by District policy.
20. System users shall not use another user's account.
21. System users should purge electronic information according to District retention guidelines.
22. System users may redistribute copyrighted material only with the written permission of the copyright holder or designee. Such permission must be specified in the document or in accordance with applicable copyright laws, District policy, and administrative procedures.
23. System administrators may upload/download public domain programs to the system/network. System administrators are responsible for determining if a program is in the public domain.
24. Any malicious attempt to harm or destroy equipment, materials, data, or programs is prohibited.
25. Deliberate attempts to degrade or disrupt system performance may be viewed as violations of District policy and/or as criminal activity under applicable state and federal laws. This includes, but is not limited to, the uploading or creation of computer viruses.

26. Vandalism will result in the cancellation of system privileges and will require restitution for costs associated with hardware, software, and system restoration.
27. Forgery or attempted forgery is prohibited.
28. Attempts to read, delete, copy, or modify the electronic mail of other users or to interfere with the ability of other users to send/receive electronic mail is prohibited.
29. Use appropriate language; swearing, vulgarity, ethnic or racial slurs, and other inflammatory language is prohibited.
30. Pretending to be someone else when sending/receiving message is prohibited.
31. Transmitting or viewing obscene material is prohibited.
32. Revealing personal information (addresses, phone numbers, etc.) is prohibited.
33. The District will cooperate fully with local, state, or federal officials in any investigation concerning or relating to misuse of the District's system/network.

A user who violates District policy or administrative procedures will be subject to suspension or termination of system/network privileges and will be subject to appropriate disciplinary action and/or prosecution.

SCHOOL AND DISTRICT WEB PAGES

The Swampscott Public School District realizes the limitless potential for information and communication provided by the World Wide Web. The availability of this communication vehicle provides an opportunity for students and staff to access and contribute to the world of information related to curriculum, instruction, school, District, and school community related activities. Therefore, the Swampscott Public School District will use the Internet as an effective, efficient and timely source of information, method of communication and vehicle for resource collection. In order to take advantage of the opportunities the Internet provides, the Committee authorizes the creation of school and/or District Web pages on the Internet.

Only those web pages maintained in accordance with Committee policy and established procedures shall be recognized as official representations of the District or individual schools. All information on a school or District Web page must accurately reflect the mission, goals, policies, program, and activities of the school and District. The Web pages must have a purpose that falls within at least one of three categories:

1. Support of curriculum and instruction – intended to provide links to Internet resources for students, parents and staff in the District.
2. Public information – intended to communicate information about the schools and District to students, staff, parents, community, and the world at large.
3. District technology support – intended to provide and respond to instructional and administrative technology needs of students and staff.

The Superintendent shall designate an individual(s) to be responsible to maintaining the official District web page and monitoring all District Web page activity. A building Principal shall make such designation for an individual school. Schools or departments that wish to publish a Web page must identify an appropriately qualified publisher and/or author.

As with any instructional materials or publication used by or representing the school or District, the building Principal or Superintendent, respectively, are ultimately responsible for accuracy and appropriateness of the information made available at the Web site. Concern about the content of any page(s) created by students or staff should be directed to the building Principal or to the Superintendent's office when related to the District Web site.

Web sites developed under contract for the Swampscott Public School District or within the scope of employment by Swampscott Public School District employees are the property of the Swampscott Public School District.

Due to the dynamic nature of the World Wide Web, this policy is to be reviewed and updated on an annual basis or more frequently if required.

WEB SITE GUIDELINES AND PROCEDURES FOR APPROVAL

Unlike the Internet itself, schools and the District can control the type of information placed on Web pages. Documents created for the Web and linked to District Web pages shall meet the criteria for use as public information or an instructional resource. The following considerations should be considered when determining the information to include on a school or District Web page: Copyright/trademark issues; applicability to the curriculum or communication goals of the school or District; privacy issues; and related School Committee policies. Links to other Web pages should be carefully selected based on the above issues.

Defined Purpose

A Web page must have a clearly defined purpose that is published on the Web page. Included in the purpose, the target audience must be specified and defined; however, all Web site users are reminded that their audience includes the worldwide community.

Content Standards

All subject matter on Web pages should relate to curriculum, instruction, school-authorized activities, general information supporting student safety, growth, and learning, or public information of interest to others. Therefore, neither staff nor students may publish on the District server personal pages or pages for individuals or organizations not directly affiliated with the District. Staff or student work may be published only as it relates to a class project, course, or other school-related activity. Parent groups, partnerships, and municipal or educational cooperatives are considered affiliates of the District. No confidential information is to be published on or linked to a Web page.

Quality Standards

All Web page work must be free of spelling and grammatical errors. Documents may not contain objectionable material or link directly to objectionable materials. Objectionable material is addressed in more detail in the School Committee policy for instructional material selection and reconsideration. Authors and publishers are reminded that a Web site is a virtual doorway to your school. A site and a school will be judged on its ease for the user, the design, and the content. It is strongly recommended that a school form a building committee of interested individuals including staff, administrators, parents, students, and community members for the development of the Web site. Thoughtful consideration should go into decisions regarding purpose, usefulness, and appearance of each item on the Web site. As much as possible, publishers are encouraged to include student pictures and work. As the District represents itself to the world through this medium, assurances should be provided that students are the focus of the Swampscott Public School District. Written student and parent consent must be secured for publication of student work.

Consistence Standards

Each existing school or department Web site shall have a link to the District Web site once the District Web site is online. For consistency, all school District Web sites must contain certain elements:

- At the bottom of each page there must be a link to the home page (to be defined by the school or District home page once online).
- At the bottom of the Web page, there must be an indication of the date of the last update to that page and the name or initials of the person(s) responsible for page update. It shall be that person's responsibility to keep the Web page current. Repeated failure to do so may result in revocation of approval. It is strongly recommended that a building set up a system of checks and balances for the Web site (for example: all incoming e-mail is blind copied to the Principal or department head).
- All Web sites must display the name and approved logo of the Swampscott Public School District.
- All Web pages must be given names that clearly identify them.
- Links to student e-mail accounts are not allowed.
- Student directory data is prohibited from publication, except for the first name and grade level of a student in relation to a photo or work.
- Web pages may not contain links to other Web pages not yet completed. If additional pages are anticipated, but not yet developed, the text that will provide such a link should be included. However, the actual link to said page(s) may not be made until the final page is actually in place.
- All Web sites must include: the author or publisher's name; the publisher or school's e-mail address; appropriate copyright citations.
- Authors must exhibit care when creating Web pages with extensive background, large graphics, applets, animation, and audio or video clips. Such files require extensive download time, are frustrating for modem users, and slow down file servers.

FIELD TRIPS

Field trips designed to stimulate student interest and inquiry and provide opportunities for social growth and development are considered appropriate extensions of the classroom. Teachers and principals are encouraged to promote field trips as an integral part of the instructional program of the Swampscott Public Schools. To the extent that they provide the most effective means for accomplishing general curriculum objectives of the Swampscott Public Schools, field trips may be authorized by the building principal.

To be educationally beneficial, a field trip requires thoughtful selection, careful advance preparation of the class, and opportunities for pupils to assimilate the experience during and at the conclusion of the trip. To this end, teachers and principals should consider the following factors in selection of field trips: (a) value of the activity to the particular class or group; (b) relationship of the field trip activity to a particular aspect of classroom instruction; (c) suitability of the activity and distance traveled in terms of the age level; (d) mode and availability of transportation; and (e) cost.

Educational field trips shall be planned and conducted in accordance with the following guidelines:

1. The teacher shall review the educational value of the field trip with the principal and receive the principal's approval prior to making arrangements for the field trip.
2. A parental permission slip is required for each child participating in the trip, including walking or bicycling excursions. Slips will be available in each school office.
3. The teacher will provide the parents with information concerning the purpose and destination of trip, transportation, and eating arrangements, date and time of departure, estimated time of return, and a detailed itinerary when a field trip will extend beyond the school day.
4. Whenever budgetary funds are unavailable, participating students will pay a pro rata share of costs for transportation, admission fees, etc. However, funds will be available through the principal for families requesting assistance with such expenses.
5. One or more adults in addition to the teacher will accompany each class on field trips unless otherwise approved by the principal. Teachers are responsible for informing accompanying adults of their duties and responsibilities.
6. The buddy system, or partners (particularly at the elementary and junior high level), is recommended to assure constant awareness of each child's whereabouts, needs and participation.
7. The teacher should review acceptable standards of conduct with the students in advance of the trip. The teacher has primary responsibility for the conduct of the children. Children who cannot be self-controlled or teacher-controlled may be excluded from field trips.

8. The teacher planning the trip will be responsible for arranging an appropriate educational experience and supervision for students who do not participate in the field trip.
9. Students' safety will be a primary consideration with first aid kits required on all field trips.
10. Should an emergency situation occur, the teacher is responsible for notifying the principal by telephone as soon as possible.
11. Use of private vehicles should be discouraged in favor of a commercial carrier because of insurance limitations. Transportation must be approved by the principal.
12. Children will not be permitted to leave the field trip group during the trip unless prior written arrangements are made by parents.
13. If children return to the school from a trip after school hours, the teacher and the principal should make provisions for their safe departure home, taking into account the age of the students and the hour.

CROSS REF.: JJH, Student Travel

REQUESTS FOR APPROVAL OF FIELD TRIP

MUST BE SUBMITTED IN DUPLICATE AT LEAST TWO WEEKS IN ADVANCE

TEACHER: _____ SCHOOL: _____
GRADE: _____ NO.OF PUPILS: _____ No. of Accompanying Adults: _____
DATE OF TRIP: _____ FROM (TIME): _____ TO (TIME:) _____
SUBSTITUTE(S) NEEDED _____

DESTINATION: _____ ADDRESS: _____

1. _____ 1. _____

2. _____ 2. _____

3. _____ 3. _____

TELEPHONE NUMBER OF SITE(S) LOCATION(S): _____

DIRECT CURRICULUM RELEVANCE OF FIELD TRIP (UNIT, TOPIC, CHAPTER, PROJECT, ETC):

1. _____

2. _____

3. _____

GUIDANCE VALUES OF FIELD TRIP (Occupational information, etc.):

1 _____

2. _____

3. _____

Walking Bus Train Airplane

DATE: _____

(Principal)

DATE: _____

(Superintendent/Assistant Superintendent)

Cost assessed individual student who is deemed able to pay: _____

Source of additional funds to support the field trip: _____

Estimated number of students to be denied attendance for behavior reasons or other reasons within the student's ability to control or other reasons. _____ Please state; e.g. cost, etc. _____

NOTE: A field trip will be required to have approval of the School Committee if it involves an overnight stay, is beyond a 120 mile radius of Swampscott or requires unconventional travel such as by air or on water.

Planning the Trip

Make certain in planning the field trip that you find out as much as you can before the decision-making begins. Visit the site beforehand if you can, and if it could assist in your planning.

Inquire about numbers that can be conveniently handled, number of students per chaperone, availability of lavatories, refreshment facilities, etc. These should all be considered for inclusion in a duplicated notice to be given to each student and discussed fully in each participating class the day before the trip.

Rules of behavior and specific facts about the place to be visited along with the hoped for and expected results of the visit should likewise be stated in the notice.

Field trips are part of our in-school purpose to provide education. As such, they should be directly relevant to the instructional program and that relationship should be spelled out in the duplicated notice which is discussed with the children and then goes home to the parent.

This notice, incidentally, can be put right on the back of the pre-printed permission forms.

Certain field trips have been over-done. Efforts should continue to select new and different experiences than the majority of children have had before.

Supervision and Chaperones

It should be accepted as a rule-of-thumb that the larger the group involved; the more difficult the problem of managing.

A definite number of chaperones should be agreed upon and required for each field trip. The proper number should be secured, if possible, well before the day of the trip.

Chaperones, other than professional staff and student teachers, are to be at least 21 years old - this applies also to brothers, sisters, and other relatives of student participants.

Parents and other adults are not to be accompanied by young family members requiring substantial supervision since the chaperone's full attention should be given to the student participating in the field trip.

Non-teacher chaperones are expected to discipline students and to accept responsibility under the direct supervision of the teacher for assisting in the maintaining of effective control.

Specific students are to be assigned to a specific chaperone and students are to be required to remain under the direct supervision and in full view of the chaperone unless instructed to do otherwise.

Safety must always be an overriding concern in determining who goes, where we go, how we get there, and what control measures are needed.

Conditions for Student Participation

The Conduct and Discipline Code of the Swampscott Public Schools authorizes school authorities to deny permission for certain students to attend field trips.

Students whose behavior consistently does not meet reasonable standards during the school year up to the actual date of the trip will not be permitted to go on the field trip. Their parents are to be notified that they are not going to go.

Suitable arrangements must be made to provide in-school instruction to such students as well as to those who do not choose to attend. The principal and/or assistant principal will assist in these arrangements.

In regard to this general area of exclusion from field trips, however, we should allow some leeway if a student who had committed a serious violation or behaved unacceptably subsequently mends his/her way and gives good evidence of improved behavior and dependability.

The procedures stated above are mandatory with respect to each trip.

COMMUNITY RESOURCE PERSONS/ SPEAKERS

Human resources are those individuals or groups who are invited into the schools to present supplementary information and ideas to the classroom course of study. These experiences afford students the opportunity to benefit from community viewpoints. Care should be taken in selecting these speakers so that they are individuals who respect diversity in thinking and varying views and who are not attempting to inappropriately influence points of view.

SCHOOL VOLUNTEERS

It is the policy of the School Committee to encourage volunteer efforts in the schools. Parents/guardians, business representatives, senior citizens, and other community volunteers are recognized as important sources of support and expertise to enhance the instructional program and vital communication links with the community. The volunteer program will be coordinated in cooperation with building administrators.

CROSS REF.: ADDA, C.O.R.I. Policy

ACADEMIC ACHIEVEMENT

The philosophy of the School Committee concerning academic achievement, as well as children's social growth and development, is based on the premise that children have diverse capabilities and individual patterns of growth and learning.

Therefore, the Committee feels it is important that teachers have as much and as accurate knowledge of each student as possible in order to assess his/her needs and growth, and make instructional plans for him/her. A sharing of information among parent, teacher, and student is essential.

The Committee supports staff efforts to find better ways to measure and report student progress. It will require that:

1. Parents/guardians be informed regularly of the progress their children are making in school.
2. Parents/guardians will be alerted and conferred with as soon as possible when a child's performance or attitude becomes unsatisfactory or shows marked or sudden deterioration.
3. Insofar as possible, distinctions will be made between a student's attitude and his academic performance.
4. At comparable levels, the school system will strive for consistency in grading and reporting except as this is inappropriate for certain classes or certain students.
5. When no grades are given but the student is evaluated informally in terms of his/her own progress, the school staff will also provide a realistic appraisal of the student's standing in relation to his/her peers.
6. When grades are given, the school staff will take particular care to explain the meaning of marks and symbols to parents.

STUDENT PROGRESS REPORTS TO PARENTS/GUARDIANS

The School Committee recognizes the school's obligation to give periodic reports of a student's progress and grades. The School Committee further recognizes that these reports are a vital form of communication between the schools and parents. The School Committee also believes that all progress reports must be based upon full information, accurately and honestly reported with the proper maintenance of confidentiality.

A report depicting the student's progress will be issued periodically following an evaluation by the appropriate teacher, teachers, or other professional personnel.

In addition to the periodic reports, parents will be notified when a student's performance requires special notification.

Grading and promotion will be based on improvement, achievement, capability of the student, and the professional judgment of the teacher and Principal.

Major changes in the reporting system shall be preceded by a cooperative study and evaluation by teachers, principals, parents, and the Assistant Superintendent, who will submit the proposal to the School Committee for consideration and approval.

HOMework

The term "homework" refers to an assignment to be prepared during a period of supervised study in class or outside of class.

The purposes of homework are to improve the learning processes, to aid in the mastery of skills, and to create and stimulate interest on the part of the student.

Homework is a learning activity which should increase in complexity with the maturity of the student. With increased maturity, learning should become an independent activity. This should be established through consistent assignments which encourage students to investigate for themselves and to work independently as well as with others.

Homework assignments should be consistent in terms of the amount given each day and the time required for each assignment so that a pattern of meaningful homework can be established by the teacher and/or the student.

The information for any homework assignment should be clear and specific so that the student can complete the assignment.

Homework assignments should take into consideration individual differences of students such as health, ability, conditions at home, and educational resources at home. Homework should not require the use of reference materials not readily available in most homes, school libraries, or the public library, and should require the use of those materials only when the student has had instruction in the use of them.

There are many other learning activities in the life of a student besides homework. Such things as participating in school activities, pursuing cultural interests, participating in family living, and exploring personal interests should be considered by teachers when planning consistent assignments. Homework is not to be used as a form of punishment under any circumstances.

PROMOTION AND RETENTION OF STUDENTS

The School Committee is dedicated to the best total and continuous development of each student enrolled. The professional staff is expected to place students at the grade level best suited to them academically, socially, and emotionally.

In evaluating student achievement, each teacher will make use of all available information, including results of teacher-made tests and other measures of skill and content mastery, standardized test results, and teacher observation of student performance. The Principal will direct and aid teachers in their evaluations and review grade assignments in order to ensure uniformity of evaluation standards.

Students will normally progress annually from grade to grade. Exceptions may be made when, in the judgment of the professional staff, such exceptions are in the best educational interest of the students involved. Exceptions will only be made after prior notification and explanation to each student's parents/guardians, but the final decision will rest with the building Principal.

GRADUATION REQUIREMENTS

Students are required to earn twenty-five (25) credits each year in grades 9, 10, 11 and 12, to qualify for a Swampscott High School diploma. These credits must include the following:

English	4 years + one semester of Expository Writing in Grade 9 or 10****	22.50 credits
Mathematics	3 years	15 credits
Social Studies	3 years (inc. US History)	15 credits
Science	3 years (1 course in Biology, 1 course in either Chemistry or Earth Science** and either 2 semesters of Physical Science or 2 semesters of Physics)	15 credits
Practical and Fine Arts	3 courses (one of which must be personal keyboarding/computer apps I)* Chosen from: Business Technology, Industrial Technology, Family and Life Science, Art, Music	

Physical Education	Grades 9 & 10 (3x6 all year)	2 credits
Health Education	Grade 9 or 10 (3x6 semester)	1 credit
Lifetime Health and Fitness	Grade 11 or 12 (3x6 semester)	1.25 credits

College preparatory students will be required to complete successfully a sequence of foreign language study.

Early Graduation: A student who has completed the courses required for graduation and who has earned 90 or more credits by the end of his junior year may be graduated at the discretion of the School Committee.

Credit for Foreign Study: Students who are away for a term or year to participate in a student exchange program or otherwise study abroad may receive credits toward high school graduation when (1) study plans are approved by the school administration in advance; and (2) the institution where the study occurred submits a record of the student's work. In these instances, the Principal and student's guidance counselor will evaluate the work and assign credit for it according to standards prevailing in Swampscott High School.

Notes:

- All students are required to take the equivalent of six full-time courses as a minimum each semester and are required to earn twenty-five (25) credits each year in grades 9, 10, 11 and 12 to qualify for a Swampscott High School diploma. Any student who does not earn twenty-five (25) credits in any of the four years will be required to make up lost credits in summer school or repeat the grade.

2. Variations from these requirements for second semester senior release or early admission to college will require the approval of the Principal.
 3. Credits are earned only when courses are fully completed. Part credit will not be assigned when courses are dropped or when students are removed from courses.
- * Students who demonstrate proficiency in Personal Keyboarding/Computer Apps I will be exempted from this requirement.
 - ** The Earth Science portion of the Science Graduation Requirement replaces Environmental Science effective with the Class of 2006.
 - *** Effective with the Class of 2007.

EVALUATION OF INSTRUCTIONAL PROGRAMS

The School Committee considers comprehensive and objective evaluation of the effectiveness of the curriculum to be of primary importance. The Superintendent will provide for the translation of the stated instructional goals into objectives and for appraisal of their implementation in order to:

1. Determine educational needs and provide information for planning.
2. Indicate instructional strengths and weaknesses.
3. Check on the suitability of programs in terms of community requirements.
4. Show the relationship between achievement and the system's stated goals.
5. Provide data for public information.

Elements of this evaluation process may include:

1. Testing programs such as nationally standardized general achievement tests, nationally standardized tests in specific subject areas, and tests administered by other agencies.
2. Study of school achievement records.
3. Study of students' high school and drop-out records.
4. Use of outside services, participation in regional research studies, contracted evaluation services; evaluation services at cost to the school system must be approved in advance by the School Committee.
5. Teacher and parent evaluation of student behavior.
6. State Department of Education specialists and services.
7. Evaluation by the regional accrediting association.
8. Evaluation by other agencies.

An evaluation of the curriculum and its effectiveness will be made periodically and reported to the Committee by the Superintendent.

DISTRICT PROGRAM ASSESSMENTS

A District program of testing for assessment/evaluation shall be coordinated throughout the school District by the appropriate administrator who shall be responsible for scheduling, disseminating, and collecting tests and for reporting and interpreting all group test results.

Measurements of educational achievement shall be prepared so that data is consistent for comparison purposes within the School District from year to year and with other school districts to the extent required by rules of the State Board of Education.

DISTRICT PROGRAM ASSESSMENTS

INTEGRATED LEARNING OUTCOMES ASSESSMENT PLAN Roles and Responsibilities

DISTRICT

- Identify general Integrated Learning Outcomes
- Provide parameters, standards, models, prototypes
- Provide staff development training and technical assistance
- Encourage the use of multiple indicators
- Monitor accountability
- Report District progress using a qualitative and quantitative format
- Educate the District community about the Integrated Learning Outcomes and their measurement
- Review the process and recommend change
- Facilitate articulation between levels

SCHOOL

- Define or make clear what the general Massachusetts Public Schools Integrated Learning Outcomes mean at the school site
- Educate the school community about the Integrated Learning Outcomes and their assessments
- Assess the Integrated Learning Outcomes by developing instruments and procedures or select from the District's "offerings" or other sources
- Bring about the internalization of the Integrated Learning Outcomes by the school community
- Report individual student progress
- Report school progress
- Provide opportunities for parents to be involved in ILO assessment
- Collect a variety of evidence, both qualitative and quantitative, regarding the Integrated Learning Outcomes
- Provide meaningful articulation between levels utilizing assessment information
- Review assessment progress and recommend appropriate changes

CURRICULUM EVALUATION PROCESS STEERING COMMITTEE

- Develop District assessment reporting format
- Monitor assessment process
- Encourage accountability
- Encourage the use of multiple assessment indicators
- Develop and maintain a curriculum review process that emphasizes the Integrated Learning Outcomes and incorporates an honors subject area expertise and knowledge
- Review the assessment process and recommend changes

TEACHING ACTIVITIES/PRESENTATIONS

It is the desire of the School Committee that the best available strategies for bringing about learning be utilized in the District's schools. The instructional staff shall be expected to keep abreast of new and promising instructional ideas and practices developed in schools throughout the nation and to apply those which have potential for improving the learning program in the District's schools.

An educational climate shall be established which shall be conducive to rational thought, inquiry, and respect for the dignity of the individual. This educational climate will assist students in learning how to think rather than what to think and shall provide students the opportunity to identify, express, and defend their opinions without penalty or fear of reprisal or ridicule.

Nothing in this policy shall limit a parent/guardian's right to file a complaint to challenge the use of teaching activity or presentation.

TEACHING ABOUT CONTROVERSIAL ISSUES/CONTROVERSIAL SPEAKERS

An important goal of the schools is to help prepare students for intelligent and conscientious participation as citizens in our democratic society. One step toward meeting this goal is to introduce students to reasoned and dispassionate approaches to the analysis of contemporary social and political issues. To insure that these issues can be examined in an atmosphere as free from emotion and prejudice as the times permit, the School Committee establishes the following guidelines for discussion of controversial issues in the schools.

Teacher-Planned Classroom Discussions

1. Controversial issues selected by teachers for classroom discussion must relate directly to the objectives and content of courses approved by the School Committee for inclusion in the curriculum.
2. The teachers' right to introduce controversial issues in classroom presentations does not include the right of advocacy. Teachers must refrain from using their positions to express partisan points of view.
3. The approach to discussion of these issues in the classroom must be objective and scholarly with minimum emphasis on opinion and maximum emphasis on intelligent analysis.
4. Teachers must ensure that the reasoned arguments of all sides of an issue are given equal presentation and emphasis in classroom discussions.
5. Teachers may invite visitors from outside the schools to give presentations on controversial issues when the visitors offer qualifications and resources not available in the schools. All visitors are to be guided by the standards of language usage that prevail in the classrooms and by the standards of scholarly inquiry set forth above. Whenever possible, teachers who invite visitors to present one side of an issue will also invite visitors to present the other side(s).
6. In all cases teachers must obtain from the appropriate Principal permission to invite visitors for classroom presentations. Permission must be requested at least 48 hours before the scheduled time of presentation.

Student-Initiated Forums on Controversial Issues

Student groups may request permission to conduct forums on controversial issues in the schools. The Principal may grant such requests under the following conditions:

1. Preparation for presentation of a forum will not cause any student or teacher to miss class and will not cause the cancellation of any class.

2. Adequate advance planning must be conducted for each forum. A request to hold a forum must be received by the Principal at least three weeks before the scheduled date of presentation. For each request the Principal will appoint, after consultation with the requesting student group, an adult advisory group consisting of at least two parents and two faculty members.
3. The standards for approach to discussion, style of presentation, and use of visitors as defined above will apply to student-initiated forums.

Requests from Groups or Individuals Outside the Schools

No permission will be granted non-school groups or individuals to make presentations on controversial issues in the schools during school hours. Requests for after-school or evening use will be processed in accordance with the Committee's policy on community use of school facilities.

No permission will be granted outsiders for distribution of literature on controversial issues to students in general or to class groups.

A Principal may grant an outside group or individual permission to post one notice of a public meeting for discussion of issues if the language of that notice conforms to the standards that prevail in the community. The Principal will determine the appropriate bulletin board for such notices.

SCHOOL CEREMONIES AND OBSERVANCES

The United States Constitution and the Constitution of the State of Massachusetts and related court rulings clearly establish the concept of "church and state separation" and the "preclusion of sectarian instruction in public schools."

In order to help staff members abide by the spirit and letter of the law, and to avoid compromising any student's religious or conscientious beliefs or freedoms, the following guidelines have been established:

The observance of religious holidays is not the responsibility of the public schools.

While it is recognized that many activities are initiated with the approach of major holidays in order to capitalize on the readiness and interest that is generated at these times, it should be understood that such occasions frequently have religious underpinnings. Care should be taken to relate only to secular aspects of these holidays.

Music programs given at times close to religious holidays should not use religious aspect of these holidays as the underlying motive or theme. Although religious music is appropriate in the schools to the extent that it is sung or presented for musical rather than religious content, its use should not violate the secular nature of the school. Pageants, plays, recitals, and other literary or dramatic activities should not be used to convey religious messages. While the holidays represent a valid source of ideas for meaningful school art experiences, teachers should avoid assigning or encouraging art work that promotes religious aspects of such holidays. If, however, individual students choose to use a religious personage, event, or symbol as the vehicle for an artistic expression, they should be allowed to take this action.

The above statements should not be interpreted to preclude the factual and objective teaching about religions, religious holidays, and religious differences. Such instruction will be permitted in the schools since insights in this area can enhance the mutual understanding needed by all the people in a pluralistic society.

LEGAL REF.: 603 CMR 26:05

J. STUDENTS

File: JA

STUDENT POLICIES GOALS

The student is the focal point of all operations of a school system. This top priority is shared with no one.

Consequently, the School Committee can expect to spend much of its time in study, deliberation, and policy formulation on matters directly related to students.

The Committee and staff will work together to establish an environment conducive to the very best learning achievements for each student through meeting the following goals regarding students:

1. To individualize the learning program in order to provide appropriately for each student according to his/her specific background, capabilities, learning styles, interests, and aspirations.
2. To protect and observe the legal rights of students.
3. To enhance the self-image of each student by helping him/her feel respected and worthy through a learning environment that provides positive encouragement through frequent success.
4. To provide an environment of reality in which students can learn personal and civic responsibility for their actions through meaningful experiences as school citizens.
5. To deal with students in matters of discipline in a just and constructive manner.
6. To provide in every way possible for the safety, health, and welfare of students.
7. To promote faithful attendance and good work.

LEGAL REF.: 603 CMR 26:00

STUDENT POLICIES GOALS

Active Efforts

- (1) The School Committee of each school district shall establish policies, promote regulations and procedures, and implement monitoring and evaluation practices that support and promote affirmative action and stimulate necessary changes to ensure that all obstacles to equal access to school programs for all persons are removed, regardless of race, sex, color, national origin, disability, sexual orientation, religion or limited English-speaking ability, no matter how subtle or unintended. Such policies shall include a requirement for an annual evaluation of all aspects of the K through 12 school program to insure that all students regardless of race, color, sex, religion, disability, sexual orientation or national origin are given an opportunity to develop skills, competence, and experience, and to receive appropriate guidance so that they may be able to participate in all programs offered by the school including athletics and other extracurricular activities. Special attention shall be given to schools and programs in which students of either sex or of racial or national origin groups present in the community are markedly under-represented.
- (2) If participation in any school sponsored program or activity has previously been limited to students based on race, color, sex, national origin, disability, sexual orientation or religion, then the School Committee shall make active efforts to insure that equal access to all school sponsored programs or activities be provided within the system.
- (3) It shall be the responsibility of the School Committee and the Superintendent to provide necessary information and in-service training for all school personnel in order to:
 - (a) Advance means of achieving educational goals in a manner free from discrimination on account of race, color, sex, religion, disability, sexual orientation or national origin.
 - (b) Enhance consciousness of the kinds of discriminatory and prejudicial practices and behavior, which may occur in the public schools.
- (4) The Superintendent, as an agent of the School Committee, shall promote and direct effective procedures for the full implementation of 603 CMR 26.00, and shall make recommendations to the Committee for the necessary policies, program changes, and budget resource allocations needed to achieve adherence to 603 CMR 26.00.
- (5) At the beginning of the school year, the Superintendent of each school system shall be responsible for sending to the parents of all school age children, in their primary language, a notice of the existence of S. 1971 c.622 and its implications. Such notice shall include the information that all courses of study, extracurricular activities and services offered by the school are available without regard to race, color, sex, religion, disability, sexual orientation or national origin. This notice may be included with other communications sent to parents by the school system. Upon request, the Department of Education shall provide a translation in requested languages to assist Superintendents in complying with this section. The Superintendent shall inform the community of the existence of the law and of its implications through newspaper releases or radio or television announcements.

- (6) The Superintendent shall ensure that all students are annually informed in a manner certain to reach them of the existence of St. 1971, c.622 and its implications. Students shall be informed that all courses of study, extracurricular activities, services, and facilities offered by the school are available without regard to race, color, sex, religion, disability, sexual orientation or national origin.
- (7) The Superintendent of each school system shall make certain that employers who recruit new employees in and through the schools of that district, do not discriminate on account of race, color, sex, religion, disability, sexual orientation or national origin in their hiring and recruitment practices within the schools. Before any employer is allowed to recruit at or through any school, they shall be required to sign a statement that they do not discriminate in hiring or employment practices on account of race, color, sex, religion, disability, sexual orientation or national origin.
- (8) Since adults serve as role models for students, school authorities shall utilize adults in a variety of jobs, and as members of policy-making committees, to the extent consistent with their contractual obligations, without regard to race, color, sex, religion, disability, sexual orientation or national origin.
- (9) Adults serving on athletic regulatory boards shall fairly represent the interests of both male and female students.
- (10) Because selective secondary schools have had atypical student bodies in the past, such selective secondary schools, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, shall admit qualified applicants of each sex and racial and ethnic groups in numbers proportionate to the existence of members of such class in the secondary school population of the geographic area served by that school. After the period for application to the school has closed, if it is found that qualified applicants of one of the above classes have not applied in numbers sufficient to maintain this proportion, qualified students of the other categories may be selected to fill the remaining openings.
- (11) Any contributions to a school for activities and monetary awards within or sponsored by the school or for scholarships administered by the school made after the effective date of 603 CMR 26.00 by any person, group or organization shall be free from any restrictions based upon race, color, sex, religion, disability, sexual orientation or national origin.
- (12) The opportunity to receive guidance and counseling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

LEGAL REF.: 603 CMR 26:00

EQUAL EDUCATIONAL OPPORTUNITIES

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, color, sex, religion, national origin, sexual orientation or physical and intellectual differences.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions and programs. The law reads as follows:

No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and course of study of such public school on account of race, color, sex, religion, national origin or sexual orientation.

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

All implementing provisions issued by the Board of Education in compliance with this law will be followed.

LEGAL REFS.: Title VI, Civil Rights Act of 1964
 Title VII, Civil Rights Act of 1964, as amended by the Equal Employment
 Opportunity Act of 1972
 Executive Order 11246, as amended by E.O. 11375
 Title IX, Education Amendments of 1972
 M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)
 Board of Education Chapter 622 Regulations Pertaining to Access to Equal
 Educational Opportunity, adopted 6/24/75, amended 10/24/78
 Board of Education, Chapter 766 Regulations 10/74 - amended through 3/28/78
 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

STUDENT-TO-STUDENT HARASSMENT

Harassment of students by other students will not be tolerated in the Swampscott Public Schools. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or attending or engaging in school activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, 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.

Harassment means conduct of a 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;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;
- 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:

- Verbal, physical or written 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.

The District will promptly and reasonably investigate allegations of harassment. The Principal of each building will be responsible for handling all complaints by students alleging harassment.

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

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy.

LEGAL REF.: M.G.L. 151B:3A

Title VII, Section 703, Civil Rights Act of 1964 as amended
Board of Education 603 CMR 26:00

REFS.: "Words that Hurt," American School Board Journal, September 1999
National Education Policy Network, NSBA

ATTENDANCE AREAS

Notwithstanding the provisions of Guidelines for Proposed Attendance Areas, the attendance areas for the various schools of the town will be drawn up by the superintendent and approved by the school committee on an annual basis. The primary considerations that govern the establishment of a school attendance area are school capacity and transportation considerations. Generally, students will attend the school in the attendance area in which they live and siblings will attend the same school.

In establishing an attendance area, the following general guidelines will also be applied:

Use of safe walking conditions consistent with the committee's transportation policies; where possible, major traffic thoroughfares and natural barriers will be used for boundaries.

From time to time an overcrowded condition in an existing school, or other unforeseen circumstances, may require the establishment or change of previously established school attendance areas.

The committee will confer with community representatives prior to the determination of attendance areas. However, the committee's primary basis for judgment must be equality of educational opportunity for all students rather than the personal desires of any one group or individual.

After careful review of the Open Enrollment Policy, the Kindergarten Enrollment Policy and the Guidelines for Proposed Attendance Areas, the superintendent is authorized to make exceptions for individual children in the best interests of the student and/or the school.

LEGAL REFS.: M.G.L. 71:37C; 71:37D; 71:37I; 71:37J
Board of Education Regulations Pertaining to Section 8 of Chapter 636 of the Acts of 1974, Regarding Magnet School Facilities and Magnet Educational Programs, adopted 2/25/75
Board of Education Regulations Pursuant to Chapter 636 of the Acts of 1974, adopted 9/10/74
Board of Education Regulations Pertaining to the Preparation of Racial Balance Plans which Involve Redistricting, adopted 4/24/73

CROSS REF.: JCA, Assignment of Students to Schools

**GUIDELINES FOR PROPOSED ATTENDANCE AREAS
(Elementary School Districts)**

Purpose:

To balance elementary class sizes as evenly as possible with the least disruption in pupil transfers.

- I. All newly registered pupils will attend the school assigned by the administration
- II. Pupils registering for the first time will be assigned to a school and parents will be notified accordingly by the Superintendent's Office on or before August 15.
- III. A pupil transferred or assigned to a new school will continue through Grade 5 unless they qualify to transfer under the Open Enrollment Policy.
- IV. Pupils who move in midyear to other districts may complete the school year in the school they were attending so long as continued attendance is in compliance with the district's Attendance Area Policy.
- V. Any family, with more than one child of elementary school age, moving into the area, will have the option of having all children attend the same school.

CROSS REF.: JC, Attendance Areas

STUDENT ATTENDANCE

The Swampscott School Committee believes strongly in the importance of regular attendance by all students. The Committee adheres to, and is in full compliance with, Chapter 76 of the laws of the Commonwealth of Massachusetts, which defines attendance regulations. Except in cases of illness and other unique circumstances, students are expected to be present when school is in session. The school principal will have the final authority in determining whether a student's absence is approved or not. In the event of unapproved absences, disciplinary action, when appropriate, will occur as indicated in the school's handbook.

Should a parent choose to keep a student out of school for a reason that is not approved, neither the school nor the individual teacher will assume responsibility for either preparing lessons in advance for the student or providing individual tutoring or extensive individual help for the student when he or she returns. It is the responsibility of the student and the parent to identify work that may be missed. While teachers will provide the normal range of assistance, it is the student's responsibility for making up the work.

REF: Student Handbooks

ENTRANCE AGE

In an attempt to permit children to enter kindergarten or first grade at the time most appropriate for them individually, the School Committee establishes the following policy on entrance age:

1. Children who will be five years of age before September 1 of the school year during which they wish to enroll will be eligible to enter kindergarten
2. Initial admission of children to the first grade (or other grades) will involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

LEGAL REFS.: M.G.L. 15:1G
Board of Education Regulations for Entrance to First Grade and Kindergarten, adopted
7/20/71

KINDERGARTEN ENROLLMENT POLICY

The Kindergarten enrollment policy shall include the following:

1. Kindergarten placement shall be handled between the Superintendent and the Director of Pupil Personnel Services.
2. The policy shall promote balanced class size, and said balanced class size shall be maintained as closely as possible across the system for all kindergartens.

ADMISSION TO SCHOOL

Following children will be given consideration based on the sending district's age guidelines after the child's family has provided documentation of the sending district's age policy:

1. Children who become new residents of Swampscott during a school year and have commenced kindergarten outside of the district; and
2. Children who become new residents between school years and who have completed kindergarten outside of the district.

On presentation of a birth certificate or equivalent proof of age acceptable to the Director of Special Services, and proof of vaccination immunization and residency in the Town of Swampscott, the child will be admitted to the Swampscott Public Schools.

School age children qualifying for special services under state and federal statutes shall be enrolled in appropriate special education programs or services.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A
603 CMR 26:01; 26:02; 26:03
No Child Left Behind Act, 2002

CROSS REFS.: JFBB, School Choice
JLCA, Physical Examination of Students
JLCB, Inoculations of Students

SCHOOL ADMISSIONS

Purpose and Construction of 603 CMR 26.00

- (1) 603 CMR 26.00 is promulgated to insure the right of access to the public schools of the Commonwealth and the equal enjoyment of the opportunities, advantages, privileges and courses of study at such schools without regard to race, color, sex, religion, disability, sexual orientation or national origin. 603 CMR 26.00 shall be liberally construed for these purposes.
- (2) The obligation to comply with 603 CMR 26.00 is not obviated or alleviated by any local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, sex, religion, disability, sexual orientation or national origin.

School Admissions

- (1) All public schools in the Commonwealth shall admit students without regard to race, color, sex, religion, disability, sexual orientation or national origin. This includes, but is not limited to regional vocational-technical schools, elementary, secondary, trade, and selective academic high schools.
- (2) No school shall discourage in any express or implied manner, applicants for admission because of race, color, sex, religion, disability, sexual orientation or national origin. Written materials used by a school to recruit students shall not contain references suggesting the predominant sex of the students presently enrolled or the anticipated sex of the students to be recruited. Pictorial representation, in the agreed, in such material shall depict students of both sexes and of minority groups. Reference to only one sex in the name of schools, programs or activities shall not be retained.
- (3) The national citizenship of any applicant shall not be a criterion for admission to any public school nor shall national citizenship be a factor in the assignment or availability of courses of study or extracurricular activities.
- (4) Any standards used as part of the admissions process to any public school, including but not limited to testing, the use of recommendations, and interviewing (as referred to in 603 CMR 26.02 (1)) shall not discriminate on the basis of race, color, sex, religion, disability, sexual orientation or national origin. Limited English-speaking ability (as defined by M.G.L.c.71A) shall not be used as a deterrent to or limitation on admissions.
- (5) If admission to any school, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, is dependent upon the participation or completion of courses or programs which were previously limited to students of one sex or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any racial, ethnic or religious group of students to participate in such programs, then such criteria must be abolished.

- (6) Nothing in 603 CMR 26.00 shall be construed as to control the interpretation of or interfere with the implementation of St. 1965, c. 641, as amended by St, 1974, c. 636, providing for the elimination of racial imbalance in public schools, all rules and regulations promulgated in respect thereto and all court and administrative decisions construing or relating thereto.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A
603 CMR 26:01; 26:02; 26:03

SCHOOL ADMISSIONS

Admission to Course of Study

- (1) Each and every course of study offered by a public school shall be open and available to students regardless of race, color, sex, religion, disability, sexual orientation or national origin. Nothing herein shall be construed to prohibit the use of prerequisite requirements that have been demonstrated to be essential to success in a given program. However, if participation in a course or program is dependent upon completion of a prerequisite which was previously limited to students of one sex, or if close scrutiny reveals that access mechanisms or other administrative arrangements have limited the opportunities of any class of students to participate in such prerequisites, then all members of the previously excluded group shall be given the opportunity to acquire the prerequisites or be allowed to enter the program without such prerequisites. If it cannot be shown that a prerequisite is essential for success in a given program, the prerequisite shall be abolished.
- (2) The determination of what courses or units of study are to be required of any student shall also be made without regard to the race, color, sex, national origin, disability, sexual orientation or religion of that student.
- (3) The scheduling of students into courses or units of study shall not be done on the basis of sex, color, race, religion, disability, sexual orientation or national origin.
- (4) Each student, regardless of race, color, sex, national origin, religion, disability, sexual orientation or limited English-speaking ability, shall have equal rights of access to courses of study and other opportunities available through the school system of the city or town in which he/she resides, along with appropriate bilingual instruction and programs or other curriculum offerings of a supportive nature such as appropriate remedial programs.
- (5) Nothing in 603 CMR 26.03 shall be construed to prevent particular segments of a program of instruction from being offered separately to each sex when necessary in order to respect personal privacy.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A
603 CMR 26:01; 26:02; 26:03

HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

To the extent practical and as required by law, the district will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including 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.

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

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

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

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

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

Once the enrollment decision is made, the school shall immediately enroll the student, pursuant to district policies. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary.

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

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

LEGAL REFS.: Title I, Part C
No Child Left Behind Act, 2002

OPEN ENROLLMENT POLICY

The Swampscott School Department is committed to seeking balanced class size across the entire district. The Swampscott School Department will allow parents to transfer their child from one elementary school to another under the following conditions:

1. A written request for transfer is received from the child's parents by the Office of Special Services, and
2. The transfer would not make the class to which the child is transferring larger than the class from which he is transferring as determined by enrollment as of the first week of school, and
3. The transfer of a child in a family will have no bearing on the placement of other siblings.

Upon receipt of a written request for transfer, the Director of Special Services will send a copy of the Open Enrollment Policy to the parents requesting a transfer of their child.

SCHOOL CHOICE

It is the policy of this School District to admit non-resident students under the terms and conditions of the Interdistrict School Choice Law (M.G.L. 76:12) and under the following local conditions:

1. That by May 1 of every school year, the administration will determine the number of spaces in each school available to choice students.
2. That by June 1 of every school year, if consideration is being given to withdraw from the provisions of the choice law, a public meeting will be held to review this decision.
3. That resident students be given priority placement in any classes or programs within the District.
4. That the selection of non-resident students for admission be in the form of a random drawing when the number of requests exceeds the number of available spaces. There will be two drawings for this purpose. The first will take place during the last week of the current school year but no later than July 1st. The second will be conducted during the week immediately preceding the opening of the next school year and will be based on the possibility of unexpected additional openings.
5. 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.
6. The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of race, color, religion, national origin, sex, age, sexual orientation, ancestry, athletic performance, physical handicap, special need, academic performance or proficiency in the English language.

LEGAL REFS.: M.G.L. 71:6; 71:6A; 76:6; 76:12; 76:12B

CROSS REF.: JF, Admission to School

STUDENT ABSENCES AND EXCUSES

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

Therefore, students may be excused temporarily from school attendance for the following reasons:

1. Illness or quarantine.
2. Bereavement or serious illness in family.
3. Weather so inclement as to endanger the health of the child.
4. Observance of major religious holidays.

A child may also be excused for other exceptional reasons with approval of the school administrator.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his character. Parents can help their children by refusing to allow them to miss school needlessly.

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

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

LEGAL REFS.: M.G.L. 76:1; 76:16; 76:20

REF.: Student Handbooks

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

Denial of Admission

Denial of admission means the withholding of the privilege of enrolling in a school of the District.

The following shall be the grounds for denial of admission to school or diversion to an appropriate alternative program:

Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

Failure to meet the requirements of age by a student who has reached the age of six years at a time after the beginning of the school year, as fixed by the School Committee as provided in Massachusetts General Laws;

Having been expelled during the same school year from this District or any district in the Commonwealth;

Not being a resident of the District and the District has opted not to participate in the School Choice Law;

Failure to comply with the provisions of the Massachusetts School Entry Immunization Law.

LEGAL REFS.: M.G.L. 71:37H; 76:12; 76:12A; 76:12B
603 CMR 26:00

STUDENT RIGHTS AND RESPONSIBILITIES

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

Among these rights and responsibilities are the following:

1. Civil rights--including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure his rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy with respect to the student's school records.

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

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

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

LEGAL REFS.: M.G.L. 71:37H; 71:82 through 71:86

STUDENT INVOLVEMENT IN DECISION-MAKING

As appropriate to the age of students, class or school organizations and school government organizations, such as student councils, may be formed to offer practice in self-government and to serve as channels for the expression of students' ideas and opinions.

The Committee will take into consideration student opinions in establishing policies that directly affect student programs, activities, privileges and other areas of student sensitivity.

Students will be welcomed at Committee meetings and granted privileges of speaking in line with the privileges extended to the general public.

Student Advisory Committee

As required by state law, the Committee will meet at least once every other month while school is in session with its student advisory committee, which is composed of five students elected by the high school student body. The chair of the student advisory committee shall be an ex-officio nonvoting member of the School Committee without the right to attend executive sessions unless such right is expressly granted by the School Committee.

LEGAL REF.: M.G.L. 71:38M

CROSS REF.: BDF, Advisory Committees to the School Committee

STUDENT CONDUCT

Good citizenship in schools is based on respect and consideration for the rights of others.

Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Any of the following actions may subject a student to expulsion by the Principal under the terms of M.G.L. 71:37H:

1. Found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon or a controlled substance.
2. Who assaults a Principal, Assistant Principal, teacher, teacher's aide or other educational staff member on school premises or at school-sponsored or school-related event including athletic games.

Any of the following actions will subject a student to suspension, expulsion, subject to School Committee action, or other disciplinary measures:

1. Intentionally causing or attempting to cause damage to school property; or stealing or attempting to steal school property.
2. Intentionally causing or attempting to cause damage to private property; stealing or attempting to steal private property.
3. Intentionally causing or attempting to cause physical injury to another person except in self-defense.
4. Using or copying the academic work of another and presenting it as his own without proper attribution.
5. Repeatedly and intentionally defying the valid authority of supervisors, teachers, or administrators.

The above prohibited actions will be printed in a handbook or other publication and made available to students and parents.

School building administrators will not suspend a student, or recommend a student for suspension or expulsion, unless the student has engaged in one of the prohibited actions mentioned above while on school property or taking part in a school activity off school grounds.

LEGAL REF: M.G.L. 71:37H

STUDENT DRESS CODE

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.

REF.: Student Handbooks

STUDENT CONDUCT ON SCHOOL BUSES

The School Committee and its staff share with students and parents the responsibility for student safety during transportation to and from school. The authority for enforcing School Committee requirements of student conduct on buses will rest with the Principal.

To ensure the safety of all students who ride in buses, it may occasionally be necessary to revoke the privilege of transportation from a student who abuses this privilege. Parents of children whose behavior and misconduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of transportation privileges in accordance with regulations approved by the School Committee.

STUDENT CONDUCT ON SCHOOL BUSES

Procedures for Drivers and Parents

1. In case of any misconduct on a bus, the incident will be reported on the proper form to the school Principal. He/she will report the incident in writing to the parent concerned, with a copy to the Superintendent.
2. In case of a repetition by the same student, the Principal will suspend the student's transportation privileges with written notice to the parent to report at once with the child to the Superintendent's office.
3. After a second offense and a conference with the Superintendent, if a third such incident occurs, bus privileges will be denied the student and the responsibility for transportation will then rest with the parent.

Loading and Unloading at Bus Stop

1. Riders must be on time. Bus drivers will not wait.
2. Riders will enter or leave the bus at regular stops only.
3. Orderly behavior and respect for private property will be required.
4. Instructions and directions of the driver must be followed by the riders when entering or leaving the bus.

Required Conduct Aboard the Bus

1. Riders must remain in seats or in place when the bus is in motion.
2. Whistling and shouting are not permitted.
3. Profanity and obscene language are forbidden.
4. Smoking is prohibited.

5. The following disturbances are prohibited:

- Pushing or wrestling
- Annoying other passengers or disturbing their possessions
- Talking to the driver
- Throwing objects within the bus or out of windows
- Climbing over seats
- Opening or closing windows
- Leaning out of windows
- Littering the bus

6. Parents will be held responsible for any defacing or damaging of the bus.

Parents and students will be informed of these regulations at the beginning of each school year, and parents will be asked to return signed forms indicating that the regulations have been received and read.

STUDENT PUBLICATIONS

Students will enjoy the constitutional rights of freedom of expression. They will have the right to express their views in speech, writing, or through any other medium or form of expression within limitations comparable to those imposed on all citizens but specifically designed for children and youth in a school setting.

The School Committee will encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views.

All student publications will be expected to comply with the rules for responsible journalism. This means that libelous statements, unfounded charges and accusations, obscenity, defamation of persons, false statements, material advocating racial or religious prejudice, hatred, violence, the breaking of laws and school regulations, or materials designed to disrupt the educational process will not be permitted.

The Superintendent will establish guidelines that are in keeping with the above and provide for the review of the content of all student publications prior to their distribution.

Review of content prior to publication is not censorship but part of the educational process as this concerns student publications. It can be pointed out to students, as it frequently is to journalists, that a publisher (in this case, the school system) enjoys freedom to determine what it will and will not publish.

Distribution of Literature

Students have a right to the distribution of literature on school grounds and in school buildings, except that the Principal may prohibit the distribution in school buildings of a specific issue or publication if it does not comply with rules for responsible journalism. The Principal may require that no literature be distributed unless a copy is submitted to him/her in advance.

The Principal will reasonably regulate the time, place, and manner of distribution of literature.

LEGAL REF.: M.G.L. 71:82

GANG ACTIVITY/SECRET SOCIETIES

The goal of the School Committee is to keep District schools and students free from the threats or harmful influence of any gang. For purposes of this policy, gang is defined as any group, secret society, organization or association that advocates drug use, violence, ethnic intimidation, or disruptive or illegal behavior. The Principal or his/her designee shall maintain supervision of school premises to deter intimidation of students and confrontations between members of different gangs.

The Superintendent shall establish open lines of communication with local law enforcement agencies so as to share information and provide mutual support in this effort within appropriate legal guidelines.

The Superintendent shall provide in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources that may help students.

Symbols

The School Committee finds that gang symbols are inherently disruptive to the educational process, and therefore prohibits the presence of any insignia, apparel, jewelry, accessory, notebook or other school supply, or manner of grooming which by virtue of its color, arrangement, trademark, or any other attribute denotes membership in gangs. The School Committee further prohibits any demonstration of gang membership through the use of hand gestures, graffiti, or printed materials. This policy shall be applied by the Principal or his/her designee as the need for it arises individual school sites. A student may be suspended or expelled for failure to comply with the provisions of this policy.

Prevention Education

The School Committee realizes that students may become involved in gangs without understanding the consequences of such membership. Early intervention is a key component of efforts to break the cycle of such memberships. Therefore, gang violence prevention information shall be made available in the elementary, middle, and high schools as appropriate.

SECRET SOCIETIES

Fraternities, sororities and/or secret societies shall not receive District or building recognition in any manner.

A student may be suspended or expelled for failure to comply with the provisions of this policy.

PROHIBITION OF HAZING

In accordance with Massachusetts General Laws, Chapter 536 of the Acts of 1985, the School Committee hereby deems that no student, employee or school organization under the control of the School Committee shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any person while on school property.

Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the Principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the District are obligated by law to report incidents of hazing to the police department.

Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Superintendent of Schools, be suspended from school for up to ten (10) school days.

Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.

In all cases relating to hazing, students will receive procedural due process.

LEGAL REF.: M.G.L. 269:17, 18, 19

HAZING

CH. 269, S.17. CRIME OF HAZING; DEFINITION; PENALTY

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

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to be contrary, consent shall not be available as a defense to any prosecution under this action.

CH. 269, S.18. DUTY TO REPORT HAZING

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

CH. 269, S.19. HAZING STATUTES TO BE PROVIDED; STATEMENT OF COMPLIANCE AND DISCIPLINE POLICY REQUIRED

Each secondary school and each public and private school or college shall issue to every group or organization under its authority or operating on or in conjunction with its campus or school, and to every member, plebe, pledge or applicant for membership in such group or organization, a copy of this section and sections seventeen and eighteen. An officer of each such group or organization, and each individual receiving a copy of said sections seventeen and eighteen shall sign an acknowledgment stating that such group, organization or individual has received a copy of said sections seventeen and eighteen.

Each secondary school and each public or private school or college shall file, at least annually, a report with the regents of higher education and in the case of secondary schools, the Board of Education, certifying that such institution has complied with the provisions of this section and also certifying that said school has adopted a disciplinary policy with regards to the organizers and participants of hazing. The Board of Regents and, in the case of secondary schools, the Board of Education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such a report.

CROSS REF.: JICFB, Bullying

BULLYING

Bullying and harassment are major distractions from learning. The grades of the victims can suffer. Fear can lead to chronic absenteeism, truancy, or even dropping out of school. Bystanders feel both guilty and helpless for not standing up to the bully.

As a rule bullying behavior starts in elementary school and peaks in the middle school years. However, it attracts more attention from adults when it appears in high school. There the students are older and physically larger and the behavior is recognized as being less tolerable and more inappropriate. Also, sexual harassment is, in fact, often a form of bullying.

Most bullying by students starts out verbally – teasing and put-downs – and may become progressively worse and assume physical dimensions.

Bullying of any type has no place in a school setting. The Swampscott Public Schools will endeavor to maintain a learning and working environment free of bullying.

Bullying is defined as the act of one or more individuals intimidating one or more persons through verbal, physical, mental, or written interactions. Bullying can take many forms and occur in virtually any setting. It can create unnecessary and unwarranted anxiety that will affect attending school, walking in corridors, eating in cafeterias, playing in the school yard or recreation areas, participating in or attending special and extracurricular activities, or riding on the bus to and from school each day.

Examples of bullying include but are not exclusive to:

1. Intimidation, either physical or psychological
2. Threats of any kind, stated or implied
3. Assaults on students, including those that are verbal, physical, psychological and emotional
4. Attacks on student property

The School Committee expects administrators and supervisors to make clear to students and staff that bullying in the school building, on school grounds, on the bus or school-sanctioned transportation, or at school-sponsored functions will not be tolerated and will be grounds for disciplinary action up to and including suspension and expulsion for students, and termination for employees.

The District will promptly and reasonably investigate allegations of harassment, including bullying. The Principal of each building will be responsible for handling all complaints by students alleging harassment, including bullying.

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended
Federal Regulation 74676 issued by EEO Commission
Title IX of the Education Amendments of 1972
Board of Education 603 CMR 26:00

REFS.: National School Safety Center
Maine Project against Bullying
The Wellesley College Center for Research on Women

CROSS REFS.: AC, Nondiscrimination
JICFA-E, Hazing

TOBACCO USE BY STUDENTS

Smoking, chewing, or other use of tobacco products by staff, students, and members of the public shall be banned from all District buildings. All forms of tobacco use shall be prohibited on all District property. In addition, tobacco use by students is banned at all school-sponsored events, even though this use does not take place on school grounds.

Procedures

The following consequences escalate for one school year. Infractions shall not carry over from one school year to the next. Each student shall receive a fresh start with each new school year.

First offense--will result in detention, work detail, smoking cessation class, or other measures as deemed appropriate by the building administrator. Implementation of these consequences will be based on specific circumstances and individual students in compliance with each school's established procedures.

Second offense--will result in a one-day suspension.

Third offense--will result in a three-day suspension or one-day suspension with completion of a designated smoking cessation program.

Fourth offense--will result in a five-day suspension or a two-day suspension with completion of a designated smoking cessation program.

Fifth offense--will result in a recommendation for expulsion for insubordination.

LEGAL REF: M.G.L 71:37H

ALCOHOL USE BY STUDENTS

In view of the fact that the use of alcohol can endanger the health and safety of the user, and recognizing the deleterious effect the use of alcoholic beverages can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any alcoholic beverage on school property or at any school function.

Additionally, any student, regardless of age, who has been drinking alcoholic beverages prior to attendance at, or participation in, a school-sponsored activity, will be barred from that activity and subject to disciplinary action.

LEGAL REF.: M.G.L. 272:40A

CROSS REF.: IHAMA, Teaching About Drugs, Alcohol, and Tobacco
GBEC, Drug Free Workplace Policy

File: JIE

PREGNANT STUDENTS

School-age mothers, unless they receive adequate assistance, might drop out of school without acquiring the necessary education or without marketable skills.

Pregnant students will be permitted to continue in school in all instances when continued attendance has the sanction of the expectant mother's physician. The physician's approval of this continued attendance must be on file at the school. The student and her physician, in cooperation with the school staff, will develop an appropriate educational plan if it is agreed she should no longer attend school regularly.

Every effort will be made to see that the educational program of the student is disrupted as little as possible; that health counseling services, as well as instruction are offered; that return to school after delivery is encouraged; and that every opportunity to complete high school is provided.

LEGAL REF.: M.G.L. 71:84

SEARCHES AND INTERROGATIONS

Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school committees and administrators. This authority may be exercised as needed in the interest of safeguarding children, their own and school property.

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.

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

Interrogations by Police

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

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 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.

STUDENT COMPLAINTS AND GRIEVANCES

The School Committee recognizes that there may be conditions in the school system that are in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well conceived and understood in advance, can do much to maintain harmonious relationships among the schools and the students and community.

The traditional "open door" policy in the public school system will be continued. Students--and their parents and/or guardians--who believe that the students have received unfair treatment in the form of disciplinary action will have the right to appeal. Any applicable provisions of the Massachusetts General Laws or federal law will be followed by school officials in conducting hearings and reviews of student grievances. In general, appeals procedures will begin with the authority imposing the penalty (for example, Principal or teacher) and may ultimately be referred to the Superintendent and on to the School Committee, which possesses the ultimate authority for discipline in the school system.

Every attempt will be made to seek a satisfactory solution to any legitimate grievance in a friendly and informal manner. In order to keep such discussions within a practical size, no more than six student representatives will be permitted to participate with the Principal, staff members, or School Committee members who may be involved.

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

CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

The School Committee believes that student activities are a vital part of the total educational program and should be used as a means for developing wholesome attitudes and good human relations and knowledge and skills. Therefore, the schools will provide a broad and balanced program of activities geared to the various ages, interests, and needs of students.

The following will serve as guides in the organization of student activities:

1. The schools will observe a complementary relationship to the home and community, planning activities with due regard for the widespread and rich facilities already available to students.
2. The assistance of parents in planning activity programs will be encouraged.
3. The goal for each student will be a balanced program of appropriate academic studies and activities to be determined by the school, the parents, and the student. This should be a shared responsibility.
4. Guidance will be offered to encourage participation of all students in appropriate activities and to prevent over-emphasis on extracurricular activities at the cost of academic performance.
5. All activities will be supervised; all clubs and groups will have a faculty advisor.

LEGAL REF.: M.G.L. 71:47
603 CMR 26:06

CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

- (1) Advantages and privileges of public schools include all extracurricular activities made available, sponsored or supervised by any public school. No school shall sponsor or participate in the organization of outside extracurricular activities conducted at such schools which restrict students' participation on the basis of race, color, sex, religion, disability, sexual orientation or national origin. 603 CMR 26.06(1) does not prohibit School Committees from allowing use of school premises by independent groups with restrictive membership.
- (2) No student shall be denied the opportunity in any implied or explicit manner to participate in an extracurricular activity because of the race, color, sex, religion, disability, sexual orientation or national origin of the student except as provided in 603 CMR 26.06(7).
- (3) Each school system shall provide a fair distribution of athletic expenditures. Each school within such system shall provide equal opportunity for male and female students to participate in intramural and interscholastic sports. Factors considered in determining equal opportunity shall include budgetary allocations, the proportion of male and female students in the student body, the number and nature of activities offered, levels of competition, equipment (including rate of replacement), supplies, awards, uniforms, facilities, scheduling of games and practice times, travel opportunities and allowances, opportunities to receive equitable coaching and instruction at each level of competition and the availability of services such as medical and insurance coverage, publicity, clerical and administrative staff, scouting services and audio-visual aids.
- (4) In developing its athletic program, a school shall be required to demonstrate good faith by taking into account determined student interest.
- (5) In order to insure fair distribution of athletic expenditures as defined in 603 CMR 26.06(4), each school shall indicate in the budget that is reviewed by the School Committee the anticipated expenditure for each interscholastic and intramural athletic activity and the anticipated student participation in the activity by number and sex.
- (6) A school may establish separate teams for males and females for interscholastic and intramural compensation in a particular sport, provided that the requirements of 603 CMR 26.06(8) are satisfied.
- (7) Teams comprised primarily or solely of persons of one sex shall be granted equal instruction, training, coaching, access to available facilities, equipment and opportunities to practice and complete as teams engaged in a similar activity comprised primarily or solely of persons of the opposite sex.
- (8) Participation in extracurricular activities shall be actively encouraged by each school for both boys and girls and for racial and ethnic minorities. When offering extracurricular programs, schools shall take into consideration the ethnic traditions of the student body. Criteria not related to skill levels which act to exclude members of one sex or any racial, religious, or ethnic group represented in the school from participation in specific athletic or other extracurricular activities cannot be permitted.

LEGAL REF.: M.G.L. 71:47
603 CMR 26.06

STUDENT ORGANIZATIONS

Student Organizations

Student organizations in the District shall be encouraged when they met the criteria of contributing to student self-esteem and performance and should operate within the framework of state statutes, School Committee policies, and administrative procedures.

Each building Principal shall develop general guidelines for the establishment and operation of student organizations within the particular school. Among other provisions, such guidelines shall require the approval of the Principal prior to the formation of any club or organization in the school and the assignment of at least one faculty or designated adult advisor to each approved student organization. Within such guidelines will be provisions for a periodic review of all student organizations.

The formation of any student organization that may engage in activities of a controversial nature shall require approval by the board.

All student organizations shall be required to open membership to all interested and/or eligible students. Disruptive groups, secret societies, and/or gangs shall not receive recognition in any manner under this policy (see also Policy JICF).

All forms of hazing in initiations shall be prohibited in a student organization. No initiation shall be held for a student organization which will bring criticism to the school system or be degrading to the student.

The faculty or designated adult advisor must attend every meeting of the student organization whether conducted on school premises or at another location.

Student Organizations - High Schools

In addition to the above requirements, all clubs or organizations at the high school level will relate to the subject matter covered by the curriculum. The Principal is responsible for determining that the purpose of a student organization is related to the curriculum. The Principal is authorized to deny requests by unauthorized student organizations desiring to meet or form in a particular school, the Principal shall inform the group of the reasons for the denial. The students and/or group may submit a written request to the appropriate District administrator for review of the Principal's decision.

LEGAL REF.: 603 CMR 26.06

STUDENT FUND-RAISING ACTIVITIES

In general, the Committee disapproves of fund-raising in the community by students for school activities. Especially discouraged is the sale of goods produced by companies for profit, such as magazines, candy, and similar items.

Exceptions to this policy will be:

1. Sale of tickets to scheduled athletic events and school dramatic and musical performances.
2. Sale of advertising space in school publications.
3. A fund-raising activity approved by the Superintendent.
4. Proposals to raise funds for charitable purposes or for benefit of the school or community (for example: American Field Service activities, United Nations, or scholarship funds) provided such proposals have been individually approved by the building Principal and Superintendent.

No money collections of any kind may be held in the schools without the specific consent of the Superintendent.

CROSS REFS.: JP, Student Gifts and Solicitations
 KHA, Public Solicitations in the Schools

STUDENT ACTIVITY ACCOUNTS

Student funds may be raised to finance the activities of authorized student organizations. Student activity funds are considered a part of the total fiscal operation of the District and are subject to policies established by the School Committee and the Office of the Superintendent. The funds shall be managed in accordance with sound business practices, which include accepted budgetary and accounting practices.

In compliance with Massachusetts General Law Chapter 71, Section 47, the School Committee:

1. Authorizes the Principals to accept money for recognized student activity organizations, which currently exist, or as from time to time may be revised.
2. Authorizes the Town Treasurer to establish and maintain a Student Activity Agency Account(s) which is to be audited as part of the Town's annual audit. The interest that is earned on such accounts shall be maintained in the Agency Account and distributed annually among the Student Activity Checking Accounts as directed by the regulations established by School Committee policy.
3. Authorizes Student Activity Checking Accounts for use by the Principals with specific maximum balances established for each school by School Committee policy.
4. Directs Principals to provide the Treasurer with a bond in an amount agreeable to the Treasurer.

For accounts with limits that exceed \$25,000.00, the Massachusetts Department of Education recommends that districts consider an audit conducted by an outside accounting firm every two to three years.

CONTESTS FOR STUDENTS

The schools may cooperate with community organizations and agencies desiring to sponsor activities in the District when they keep with the purposes and educational aims of the school. Such activities must be integrated into the school program without disruption or loss of instructional time for students and without imposing an unreasonable added workload on school staffs. Involvement in contests shall be approved by the appropriate administrator.

STUDENT TRAVEL

All student trips which include late night or overnight travel must have prior approval of the School Committee. Initial approval by the School Committee is required before engaging students in fundraising activities. The School Committee will also consider the educational value of the trip in relation to the cost prior to granting initial approval. Overnight trips should offer significant educational benefits to students that clearly justify the time and expense of the trip. Such trips should be appropriate for the grade level.

Final approval will not be granted until all preparations for the trip have been completed including, but not limited to, all logistical details involving transportation, accommodation arrangements and fundraising efforts. The School Committee requires that final approval be sought no less than 30 days prior to the scheduled trip dates.

Teachers and other school staff are prohibited from soliciting for privately run trips through the school system and in the schools. The School Committee will only review for approval school-sanctioned trips. The School Committee will not review or approve trips that are privately organized and run without school sanctioning.

CROSS REFS.: IJOA, Field Trips

LEGAL REFS.: Chapter 346 of the Acts of 2002 (et al) approved on October 9, 2002
M.G.L. 69:1B; 71:37N

STUDENT TRAVEL REGULATIONS

1. Transportation

The use of vans or private automobiles for trips planned to include late night or overnight student travel is prohibited. Late night or overnight trips will use commercial motor coaches.

Trips planned to include late night or overnight student travel will include a pre-trip check of companies, drivers, and vehicles. CORI checks will be conducted in accordance with Massachusetts General Laws Chapter 71, section 38R.

The Superintendent or designee will ensure that the selected carrier is licensed for passenger transportation by the Federal Motor Carrier Safety Administration (FMCSA). The district will not contract with any carrier that has a safety rating of “conditional” or “unsatisfactory”. FMCSA ratings are available at <http://www.saferys.org/>.

The contract with the carrier will prohibit the use of subcontractors unless sufficient notice is given to the district that allows verification of the subcontractor’s qualifications.

2. Trip Scheduling

Overnight accommodations should be made in advance with student safety and security in mind. Whenever possible, trip schedulers should avoid planning student travel between the hours of midnight and 6:00 a.m., due to the increased risk of vehicular accidents during this time period.

Whenever possible, overnight trips should be scheduled on weekends or during school vacations to minimize lost classroom time. Non-academic field trips are considered “optional school programs” and do not count toward meeting structured learning time requirements. (Refer to the Massachusetts Department of Education publication Student Learning Time Regulations Guide)

Trip itineraries must leave enough time for drivers to rest in conformity with federal hour-of-service requirements and common sense.

Trip scheduling should take into account the likelihood of delays due to weather, traffic, stragglers, and other unanticipated factors.

If substantially all members of a class are participating in a trip, the school should provide appropriate substitute activities for any students not participating.

3. Fundraising

The amount of time to be devoted to fundraising should be reasonable and commensurate with students’ obligations for homework, after-school activities, and jobs.

Group fundraising activities are preferred. Students should not be assigned individual fundraising targets.

If students are charged individual fees for participation, every effort should be made to provide scholarships where needed.

Additional Resources

Federal Motor Carrier Safety Administration (FMCSA)

<http://www.fmcsa.gov>

United Motorcoach Association – Student Motorcoach Travel Safety Guide (includes “Motorcoach Safety Checklist)

<http://www.uma.org/consumerhelp/studentguide.asp>

Department of Defense’s approved list of motor carriers

<http://www.mtmc.army.mil/content/504/approvedlist.pdf>

LEGAL REFS.: Chapter 346 of the Acts of 2002 (et al) approved on October 9, 2002
M.G.L. 69:1B; 71:37N; 71:38R
603 CMR 27.00

USE OF SCHOOL SYSTEM VANS AND OUT-OF-STATE FIELD TRIPS

Out-of-state student excursions or field trips must be approved by the School Committee.

The use of school system vans for the transportation of students by Swampscott staff for in-state and out-of-state school-related activities is permitted under the following conditions:

1. Appropriate form seeking approval of van use is submitted to the Superintendent of Schools or his designee.
2. Request for use of the school van must be submitted two weeks prior to the field trip.
3. The designated driver of the van must have within his/her possession a 7D License.
4. Signed authorization by the Superintendent of Schools or his designee must be in the driver's possession at the time of the field trip.

INTERSCHOLASTIC ATHLETICS

The School Committee believes that students will benefit from the experiences in self-discipline and team effort made possible through participation in inter-school sports.

Participation in interscholastic athletics will be subject to approval by the School Committee and will be in accordance with regulations and recommendations of the Massachusetts Interscholastic Athletic Association.

At the high school level, interscholastic athletic competition will include a variety of sports. Students will be allowed to participate in individual sports on the basis of their abilities and desire. Additionally, intramural athletic activities will be offered as an outgrowth of class instruction in physical education.

The School Committee is aware that team participation in athletic contests by members of the student body requires that "away games" be scheduled. It also recognizes that there is a need to regulate certain aspects of student participation in such contests. Therefore, the Superintendent will establish regulations to ensure the safety and well being of students and staff members who participate in these activities.

LEGAL REFS.: M.G.L. 71:47; 71:54A
603 CMR 26.06

CROSS REFS.: AC, Nondiscrimination (and subcodes)

STUDENT DISCIPLINE

The Massachusetts General Laws require the School Committee to adopt written policies, rules and regulations not inconsistent with law, which may relate to study, discipline, conduct, safety and welfare of all students, or any classification thereof, enrolled in the public schools of the District.

The implementation of the general rules of conduct is the responsibility of the Principal and the professional staff of the building. In order to do this, each school staff in the District shall develop specific rules not inconsistent with the law nor in conflict with School Committee policy. These building rules shall be an extension of the District policies by being more specific as they relate to the individual schools.

The purpose of disciplinary action is to restore acceptable behavior. When disciplinary action is necessary, it shall be administered with fairness and shall relate to the individual needs and the individual circumstances.

Students violating any of the policies on student conduct and control will be subject to disciplinary action. The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these policies. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

If a situation should arise in which there is no applicable written policy, the staff member shall be expected to exercise reasonable and professional judgment.

LEGAL REFS.: M.G.L. 71:37H and 37L; 76:16 and 17
 Chapter 380 of the Acts of 1993
 Chapter 766 Regulations, S. 338.0
 Mass. Dept. Of Education, Advisory Opinion on Student Discipline, January 27, 1994

CORPORAL PUNISHMENT

State law provides that:

The power of the School Committee or of any teacher or other employee or agent of the Committee to maintain discipline on school property shall not include the right to inflict corporal punishment upon any student.

Established by law

LEGAL REF.: M.G.L. 71:37G

PHYSICAL RESTRAINT OF STUDENTS

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the Swampscott School District. Further, students of the District are protected by law from the unreasonable use of physical restraint.

Physical restraint shall be used only in emergency situations after other less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution. School personnel shall use physical restraint with two goals in mind:

1. To administer a physical restraint only when needed to protect a student and/or a member of the school community from immediate, serious, physical harm; and
2. To prevent or minimize any harm to the student as a result of the use of physical restraint.

The following definitions appear at 603CMR 46.02:

1. Extended Restraint: A physical restraint the duration of which is longer than twenty (20) minutes.
2. Physical escort: Touching or holding a student without the use of force for the purpose of directing the student.
3. Physical restraint: The use of bodily force to limit a student's freedom of movement.

The use of mechanical or chemical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent/guardian. The use of seclusion restraint is prohibited in public education programs.

Mechanical restraint – The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint.

Seclusion restraint – Physically confining a student alone in a room or limited space without access to school staff. The use of “Time out” procedures during which a staff member remains accessible to the student shall not be considered “seclusion restraint”.

Chemical restraint – the administration of medication for the purpose of restraint.

The Superintendent will develop written procedures identifying:

- Appropriate responses to student behavior, that may require immediate intervention;
- Methods of preventing student violence, self injurious behavior, and suicide;
- Descriptions and explanations of the school's method of physical restraint;
- Descriptions of the school's training and reporting requirements;
- Procedures for receiving and investigating complaints.

Each building Principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint, which the department of education recommends be at least 16 hours in length.

Only school personnel who have received training pursuant to 603CMR 46.00 shall administer physical restraint on students. Whenever possible the administration of physical restraint shall be administered in the presence of at least one adult who does not participate in the restraint. A person administering physical restraint shall only use the amount of force necessary to protect the student from injury or harm.

In addition, each staff member will be trained regarding the school's physical restraint policy. The Principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

A member of the School Committee or any teacher or any employees or agent of the School Committee shall not be precluded from using such reasonable force as is necessary to protect pupils, other persons or themselves from an assault by a pupil.

The program staff shall report the use of physical restraint that lasts longer than five minutes, or results in injury to a student or staff member. The staff member shall inform the administration of the physical restraint as soon as possible, and by written report, no later than the next school day. The Principal or director or his/her designee shall maintain an ongoing record of all reported instances of physical restraint, which, upon request, shall be made available to the Department of Education.

When a restraint has resulted in serious injury to a student or program staff member or when an extended restraint has been administered, the program shall provide a copy of the required report to the Department of Education within five (5) school working days of the administration of the restraint.

In special circumstances waivers may be sought from parents either through the Individual Education Plan (IEP) process or from parents of students who present a high risk of frequent, dangerous behavior that may frequent the use of restraint.

LEGAL REF.: 603 CMR 46.00
 M.G.L. 71:37G

STUDENT WELFARE

Supervision of Students

School personnel assigned supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except when an arrangement has been made to take care of an emergency.

During school hours or while engaging in school-sponsored activities, students will be released only into the custody of parents or other persons authorized in writing by a parent or guardian.

Reporting to Authorities - Suspected Child Abuse or Neglect

Any school official or employee shall report any suspected child abuse or neglect as required by M.G.L. Ch. 119, S 51A.

In accordance with the law, the District shall establish the necessary regulations and procedures to comply with the intent of the Act consistent with the District's responsibility to the students, parents, District personnel, and the community.

Student Safety

Instruction in courses in industrial arts, science, homemaking, art, physical education, health, and safety will include and emphasize accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work, and instructors will teach and enforce all safety rules set up for the particular courses. These include the wearing of protective eye devices in appropriate activities.

Safety on the Playground and Playing Field

The District shall provide safe play areas. Precautionary measures, which the District requires, shall include:

- A periodic inspection of the school's playground and playing fields by the Principal of the school and others as may be deemed appropriate;
- Instruction of students in the proper use of equipment;
- Supervision of both organized and unorganized activity.

Fire Drills

The District shall cooperate with appropriate fire departments in the conduct of fire drills.

STUDENT INSURANCE PROGRAM

A noncompulsory accident insurance plan totally administered by an insurance company may be made available to students. The District does not assume any responsibility regarding service, claims, or other matters relating to the insurance program.

All students participating in competitive athletics shall be required to be covered by a medical insurance plan.

STUDENT HEALTH SERVICES AND REQUIREMENTS

Activities may include identification of student health needs, health screening tests (including eye and hearing screening tests), communicable disease prevention and control, promotion of the correction of remediable health defects, emergency care of the ill and injured, health counseling, health and safety education, and the maintenance of a healthful school environment.

The District recognizes that parents have the primary responsibility for the health of their students. The school will cooperate with appropriate professional organizations associated with maintaining individual and community health and safety.

The District shall provide the services of a medical consultant who shall render medical and administrative consultative services for personnel responsible for school health and athletics.

Procedures for Emergency at School

School personnel shall give only emergency care to students who become ill or injured on school property, buses, or while under school supervision.

Each year parents shall supply information indicating where the student is to be taken in case of an emergency; the name, address, and phone number of a neighbor to be contacted in case the parent/guardian is not available; and any allergies or diseases the student might have.

The District shall maintain an Emergency Procedures Handbook, which shall be utilized by District personnel for handling emergencies. Emergency procedures shall include the following:

Provision for care beyond First Aid, which would enable care by the family or its physician or the Paramedic Assistance Unit of the Fire Department. In instances when the Paramedic Assistance Unit is required, every effort shall be made to provide the unit with the student's Emergency Card which lists any allergies or diseases the student might have;

Information relative to not permitting the administration of any form of medicine or drugs to students without written approval of parents. Requests made by parents for such administration of medication shall be reviewed and approved by the Principal or designee;

Provisions for reporting all accidents, cases of injury, or illness to the Principal. Provisions shall be made (in all cases of injury or illness involving possible legal or public relations implications) for reporting such to the appropriate executive director of education immediately;

Prompt reporting by teachers to the Principal or designee any accident or serious illness and such reports will be filed with the Business Office.

Student Illness or Injury

In case of illness or injury, the parent or guardian will be contacted and asked to call for the student or provide the transportation.

Transportation of an ill or injured student is not normally to be provided by the school. If the parent cannot provide transportation and the student is ill or injured, an ambulance may be called. Expense incurred as a result of emergency ambulance use will not be borne by the District.

Transportation of a student by school personnel will be done only in an emergency and by the individual so designated by the school administrator.

LEGAL REF.: M.G.L. 71:53;54;54A;54B;55;55A;55B;56;57

CROSS REF.: EBB, First Aid

PHYSICAL EXAMINATIONS OF STUDENTS

Every student will be examined once in each school year for screening in sight or hearing and for other physical problems as provided in the laws. A record of the results will be kept by the school nurse.

Every student will be given a general physical examination four times: upon entering school and upon admittance to the fourth, seventh, and tenth grades. The results of examinations will be a basis for determining what corrective measures or modifications of school activities, if any, should be recommended. A record of all examinations and recommendations will be kept.

Every candidate for a school athletic team will present the signed consent of parent or guardian in order to participate on a squad and will, with the signed consent of parent or guardian, be thoroughly examined to determine physical fitness. The school physician will examine athletes, except when a family wishes to have the examination done by their own doctor at their own expense. A written report stating the fitness of the student to participate signed by the physician will be sent to the school Principal.

The school physician will make a prompt examination of all children referred to him/her by the school nurse. He/she will examine school employees when, in his opinion, the protection of the student's health may require it. Except in an emergency, the school physician will not prescribe for or treat any student.

Whenever the school nurse finds a child suffering from any disease or medical problem, the situation will be reported to the parent or guardian in writing, or by personal visit if remedial treatment is recommended. A copy of the report will be filed at the school.

The school nurse will make a monthly report to the Superintendent of the number of students examined; the number excluded; and the number recommended for treatment or special adjustment of work. In all cases of exclusion or recommendation, the causes will be included in the report.

LEGAL REFS.: M.G.L. 71:53; 71:54; 71:56; 71:57

CROSS REF.: JF, School Admissions

INOCULATIONS OF STUDENTS

Students entering school for the first time, whether at kindergarten or through transfer from another school system, will be required to present a physician's certificate attesting to immunization against diphtheria, whooping cough, poliomyelitis, tetanus, measles, and such other communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interests of the child, or by the student's parent or guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent.

Established by law

LEGAL REF.: M.G.L. 76:15

CROSS REF.: JF, School Admissions

COMMUNICABLE DISEASES

The District is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities to handicapped children under the law.

The School Committee recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases such as Acquired Immune Deficiency Syndrome (AIDS).

Management of common communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The District reserves the right to require a physician's statement authorizing the student's return to school.

The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy and accompanying administrative procedures. Decisions about the proper educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement.

In the event a student with a life-threatening communicable disease qualifies for services as a handicapped child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others.

In all proceedings related to this policy, the District shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific nature of the student's condition. The determination of those who need to know shall be made by the Superintendent.

LEGAL REF.: M.G.L. 71:55

ADMINISTERING MEDICINES TO STUDENTS

Medication may not be administered to students while at school unless such medicine is given to them by the school nurse acting under specific written request of the parent or guardian and under the written directive of the student's personal physician. When the school nurse is not present, a student who needs medication during the school day may be called to the office at the scheduled hour and reminded by the secretary to take the medicine. This provision only applies when the correct dosage of the medication has been placed in an individual container clearly marked with the student's name, the dosage to be administered, and the time and/or conditions under which the medicine is to be taken. In addition, the student must be able to recognize the medicine that he/she or she is taking. No one but the school nurse, and those others listed in the medical administration plan acting within the above restriction, may give any medication to any student.

LEGAL REF.: M.G.L. 71:54B
 Dept. of Public Health Regulations: 105 CMR 210.00

FIRST AID/ACCIDENTS

The school attempts to provide a safe and healthy environment. If a severe accident or sudden illness occurs, school personnel will administer first aid in the absence of the school nurse and the parent will be notified. If unable to reach the parent, the family physician designated on the emergency card will be contacted.

First aid is defined as the immediate and temporary care given in case of an accident or sudden illness, which enables the student to return to class or be taken safely home or to a physician by the parent. It does not include diagnosis or treatment. Any care beyond first aid will not be given. At each school procedures will be developed by the school principal and nurse for the proper handling of an accident or sudden illness of a child or staff member. These procedures will be made known to the staff and will incorporate the following requirements:

1. The school nurse or another trained person will be responsible for administering first aid.
2. When the nature of an illness or injury appears to be serious, every effort will be made to contact the parent and/or family physician immediately.
3. No student who is ill or injured will be sent home alone. The parent or emergency contact person will be notified to assume further responsibility for the student.
4. In extreme emergencies, the school nurse or a principal may make arrangements for immediate hospitalization of ill or injured students, contacting parent or guardian as soon as possible.
5. The teacher or other staff member to whom a student is responsible at the time a severe accident occurs will make out a report on an official form, providing details about the accident. This report will be made out in duplicate, one copy to remain on file in the nurse's office and the other copy will be submitted to the school principal.

ACCIDENT REPORT

Note: All written reports must be submitted to the Principal within twenty-four hours of accident.

(Name of School) _____

1. Name of injured _____

Date of Accident _____ Time of Accident _____

2. Grade _____ Homeroom Teacher _____

3. Nature of Injury _____

4. How/When/Where did accident happen? _____

5. What first aid or other emergency measures were taken and by whom?

6. Were parents/guardians notified? _____

7. Under whose supervision was the student at the time of injury?

8. Name(s) of Witness(es) _____

9. Does student have school insurance? _____

10. Further comments (if any) _____

11. Signature of person completing this report _____

12. Date of report _____

GUIDANCE PROGRAM

Guidance is defined as helping individuals understand themselves in the light of their abilities, aptitudes, interests, attitudes, strengths and limitations. This process should assist students in the development of their potential; their decisions relating to personal, educational, and vocational matters, and also in becoming capable of mature self-guidance.

The school system's guidance program will be based on this definition and developed from these broad fundamental principles:

1. Individuals are different from one another in their capabilities, aptitudes, interests, needs, goals, desires and values.
2. Conditions may be improved. Equality of educational opportunity will benefit the individual and society.
3. Guidance is a continuous and developmental process. Every experience of the individual influences his performance in some way.
4. Guidance does not propose to program an individual's course of action but rather tries to assist him in arriving at his own satisfactory solutions.

Guidance services will include: educational guidance; testing programs; occupational, career, and higher education assistance and information; study aids; consultation services; and personal developmental guidance as needed. These services will be available to all students.

While some of the problems of the individual may relate to behavior and consequently entail guidance on behavior, student discipline will not be a regular function of guidance personnel.

LEGAL REFS.: M.G.L. 71:38A through 71:38F; 71:46G
603 CMR 26.04

GUIDANCE PROGRAM

Guidance Counselors and other personnel shall represent to the students a broad spectrum of education and career opportunities. Race, color, sex, national origin, disability, sexual orientation and religion shall not be considered as limiting factors in career determination.

“Career Day” programs and other occupational information shall include representatives of both sexes and of minority group members in a broad variety of occupational roles. Schools shall not permit materials including pictorial representations to be used to recruit students for employment, including training, that contain a preference of individuals of particular race, color, sex, religion, disability, sexual orientation or national origin. Any pictorial representation in such materials, in the aggregate, shall depict members of both sexes and of minority groups.

No material or tests shall be employed for guidance purposes which discriminate and/or limit choices on the basis of race, color, sex, religion, disability, sexual orientation or national origin.

LEGAL REFS.: M.G.L. 71:38A through 71:38F; 71:46G
 603 CMR 26.04

STUDENT GIFTS AND SOLICITATIONS

Because of the embarrassment that might result among children, students will be discouraged from giving gifts to classroom teachers and other school personnel. For the same reason, there will be no formal exchange of gifts between students in the classroom.

Solicitation of funds for charitable purposes from students of the school system will be made only as approved by the School Committee.

Any organization desiring to distribute flyers or other materials to students in connection with fund drives may do so only with the approval of the Superintendent.

CROSS REFS.: GBEBC, Staff Gifts and Solicitations
 JJE, Student Fund-Raising Activities
 KHA, Public Solicitations in the Schools
 KHB, Advertising in the Schools

STUDENT FEES, FINES, AND CHARGES

The School Committee recognizes the need for student fees to fund certain school activities. It also recognizes that some students may not be able to pay these fees. No student will be denied access into any program because of inability to pay these supplementary charges.

A school may exact a fee or charge only upon Board approval. The schools, however, may:

- Charge students enrolled in certain courses for the cost of materials used in projects that will become the property of the student.
- Charge for lost and damaged books, materials, supplies, and equipment.

Students who are indigent are exempt from paying fees. However, indigent students are not exempt from charges for lost and damaged books, locks, materials, supplies, and equipment.

All student fees and charges, both optional and required, will be listed and described annually in each school's student handbook or in some other written form and distributed to each student. The notice will advise students that fees are to be paid and of the penalties for their failure to pay them. Permissible penalties include the withholding of report cards until payment is made or denial of participation in extra class activities while the student is enrolled in this District.

Any fee or charge due to any school in the District and not paid at the end of the school year will be carried forward to the next succeeding school year, as such debts are considered to be debts of the student to the District and not to a particular school.

STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the school system to maintain extensive and sometimes personal information about them and their families. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian and/or the student in accordance with law, and yet be guarded as confidential information.

The Superintendent will provide for the proper administration of student records in keeping with state and federal requirements, and shall obtain a copy of the state student records regulations (603 CMR 23.00). The temporary record of each student enrolled on or after June 2002 will be destroyed no later than seven years after the student transfers, graduates or withdraws from the School District. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

The Committee wishes to make clear that all individual student records of the school system are confidential. This extends to giving out individual addresses and telephone numbers.

LEGAL REFS: Family Educational Rights and Privacy Act of 1974,
 P.L. 93-380, Amended
 P.L. 103-382, 1994
 M.G.L. 66:10 71:34A, B, D, E, H
 Board of Education Student Record Regulations adopted 2/10/77, June 1995 as
 amended June 2002.
 603 CMR: Dept. Of Education 23.00 through 23:12 also
 Mass Dept. Of Education publication Student Records: Questions, Answers and
 Guidelines, Sept. 1995

CROSS REF: KDB, Public's Right to Know

STUDENT RECORDS

603 CMR 23.00 is promulgated by the Board of Education pursuant to its powers under M.G.L.c.71, s.34D which directs that “the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the Commonwealth,” and under M.G.L.c.71, s.34F which directs that “the board of education shall adopt regulations relative to the retention, duplication and storage of records under the control of school committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times.” 603 CMR 23.00 was originally promulgated on February 10, 1975, and was reviewed and amended in June 1995. 603 CMR is in conformity with federal and state statutes regarding maintenance of and access to student records, and is to be construed harmoniously with such statutes.

Application of Rights

603 CMR 23.00 is promulgated to insure parents’ and students’ rights of confidentiality, inspection, amendment, and destruction of students’ records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

- (1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student’s parent.
- (2) If a student is from 14 through 17 years or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.
 - (3) If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school Principal or Superintendent of Schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c.71, s.34E, the parent of a student may inspect the student record regardless of the student’s age.
- (4) Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a school committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

Definition of Terms

The various terms as used in 603 CMR 23.00 are defined below:

Access: shall mean inspection or copying of a student record, in whole or in part.

Authorized school personnel: shall consist of three groups:

- (1) School administrators, teachers, counselors and other professionals who are employed by the School Committee or who are providing services to the student under an agreement between the School Committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling and/or diagnostic capacity. Any such personnel who are not employed directly by the School Committee shall have access only to the student record information that is required for them to perform their duties.
- (2) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, who are either employed by the School Committee or are employed under a School Committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record. Such personnel shall have access only to the student record information that is required for them to perform their duties.
- (3) The evaluation team that evaluates a student.

Eligible student: shall mean any student who is 14 years of age or older or who has entered 9th grade, unless the School Committee acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered 9th grade.

Evaluation Team: shall mean the team, which evaluates school-age children pursuant to M.G.L.c.71B (St. 1972, c.766) and 603 CMR 28.00.

Parent: shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the child in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student, is considered a non custodial parent for purposes of M.G.L. c. 71, s.34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release: shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age child with special needs: shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c.766) and 603 CMR 28.00.

School committee: shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c.71B (Chapter 766) approved private school.

Student: shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to the person's employment by the School Committee.

The student record: shall consist of the transcript and the temporary record, including all information, recording and computer tapes, microfilm, microfiche, or any other materials, regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The terms as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record: shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party: shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

Log of Access: A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

- (a) Authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
- (b) Administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
- (c) School nurses who inspect the student health record.

Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for the information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

- (a) A school may release the following 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 without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.

Access Procedures for Non-Custodial Parents. As required by M.G.L. c.71, s.34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

(a) A non-custodial parent is eligible to obtain access to the student record unless:

1. The parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
2. The parent has been denied visitation or has been ordered to supervised visitation, or
3. The parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record.

(b) In order to obtain access, the non-custodial parent must submit a written request for the student record to the high school principal annually. The initial request must include the following:

1. A certified copy of the court order or judgment relative to the custody of the student that either indicates that the requesting parent is eligible to receive access as set forth in 603 CMR 23.07(5)(a), or a certified copy of a court order specifically ordering that the student records be made available to the non-custodial parent, and
2. An affidavit from the non-custodial parent that said court order or judgment remain in effect and that there is no temporary or permanent order restricting access to the custodial parent or any child in the custodial parent's custody.

(c) The non-custodial parent must submit a written request for a access each year stating that said parent continues to be entitled to unsupervised visitation with the student and is eligible to obtain access as set forth in 603 CMR 23.07(5)(a).

(d) Upon receipt of the request (initial and annual) the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07(5)(a).

(e) The school must delete the address and telephone number of the student and custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.

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

At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter informing them of the following:

(a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.

(b) The general provisions of 603 CMR 23.00 regarding parent and student rights, and that copies of 603 CMR 23.00 are available to them from the school.

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REFS: Family Educational Rights and Privacy Act of 1974,
P.L. 93-380, Amended
P.L. 103-382, 1994
M.G.L. 66:10 71:34 A, B, D, E, H
Board of Education Student Record Regulations adopted 2/10/75, as amended June
2002
603 CMR: Dept. Of Education 23.00 through 23:12
Mass Dept. Of Education publication Student Records; Questions, Answers and
Guidelines, Sept. 1995

CROSS REF: KDB, Public's Right to Know

STUDENT PHOTOGRAPHS

Individual schools may arrange, in cooperation with the school's parent organization, student council, designated student committee, or a staff committee, to take individual student and/or class group pictures. Awarding of the photographic services shall be conducted through bidding procedures.

Individual and/or class group pictures may be taken at the school facility and during the regular school day hours. The pictures shall be made available for purchase by students and/or parents on a voluntary basis. The building Principal or his/her designee shall have final authority in authorizing the picture-taking program and will be responsible for overseeing the process.

Students may be required to have an individual picture taken for the cumulative file or identification purposes; however, no student shall be pressured or required to purchase photographs.

The purpose of the policy is to:

- Enhance the safety of students through visual identification in an emergency situation.
- Facilitate the social, educational, and administrative activities conducted in the school.
- Provide a service to parents and students.
- Allow the profits gained from the picture-taking program to be used by the sponsoring group and authorized by the building Principal.

K. SCHOOL-COMMUNITY RELATIONS

SCHOOL-COMMUNITY RELATIONS GOALS

The School Committee believes that the public schools belong to the people who created them by consent and support them by taxation, and the support of the people must be based on their understanding of and their participation in the aims and efforts of the schools. Therefore, the Committee declares its intent:

1. To keep local citizens regularly and thoroughly informed through all available channels of communication on the policies, programs, problems, and planning of the school system, and to carry out this policy through its own efforts, those of the Superintendent, and such information officers as may be appointed.
2. To solicit the studied counsel of the people through advisory committees selected from the community and appointed to consider problems that vitally affect the future of our children.

SCHOOL/COMMUNITY RELATIONS GOALS

The School Committee believes that the District is an integral part of the community and that community support is necessary for the District's operation and achievement of excellence. The School Committee and District staff members recognize that community support is based on a mutual exchange, a dynamic process in which the District contributes to the community's success and, in turn, benefits from the community's resources.

In order to maintain productive relationships with the community, the District is committed to sustaining:

- Effective, accurate, and meaningful communications that facilitate dialogue, encourage involvement in District programs, and create community advocacy for its public schools.
- Volunteer programs that provide mutually enriching experiences for our students, staff, and community volunteers.
- Recognition programs that publicly honor the contributions of our students, employees, and community partners and express pride in our individual and collective accomplishments.
- Community service efforts which enable the District's staff and students to express their commitment to the community.

SCHOOL/PARENT RELATIONS GOALS

It is the general goal of the District to foster relationships with parents, which encourage cooperation between the home and school in establishing and achieving common educational goals for students.

While parents are individually responsible for their children, the District provides direct services of education and indirect services of childcare for students during the time when they are within the supervision of school personnel. Consistent with these shared responsibilities and as appropriate to the maturity of the student, members of the school staff will consult with parents regarding student progress and achievement, methods to enhance student development, and matters of correction.

Additionally, parental involvement in the schools is encouraged through regular communication with the school Principal and staff, the parent/teacher organizations, the school volunteer program, and other opportunities for participation in school activities and District programs.

NON-CUSTODIAL PARENTS' RIGHTS

(General Laws Chapter 71, Section 34H)

As required by G.L. Ch. 71, Sec. 34H, a non-custodial parent may have access to the student record in accordance with law and Department of Education Regulations. The School District will follow the law and the attachments recommended by the Massachusetts Department of Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents"). The implementation of this policy will hopefully encourage parents to be involved in and informed about the education of their children, while protecting the rights and safety of all parties.

Suggested Checklist for Schools Implementing General Laws Chapter 71, Section 34H
(Distribution of Student Records to Eligible Non-Custodial Parents)

Name of Student: _____

Name of Custodial Parent: _____

Name of Requesting Parent: _____

Name of School Staff Member Verifying Information: _____

_____ The requesting parent submitted a written request for the records to the school principal within the past twelve months. Date of request: _____

_____ The initial request included a certified copy of a court order, which met the requirements of Section 34H (b).

_____ The initial request included an affidavit from the requesting parent, which met the requirements of Section 34H(b).

_____ Each school year since the initial request the requesting parent has submitted a request indicating that the parent continues to be:

- a) Entitled to unsupervised visitation with the child; and
- b) Eligible to receive student record information pursuant to Section 34H. Date(s) of annual request(s):

When the school received the records request from the non-custodial parent:

- The school immediately notified the custodial parent of the request by certified mail and by first class mail, in both the primary language of the custodial parent and in English. The notice informed the custodial parent that information requested pursuant to Section 34H is to be provided to the requesting parent after 21 days, unless the custodial parent provides the principal with documentation of an applicable court order. Date of notice: _____
- The school is aware that it may seek reimbursement for the cost of postage from the requesting parent.
- The eligible parent has the right of access to the entire student record.

Or

- The otherwise eligible parent's right of access to the entire student record has been specifically limited by court order.

Note limitations, if any:_____

LEGAL REF.:

M.G.L. 71:34H

603 CMR 23.07

(5) Access Procedures for Non-Custodial
Parents

SAMPLE NOTICE TO THE CUSTODIAL PARENT
WHEN NON-CUSTODIAL PARENT HAS REQUESTED STUDENT RECORDS
PER GENERAL LAWS CHAPTER 71, SECTION 34H

NOTE: The statute requires schools to send notice to the custodial parent by certified mail and by first class mail, in both the primary language of the custodial parent and in English.

(Date)

(Name and address of custodial parent) **By certified and first class mail**

Dear (Name of custodial parent):

Pursuant to Massachusetts General Laws Chapter 71, Section 34H, a law regarding student records access for non-custodial parents, (insert name of non-custodial parent) has requested the student records of (insert name of child). This request was made on (insert date of non-custodial parent's request).

In compliance with Section 34H (c) and (d), I am providing you with written notice of this request.

The law requires the school to provide the non-custodial parent with the student record information after 21 days, unless before that date you provide me with a copy of either of the following documents.

- 1) A court order that prohibits the non-custodial parent from having contact with your child; or
- 2) A court order that prohibits the non-custodial parent from getting access to the student records; or
- 3) A temporary or permanent order issued to provide protection to you or to any child in your custody from abuse by the requesting parent, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to your child's student records.

Please contact my office if you have any questions. Thank you very much.

Sincerely,

(School Principal or Designee)

**SAMPLE AFFIDAVIT FOR NON-CUSTODIAL PARENT REQUESTING
STUDENT RECORDS**

PER GENERAL LAWS CHAPTER 71, SECTION 34H

I, (Name of non-custodial parent), on oath depose and state as follows:

1. I am the parent of (Name of student) .
2. Attached is a certified copy of the court judgment or order relative to the custody of my child, which meets the standards of General Laws Chapter 71; Section 34H.

OR

3. Attached is a certified copy of an order by a probate and family court judge specifically ordering that my child's student records be made available to me, according to the standards of General Laws Chapter 71; Section 34H.
4. I certify that the judgment or order remains in effect and that there is currently no temporary or permanent protective order restricting my access to (Name of student), the custodial parent or to any child in the custodial parent's custody.

Signed under the pains and penalties of perjury
this _____ day of _____.

(Month, Year)

Parent's signature

PARENT/TEACHER COMMUNICATION

The Swampscott School System recognizes the fact that parental involvement in a student's school experience contributes significantly to the success of the experience and urges better communication between school and home. However, a parental role is a support role and cannot be meaningfully carried out without a good line of communication between the teacher and the student's parents. Any significant change in a student's performance between normal report card periods should be brought to the parents' attention in a manner which ensures that the communication is received. For their part, parents are urged to communicate frequently with their son/daughter about their progress and grades and to communicate with teachers whenever a question or concern occurs.

Good communication could include, but is not limited to, one of the following:

1. A conference
2. A note which is signed and returned to the sender
3. A telephone conversation

ACCESSIBILITY/RETURN OF TESTS

All tests, quizzes, papers, mid-year examinations, and final examinations will be corrected in a timely manner and returned for students to see. Parents will have the opportunity to review tests, quizzes and papers and, in addition, upon submission of a written request, be provided a copy of the students' tests (including both answer and question sheets, scoring guides, rubrics and other materials used to evaluate student performance) other than diagnostic and/or placement tests and other than where a publisher's copyright prevents such copying. It is the policy of the district, based on Federal statute 17 USCA s.101 (Copyright Act of 1976) that all tests created by staff are considered property of the District unless expressly waived by the Superintendent.

RELATIONS WITH PARENT ORGANIZATIONS

To foster relationships with parents that encourage the home and school to work together to establish and achieve common educational goals for students, the Superintendent and the professional staff will:

1. Consult with and encourage parents to share in school planning and in setting objectives and evaluating programs.
2. Help parents understand the educational process and their role in promoting it.
3. Provide for parent understanding of school operations.
4. Provide opportunities for parents to be informed of their child's development and the criteria for its measurement.

To accomplish the above and to enhance communications between parents and school officials, the Committee encourages the maintenance of formal parent organizations at each school building. For this purpose the Committee will officially recognize a parent organization at each building. These procedures will be observed:

1. Organizations will be officially recognized upon request by the building Principal who will file a copy of the organizational papers with the Superintendent.
2. A vote, open to all parents of children enrolled, will designate the organization to be recognized if more than one organization makes the request.

COMMUNITY INVOLVEMENT IN DECISION-MAKING

The School Committee endorses the concept that community participation in the affairs of the schools is essential if the school system and the community are to maintain mutual confidence and respect and work together to improve the quality of education for students. It therefore intends to exert every effort to identify the desires of the community and to be responsive, through its actions, to those desires.

All citizens will be encouraged to express ideas, concerns, and/or questions about the schools to the school administration, to any appointed advisory bodies, and to the Committee.

Residents who are specially qualified because of interest, training, experience, or personal characteristics, will be encouraged to assume an active role in school affairs. From time to time, these people may be invited by the Committee to act as advisors, either individually or in groups.

The Committee and the staff will give substantial weight to the advice they receive from individuals and community groups interested in the schools, particularly from those individuals and groups they have invited to advise them regarding specific problems, but will use their best judgment in arriving at decisions.

CROSS REF.: BDF, Advisory Committees to the School Committee

PUBLIC GIFTS TO THE SCHOOLS

The Superintendent will have authority to accept gifts and offers of equipment for the schools in the name of the Committee when the gift is of educational value. In the case of gifts from industry, business, or special interest groups, no extensive advertising or promotion may be involved in any donation to the schools.

Gifts that would involve changes in school plants or sites will be subject to School Committee approval.

Gifts will automatically become the property of the school system. Any gift of cash, whether or not intended by the donor for a specific purpose, will be handled as a separate account and expended at the discretion of the Committee, as provided by law.

The Committee directs the Superintendent to assure that an appropriate expression of thanks is given all donors.

LEGAL REF.: M.G.L. 71:37A

PUBLIC'S RIGHT TO KNOW

The School Committee is a public servant, and its meetings and records will be a matter of public information except as such meetings and records pertain to individual personnel and other classified matters.

The School Committee supports the right of the people to know about the programs and services of their schools and will make every effort to disseminate information. All requests for information will be acted on fairly, completely and expeditiously.

The official minutes of the Committee, its written policies and regulations, and its financial records will be open for inspection at the office of the Superintendent by any citizen desiring to examine them during hours when the office is open. No records pertaining to individual students or staff members will be released for inspection by the public or any unauthorized persons by the Superintendent or other persons responsible for the custody of confidential files. The exception to this will be information about an individual employee (or student) that has been authorized in writing for release by the employee (or student, or student's parent).

Each building administrator is authorized to use all means available to keep parents and others in the particular school's community informed about the school's program and activities.

LEGAL REFS.: M.G.L. 4:7; 66:10; 39:23B

CROSS REFS.: BEDG, Minutes
GBJ, Personnel Records
JRA, Student Records

NEWS MEDIA RELATIONS/NEWS RELEASES

Every effort will be made to assist the press and other communications media to obtain complete and adequate coverage of the programs, problems, planning, and activities of the school system.

All representatives of the media will be given equal access to information about the schools. General releases of interest to the entire community will be made available to all the media simultaneously. There will be no exclusive releases except as media representatives request information on particular programs, plans or problems.

In order that school system publicity is given wide coverage and is coordinated into a common effort and purpose, the following procedures will be followed in giving official information to the news media:

1. The School Committee chairman will be the official spokesman for the Committee, except as this duty is delegated to the Superintendent.
2. News releases that are of a system-wide or a sensitive nature or pertain to established Committee policy are the responsibility of the Superintendent.
3. News releases that are of concern to only one school, or to an organization of one school, are the responsibility of the Principal of that particular school. All statements made to the press by other staff members of the particular school must be cleared with the Principal.

While it is impossible to know how news releases will be treated by the press, every possible effort should be made to obtain coverage of school activities that will create and maintain a dignified and professionally responsible image for the school system.

PUBLIC COMPLAINTS

Although no member of the community will be denied the right to bring their complaints to the Committee, they will be referred through the proper administrative channels for solution before investigation or action by the Committee. Exceptions will be made when the complaints concern Committee actions or Committee operations only.

The Committee believes that complaints are best handled and resolved as close to their origin as possible, and that the professional staff should be given every opportunity to consider the issues and attempt to resolve the problem prior to involvement by the Committee. Therefore, the proper channeling of complaints involving instruction, discipline or learning materials will be as follows:

1. Teacher
2. School building administrator
3. Superintendent
4. School Committee

If a complaint, which was presented to the Committee and referred back through the proper channels, is adjusted before it comes back to the School Committee, a report of the disposition of the matter will be made to the Committee and then placed in the official files.

Matters referred to the Superintendent and/or School Committee must be in writing and should be specific in terms of the action desired.

The Committee expects the professional staff to receive complaints courteously and to make a proper reply to the complainant.

Any feasible or tenable complaints regarding a teacher made to any member of the administration by any parent, student, or other person will be promptly called to the attention of the teacher and his immediate superiors. The teacher shall have the right upon request to ascertain the name of such complainant and to respond to the complainant in writing or in person.

LEGAL REFS.: MG.L. 76:5
 Teachers' Contract

PUBLIC COMPLAINTS

Complaint Procedure

- (1) A parent, guardian, or other person or group who believes that M.G.L. c. 76, s. 5 or 603 CMR 26.00 has been or is being violated, may request a written statement of the reasons therefore from the responsible School Committee through the Superintendent and may submit a copy of such request to the Bureau of Equal Educational Opportunity of the Department of Education. If such request is made, a copy of such request shall be sent by the School Committee to the Bureau of Equal Educational Opportunity.
- (2) The School Committee shall respond promptly, but no later than 30 days, in writing to the complaining party. The School Committee shall also send a copy of its response to the Bureau of Equal Educational Opportunity.
- (3) The Bureau of Equal Educational Opportunity shall act as the representative of the Board of Education for the purpose of receiving complaints pursuant to 603 CMR 26.00.
- (4) The Bureau of Equal Educational Opportunity shall, pursuant to a complaint received under 603 CMR 26.09 (1) or on its own initiative, conduct reviews to insure compliance with M.G.L. c. 76 s. 5 and 603 CMR 26.00. The School Committee and the specific school(s) involved shall cooperate to the fullest extent with such review.
- (5) In the event of non-compliance with M.G.L. c. 76 s. 5 or 603 CMR 26.00 the Board of Education may take such action as it sees fit, including, but not limited to, withholding of funds or referral of the matter to the Office of the Attorney General for appropriate legal action.

Private Right of Enforcement

Nothing in 603 CMR 26.00 shall abridge or in any way limit the right of a parent, guardian, or person affected to seek enforcement of St. 1971, c.622 in any court or administrative agency of competent jurisdiction.

LEGAL REFS.: M.G.L. 76:5

PUBLIC COMPLAINTS ABOUT SCHOOL PERSONNEL

Complaints about school personnel will be investigated fully and fairly. However, before any such complaint is investigated, the complainant must submit his complaint in writing. Anonymous complaints will be disregarded.

Whenever a complaint is made directly to the School Committee as a whole or to a Committee member as an individual, it will be referred to the school administration for study and possible solution.

The Superintendent will develop, for approval by the Committee, procedures that assure prompt and fair attention to complaints against school personnel. The procedures will require that an employee who is the object of a complaint be informed promptly and be afforded the opportunity to present the facts as he/she sees them.

If it appears necessary, the administration, the person who made the complaint, or the employee involved may request an executive session of the Committee for a formal hearing and decision. Statutory restrictions on executive sessions will be observed.

LEGAL REFS.: M.G.L. 76:5
 Teachers' Contract

CROSS REF.: BEC, Executive Sessions

PUBLIC COMPLAINTS ABOUT SCHOOL PERSONNEL

The following procedures are established to ensure that a citizen's complaint is given respectful attention and that the integrity of the educational program is upheld. "Complaint" in this regulation will be restricted in meaning to that criticism of particular school employees by a citizen of the School District which includes or implies a demand for action by school authorities. Other comments and suggestions will be referred informally to affected personnel.

1. If a complaint comes first to the person against whom it is directed, he/she will listen courteously and may try to resolve the difficulty by explaining the background and educational purpose involved. If the complaint remains unsatisfied, the employee will refer him/her to the building Principal or other immediate supervisor to have his/her views considered further. Whether the complaint terminates with the individual staff member involved or seems likely to go further, the staff member will immediately inform his/her supervisor of the complaint.
2. If a complaint comes first to the Principal or other supervisor of the person criticized, he/she should listen courteously or acknowledge a letter promptly and politely, but should make no commitments, admissions of guilt, or threats. If the complaint involves a particular employee, the supervisor should suggest a conference between the complainant and the person criticized and should inform that person immediately of the complaint.

If the complainant has already met with the person criticized and remains unsatisfied, the supervisor should invite the complainant to file his complaint in writing and offer to send him the appropriate form regarding a school employee's behavior, character or qualifications.

3. If a complaint comes first to any other school employee, that employee will refer the complainant to the person criticized or his immediate supervisor and immediately inform both.
4. No further action on the complaint should be taken unless the complainant submits the complaint in writing.
5. When a written complaint form is received, the Principal or other supervisor will schedule a conference with himself, the complainant, the person criticized, and if advisable, the department chairman or other personnel that either the supervisor or the person criticized feels could contribute resolution of the problem.
6. If the complainant is not satisfied with the results of the conference above, he/she should then be referred to the Superintendent, who may handle the complaint personally or refer it to other personnel, as he/she may see fit.

7. Should dissatisfaction remain after the above steps have been taken, the matter will be placed on the agenda for the next regularly scheduled Committee meeting. The decision of the Committee will be communicated in writing to all interested persons.

LEGAL REF.: M.G.L. 76:5

PUBLIC COMPLAINTS ABOUT THE CURRICULUM OR INSTRUCTIONAL MATERIALS

The Swampscott School Committee, though it is ultimately responsible for all curriculum and instructional materials (including library books), recognizes the need and right of students to free access to many different types of books and materials. It also recognizes the right of the professional staff to select books and other materials supportive of the school system's educational philosophy and goals. It is therefore the policy of the Swampscott Public Schools to require the materials selected for our schools be in accordance with the following:

1. Books and other reading matter shall be chosen for the value of providing interest and enlightenment of all students in the community. A book shall not be excluded because of the racial, national, political or religious views of the writer or because of its style or language.
2. Every effort will be made to provide materials that present all points of view concerning the problems and issues of our times (international, national and local), and books or other reading matter of sound factual authority shall not be prescribed or removed from library shelves or classrooms because of partisan, doctrinal approval or disapproval.

Criticism of a book or other materials used in the schools may be expected from time to time. In such instances:

1. If a parent requests that his own child not read a given book, the teacher and/or principal should resolve the situation, perhaps by arranging for use of alternative materials meeting essentially the same instructional purpose. This does not apply, however, to basic program texts and materials that the Committee has adopted.
2. The Committee will not permit any individual or group to exercise censorship over instructional materials and library collections, but recognizes that at times a reevaluation of certain materials may be desirable. Should an individual or group ask to have any book or other material withdrawn from school use:
 - a. The person who objects to the book or other material will be asked to sign a complaint on a standard form on which he will document his criticism.
 - b. Following receipt of the formal complaint, the Superintendent will provide for a reevaluation of the material in question. He will arrange for the appointment of a review committee from among the faculty to consider the complaint.
 - c. The Superintendent will review the complaint and the committee's reevaluation and will render a decision in the matter. Should the decision be unsatisfactory to the complainant, he may appeal it to the School Committee.

In summary, the Swampscott School Committee assumes final responsibility for all books and instructional materials it makes available to students; it holds its professional staff accountable for their proper selection. It recognizes rights of individual parents with respect to controversial materials used by their own children; it will provide for the reevaluation of materials in library collections upon formal request. On the other hand, students' right to learn and the freedom of teachers to teach will be respected.

LEGAL REF.: M.G.L. 76:5

CROSS REFS.: IJ, Instructional Materials
IJJ, Textbook Selection and Adoption
IJL, Library Materials Selection and Adoption

COMPLAINTS ABOUT INSTRUCTIONAL MATERIALS

(Citizen's Request for Reconsideration of a Book)

Author _____ Hardcover _____ Paperback _____

Title _____

Publisher (if known) _____

Request initiated by _____

Telephone _____ Address _____

Complainant represents: _____ himself
 _____ (name organization) _____
 _____ (identify other group) _____

1. To what in the book do you object? (Please be specific; cite pages) _____

2. What do you feel might be the result of reading this book?

3. For what age group would you recommend this book? _____
4. Is there anything good about this book? _____
5. Did you read the entire book? _____ What parts? _____
6. Are you aware of the judgment of this book by literary critics? _____
7. What do you believe is the theme of this book? _____
8. What would you like the library to do about this book?
 _____ do not assign it to students
 _____ withdraw it from all patrons of the library
 _____ refer it to the Superintendent for reevaluation
9. In its place what book of equal literary quality would you recommend that would convey as valuable a picture and perspective of our civilization?

Signature of Complainant

COMMUNITY USE OF SCHOOL FACILITIES

It is the School Committee's desire that maximum use of school property be enjoyed by the townspeople. It is the Committee's intent that such use will maintain safe conditions and preserve the property for school program use.

Use of school buildings and other facilities by organizations will be permitted only when a worthy educational, civic, or charitable purpose will be served; or a substantial group of citizens from the community will be benefited.

School facilities will be used according to the regulations and rental fee schedules recommended by the Superintendent and approved by the School Committee.

Permission for the use of facilities must be obtained through the office of the Superintendent of Schools, where applications are available for this purpose.

Eligibility

School facilities will be available for the following:

1. Public school activities
2. Parent-teacher activities
3. Official town public hearings and political activities
4. Meetings and activities sponsored by the School Committee and school personnel
5. Parks and playgrounds activities
6. Local nonprofit and noncommercial organization activities
7. Metropolitan civic, educational, social, and religious organization activities if a substantial portion of the members are residents of the town
8. The activities of other organizations when approved by the School Committee

School and Town Preference

The priority given requests for use of school facilities will be as follows:

1. School activities
2. Town meetings and elections over other community activities
3. Parks and playgrounds

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

COMMUNITY USE OF SCHOOL FACILITIES

The use of school buildings, grounds, equipment, and facilities will be authorized by the Superintendent in conformity with the following regulations, which have been approved by the School Committee.

1. Requests for the use of school facilities will be made at the office of the Superintendent at least 14 days prior to the date of use.
2. School facilities may not be used for individual, private, or commercial purposes.
3. Requests for school facilities must be cleared with the building Principal or the Superintendent or both, should the nature of the request so justify.
4. School-related groups will be permitted reasonable use of school facilities without charge.
5. All activities must be under competent adult supervision approved by the Superintendent and the Principal of the building involved. In all cases, an assigned school employee will be present. The group using the facilities will be responsible for any damage to the building or equipment.
6. Groups receiving permission are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the Superintendent.
7. Groups receiving permission are responsible at all times for the observance of fire and safety requirements.
8. Smoking within the building is not permitted. Permission for the possession and sale of alcoholic beverages may be granted to a nonprofit organization, which is properly licensed, only by the School Committee.
9. Proper liability insurance will be required of all groups given permission to use school facilities.
10. The Committee will approve and periodically review a fee schedule for the use of school facilities.
11. In situations where there is no cost factor to the school system, or in situations where a mutual exchange of facilities is possible between the school system and the organization, rates may be modified or eliminated by the Superintendent. In situations where extended usage for a long period of time is required, rates may be set at a contract price.
12. The School Committee reserves the right to cancel any permission granted.

PUBLIC SOLICITATIONS IN THE SCHOOLS

The School Committee will place limits on commercial activities and fund-raising activities in the schools for the following reasons:

1. The school system should provide students, parents, and employees some measure of protection from exploitation by commercial and charitable fund-raising organizations.
2. The school system should not give the public the impression of generally endorsing or sanctioning commercial and fund-raising activities.
3. Commercial and fund-raising activities may disrupt school routine and cause loss of instructional time.

Following these guiding statements, the Superintendent and Principals may permit occasional commercial or fund-raising activities related to the objectives of the schools with the following exceptions:

1. No direct solicitation of students or employees may take place without School Committee permission.
2. No general or class distribution of commercial or fund-raising literature may take place without School Committee permission.

For the purposes of this policy, local PTA and PTO groups and groups representing school system employees will be considered "school groups" and will be governed by the Committee's policy on staff solicitations.

LEGAL REF.: M.G.L. 44:53A

CROSS REFS.: GBEB, Gifts to and Solicitations by Staff
JJE, Student Fund-Raising Activities
JP, Student Gifts and Solicitations
KHB, Advertising in the Schools

ADVERTISING IN THE SCHOOLS

No advertising of commercial products or services will be permitted in school buildings or on school grounds or properties. Publications of the school system will not contain any advertising. However, this will not prevent advertising in student publications that are published by student organizations, subject to administration controls, or the use of commercially-sponsored, free teaching aids if the content is approved by the administration.

Solicitation of sales or use of the name of the school system to promote any product will not be permitted by the Committee.

CROSS REF.: JP, Student Gifts and Solicitations
 KHA, Public Solicitations in the Schools

VISITORS TO THE SCHOOLS

The School Committee encourages parents and guests to visit classrooms to observe and learn about the instructional programs taking place in our schools. Such visits can prove most beneficial in promotion of greater school-home cooperation and community understanding of how we carry out the school system's mission and goals.

Visits by parents to several classrooms in a given grade for the purposes of comparing teaching styles to provide a basis for a request for student assignment to a particular teacher are strongly discouraged because the School District's policy of assigning a student to a particular class is the sole responsibility of the building Principal in consultation with the staff of that school.

The following guidelines to classroom and school visits should be followed:

1. Parental requests for classroom visitations will be welcomed as long as the educational process is not disrupted. To this end we request that such requests be made at least forty-eight hours in advance to allow for proper arrangements to be made.
2. The building Principal has the authority to determine the number, times, and dates of observations by visitors. This will be done in consultation with staff members so as to give adequate notice to the staff members of the impending visits.
3. For security purposes it is requested that all visitors report to the Principal's office upon entering and leaving the building and sign a guest log showing arrival and departure times. Teachers are encouraged to ask visitors if they have registered in the Principal's office.
4. Under ordinary circumstances classroom observations will be strongly discouraged during the first three weeks of school in September and during the month of June.
5. Any student who wishes to have a guest in school **MUST** ask permission of one of the administrative staff **24 HOURS** in advance of the proposed visit. If permission is granted, the guest is expected to follow the standards of behavior expected of all students. Upon arrival the guest must register in the office. Any guest who fails to comply with student regulations will be asked to leave the school building and grounds immediately.

RELATIONS WITH BOOSTER ORGANIZATIONS

The School Committee recognizes that the endeavors and objectives of booster organizations and similar groups can be a valuable means of stimulating interest in and endorsement of the aims and achievements of our public school system.

Generally, actions initiated by boosters provide the atmosphere and climate to foster and encourage community-school relationships.

Booster-proposed plans, projects, or activities must be evaluated and promoted in light of their stated contribution to the academic as well as the athletic and fine arts programs of the schools. Care must be taken to avoid compromising or diluting the responsibilities and authorities of the School Committee.

RELATIONS WITH POLICE AUTHORITIES

Cooperation with law enforcement agencies is essential for the protection of students, for maintaining a safe environment in the District schools, and for safeguarding all school property.

Relationships between the schools and officials of law enforcement agencies in investigative matters concerning pupils will take into consideration the respective roles of the schools and law enforcement agencies in assisting and protecting the interests of the community, and ensuring the rights of all concerned.

The School Committee also recognizes the potential enrichment that law enforcement agencies can make in the educational program.

Efforts should be made to develop and maintain a healthy attitude toward law enforcement agencies and personnel to promote better understanding and communication.

RELATIONS WITH PLANNING AUTHORITIES

The School Committee will participate in local and state planning functions that could directly affect District schools and their immediate environment.

The Superintendent or designee will keep the School Committee informed of planning matters bearing directly on the operation of District schools or school-sponsored programs, and will undertake action on behalf of the School Committee to influence matters in the best interests of the students, the schools and the District.

RELATIONS WITH LOCAL GOVERNMENTAL AUTHORITIES

The School Committee and its administrative officers welcome all who seek to serve the residents of the community and will participate with them in the planning and execution of such projects as will be mutually beneficial for students.

It is School Committee policy that administration inform elected and appointed officials of the local and county government of the desire to work cooperatively for improved services.

L. EDUCATION AGENCY RELATIONS

EDUCATION AGENCY RELATIONS GOALS

The School Committee appreciates the place and importance of an educational system in its greater environment, which includes other organizations and institutions dedicated to education. It believes that much is gained through cooperative endeavors with other agencies.

In order to make a maximum contribution to education, within the school system and to other educational agencies, the Committee establishes these broad goals:

1. To encourage liaison with other educational agencies.
2. To supply educational services to and/or share with other educational agencies.

RELATIONS WITH OTHER SCHOOLS AND SCHOOL DISTRICTS

The School Committee will cooperate with other schools and with local, state, and regional agencies and organizations to:

1. Seek solutions of educational problems of common concern.
2. Offer support services of high quality to our children.
3. Equalize educational opportunities for all children.
4. Acquire federal and state grants.
5. Promote local school system involvement in state and federal decision-making.

This cooperation may extend to research, providing transportation for children to special schools and hospitals, coordination of curriculum, exchange of information and data, construction of facilities that may be efficiently used on a cooperative basis, and the coordination of school calendars and activities.

Before joining any cooperative programs, education collaborative, or participating in any joint educational services with other school systems, the School Committee wants to be sure that in all instances the best interests of our school children will be served. In carrying out this policy the Superintendent will include in reports to the Committee an evaluation of the desirability and feasibility of cooperation with other schools and agencies on matters of mutual interest.

LEGAL REFS.: M.G.L. 40:4E; 71:48; 71:71D; 71B:4; 74:4 through 74:7A; 76:1

RELATIONS WITH NONPUBLIC SCHOOLS

Private Schools

In accordance with state law, the School Committee will approve a private school when it is satisfied that the instructional program of the school equals that of the town's public schools in thoroughness, efficiency, and progress made.

The Committee recognizes that many worthwhile contributions are made to this community by parochial and other private schools. Therefore, it will cooperate with these schools in matters of mutual benefit when law does not expressly prohibit this cooperation.

LEGAL REFS.: M.G.L. 40:4E; 71:48; 71:71D; 71B:4; 74:4 through 74:7A; 76:1

STUDENT TEACHING AND INTERNSHIPS

The Committee encourages the administration to cooperate with teacher-training institutions in the placement of student teachers in the school system. All initial arrangements with the colleges and universities will be subject to Committee approval.

The Committee authorizes the administration to honor the reasonable rules and training guidelines of the sending institution.

In all arrangements made with colleges and universities, the school system will be given the privilege of interviewing and accepting or rejecting individual candidates for student teaching and internships.

The school administration will devise procedures for evaluating the performance of student teachers that meet requirements of the sending institution and fit with the Committee's policies.