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Committee Members

Laura Clancey, Chair

John F. Monfredo, Vice-Chair

Tracy O'Connell-Novick

Administrative

Representative

Jennifer Boulais

Helen A. Friel, Ed.D.

OFFICE OF THE  
CLERK OF THE SCHOOL COMMITTEE  
WORCESTER PUBLIC SCHOOLS  
20 IRVING STREET  
WORCESTER, MA 01609

AGENDA #3

The Standing Committee on GOVERNANCE AND EMPLOYEE ISSUES will hold a meeting:

on: Tuesday, April 27, 2021

at: 4:30 p.m.

virtually in: Room 410 of the Durkin Administration Building

ORDER OF BUSINESS

I. CALL TO ORDER

II. ROLL CALL

**The following items will be discussed:**

gb #9-350 - Miss McCullough/Mr. Foley/Mr. Monfredo (October 14, 2019)

Request that the School Committee work with the Clerk of the School Committee to determine 3 or 4 dates in 2020 for policy forums/conversations that will be open to the community.

gb #0-28 - Mayor Petty/Miss Biancheria/Mrs. Clancey/Mr. Foley/Ms. McCullough/Mr. Monfredo/Ms. Novick (January 8, 2020)

To create an Ad Hoc Subcommittee of the Worcester School Committee to consider changes to the school committee rules, meetings and agendas to make the work of the School Committee and our meetings more effective and better aligned with the focus on the strategic direction of the district. These changes should reflect best practices and address the recommendations included in the Department of Elementary and Secondary Education's report from 2017.

**(Consider gb #0-59 and gb #0-223 together.)**

gb #0-59 - Ms. Novick/Mrs. Clancey/Mr. Foley (January 29, 2020)

To rewrite the Worcester Public Schools' Student Dress Code.

gb #0-223 - Administration (July 6, 2020)

To consider amendments to the current Student Dress Code Policy to be included in the Student Handbook and the Policy Manual.

c&p #1-4 - Clerk (March 24, 2021)

To consider a communication from the EAW to allow members of Quinsigamond School's faculty and staff to donate sick days to a colleague.

c&p #1-5 - Clerk (March 31, 2021)

To consider a communication from the EAW to allow members of North High School's faculty and staff to donate sick days to a colleague.

c&p #1-6 - Clerk (March 31, 2021)

To consider a communication from the EAW to allow members of City View School's faculty and staff to donate sick days to a colleague.

gb #1-35 - Administration (January 25, 2021)

To consider approval of the proposed 2021-22 Student Handbook of the Worcester Public Schools.

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Miss McCullough/Mr. Foley/Mr. Monfredo (October 14, 2020)

Request that the School Committee work with the Clerk of the School Committee to determine 3 or 4 dates in 2020 for policy forums/conversations that will be open to the community.

PRIOR ACTION:

- 11-7-19 - Referred to the Standing Committee on Governance and Employee Issues.
- 12-19-19 - STANDING COMMITTEE ON GOVERNANCE AND EMPLOYEE ISSUES  
It was moved and voice voted to hold the item and file item #8-247.
- 12-19-19 - SCHOOL COMMITTEE MEETING  
The School Committee approved the action of the Standing Committee as stated.

BACKUP:

The Administration recommends that the item be filed.

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Mayor Petty/Miss Biancheria/Mrs. Clancey/Mr. Foley/Ms. McCullough/  
Mr. Monfredo (January 8, 2020)

To create an Ad Hoc Subcommittee of the Worcester School Committee to consider changes to the school committee rules, meetings and agendas to make the work of the School Committee and our meetings more effective and better aligned with the focus on the strategic direction of the district. These changes should reflect best practices and address the recommendations included in the Department of Elementary and Secondary Education's report from 2017.

PRIOR ACTION:

- 1-16-20 - Mayor Petty requested that the item be referred to the Standing Committee on Governance and Employee Issues in order to have a transparent meeting where Mrs. Clancey can bring in experts from other cities and towns.  
Referred to the Standing Committee on Governance and Employee Issues as amended.
- 3-22-21 - **STANDING COMMITTEE ON GOVERNANCE AND EMPLOYEE ISSUES**  
Mrs. Clancey stated that the members of the Standing Committee of Governance and Employee Issues would serve as the Ad Hoc Subcommittee.  
Mrs. Clancey made the following motion:  
Request that the Rules of the School Committee be forwarded to all members for their review in order to submit suggested changes to the Clerk of the School Committee for discussion as its next meeting.  
On a roll call of 3-0, the motion was approved.  
Ms. Novick suggested that the recommendations that were in the 2017 report from the Massachusetts Department of Elementary and Secondary Education be forwarded to the School Committee members and be included as backup for the item.  
Mr. Monfredo requested that the Standing Committee members also consider proposed changes from Administration.
- 4-8-21 - **SCHOOL COMMITTEE MEETING** – The School Committee approved the action of the Standing Committee as stated.

BACKUP:

The Chair will hold the item in order to give ample time for all members to submit their proposed changes to the Clerk of the School Committee.

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Ms. Novick/Mrs. Clancey/Mr. Foley (January 29, 2020)

To rewrite the Worcester Public Schools' Student Dress Code.

PRIOR ACTION:

- 2-6-20 - Referred to the Student Advisory Council and to the Standing Committee on Governance and Employee Issues.
- 3-22-21 - STANDING COMMITTEE ON GOVERNANCE AND EMPLOYEE ISSUES  
(Considered with gb #0-223.)  
Mr. Monfredo stated that there should be no change to the current Dress Code Policy.  
Ms. Novick stated that the district should adopt the Seattle Public School's Dress Code Policy.  
Superintendent Binienda stated disapproval of the Seattle Dress Code Policy and indicated that the Administration, teachers and students on the Superintendent's Advisory Committee reviewed and approved for adoption of the current Dress Code Policy.  
Mrs. Clancey stated that she was in favor of moving forward with the current Dress Code Policy.  
Ms. Clancey made the following motion:  
Request that the current Dress Code Policy remain unchanged and file items gb#0-59 and gb#0-233.  
On a roll call of 2-1 (nay Ms. Novick), the motion was approved.
- 4-8-21 - SCHOOL COMMITTEE MEETING – The School Committee approved the action of the Standing Committee as amended.  
Mrs. Clancey made the following motion:  
Request that gb #0-59 and gb #0-223 be held for discussion at the meeting of the Standing Committee on Governance and Employee Issues on April 27, 2021.  
On a roll call of 6-0-1 (absent Ms. McCullough), the motion was approved.  
On a roll call of 6-0-1 (absent Ms. McCullough), the School Committee approved the action of the Standing Committee on Governance and Employee Issues as amended.

BACKUP: (Consider with gb #0-223.)

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Administration (July 6, 2020)

To consider amendments to the current Student Dress Code Policy to be included in the Student Handbook and the Policy Manual.

PRIOR ACTION:

7-16-20 - Mayor Petty allowed the following individuals to speak to the item. Antonia McCarthy and Lashonda Beard spoke to the issue of students not being allowed to wear durags in school. They stated that wearing them is part of their culture and should not be associated with gangs. They would like the stigma of durags and gangs changed and people to know that they should not be profiled because of wearing them. Superintendent Binienda stated that the Dress Code Policy was discussed with the Diversity Committee which included the Chief Diversity Officer, Administration and student representatives. She stated that the Student Handbook does have to go out for print and be translated into many languages but is willing to put in an insert, if necessary. Ms. McCullough asked if a meeting of the Standing Committee on Governance and Employee Issues was held next week to discuss the two items and the Action Sheet was provided at the School Committee meeting on Aug 5th, would the printing still be done in a timely manner? Dr. O'Neil stated that the RFP will have to go out and the amendments would have to be translated into multiple languages and hopefully, the handbook will be ready prior to the opening of school.

**(Continued on Page 2)**

BACKUP:

Annex A (2 pages) contains a copy of the Seattle Dress Code Policy.

PRIOR ACTION (continued)

- 7-16-20 - Ms. Novick stated that the process for approving the Student Handbook should be started in March, not in July. It is the job of the School Committee to approve policies and she wants the public to have input in reviewing the amendments to the Handbook. She stated that the individuals that are most impacted by these policies are families and students and they should be invited to speak to them. Ms. Novick made the following motion:  
Request that (gb #0-230), the Student Handbook, item also be referred to the Standing Committee on Governance and Employee Issues.  
On a roll call of 7-0, the motion was approved.  
Superintendent Binienda stated that she agrees with Ms. Novick on starting the process for approval earlier and suggested starting in February. She would like Antonia McCarthy and Lashonda Beard to be invited to the Standing Committee meeting.  
Ms. Novick requested that the student body also be invited to the meeting.  
Mayor Petty made the following motion:  
Request that the item be referred to the Standing Committee on Governance and Employee Issues with a request to invite the student body to the meeting.  
On a roll call of 7-0, the motion was approved.
- 7-22-20 **STANDING COMMITTEE MEETING**  
Vice-Chairman Monfredo stated that he is in favor of a gender neutral Dress Code Policy for students.  
Ms. Novick stated that it was a step forward to include durags, but felt that due to the current climate in which we are living, the proposed policy is a waste of the teacher's time. She referenced the Seattle Public Schools' Dress Code as being one of the most inclusive and free of bias policies. (See Attached). She shared and read the policy which she felt was more appropriate. She said that one of the issues she heard most from students and family members was the amount of time and attention spent on policing students.  
Ms. Novick proposed striking everything in the proposed WPS Dress Code Policy beginning with "The District's core values" and replacing it with the following:

**(Continued on Page 3)**

PRIOR ACTION (continued)  
7-22-20 - (continued)



## STUDENT DRESS

Policy No. 3224  
July 10, 2019  
Page 1 of 3

It is the policy of the Seattle School Board that the student and their parent/guardian hold the primary responsibility in determining the student's personal attire, hairstyle, jewelry, and personal items (e.g. backpacks, book bags). Schools are responsible for assuring that student attire, hairstyle, jewelry, and personal items do not interfere with the health or safety of any student and do not contribute to a hostile or intimidating environment for any student.

### Core Values

In relation to student dress, the district's core values are the following:

Students should be able to dress and style their hair for school in a manner that expresses their individuality without fear of unnecessary discipline or body shaming;

Students have the right to be treated equitably. Dress code enforcement will not create disparities, reinforce or increase marginalization of any group, nor will it be more strictly enforced against students because of racial identity, ethnicity, gender identity, gender expression, gender nonconformity, sexual orientation, cultural or religious identity, household income, body size/type, or body maturity;

Students and staff are responsible for managing their personal distractions; and

Students should not face unnecessary barriers to school attendance.

### Universal Dress Code

Students must wear:

Top (shirt, blouse, sweater, sweatshirt, tank, etc.);

Bottom (pants, shorts, skirt, dress, etc.);

and Footwear.

This policy permits additional student attire requirements when necessary to ensure safety in certain academic settings (e.g. physical activity, science or CTE courses). Additionally, this policy allows for reasonable variation in required student attire for participation in activities such as swimming or gymnastics.

Students may not wear clothing, jewelry, or personal items that:

Are pornographic, contain threats, or that promote illegal or violent conduct such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia;

Demonstrate hate group association/affiliation and/or use hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or other protected groups;

PRIOR ACTION (continued)

7-22-20 - (continued)

Intentionally show private parts (nipples, genitals, buttocks). Clothing must cover private parts in opaque (not able to be seen-through) material;

Cover the student's face to the extent that the student is not identifiable (except clothing/headgear worn for a religious or medical purpose); or

Demonstrate gang association/affiliation.

Attire worn in observance of a student's religion are not subject to this policy. This policy permits schools with a uniform policy to continue having a uniform policy provided that it is gender neutral and inclusive of attire worn for a religious reason.

Enforcement

Principals are required to ensure that all staff are aware of and understand the guidelines of this policy.

Staff will use reasonable efforts to avoid dress-coding students in front of other students.

Students shall not be disciplined or removed from class as a consequence for wearing attire in violation of this policy unless the attire creates a substantial disruption to the educational environment, poses a hazard to the health or safety of others, or factors into a student behavior rule violation such as malicious harassment or the prohibition on harassment, intimidation, and bullying. Further, no student shall be referred to as "a distraction" due to their appearance or attire. Typical consequences for a violation of this policy include parent/guardian contact or conference and the directive to cover, change, or remove the noncomplying attire. A student may be instructed to leave their classroom briefly to change clothes. The Principal or their designee should notify a student's parent/guardian of the school's response to violations of the student dress policy.

The Superintendent or their designee is authorized to develop procedures in order to implement this policy if needed.

Adopted: July 2019 Revised:

Cross Reference: Policy Nos. 3200; 3207; 3433

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.320.140 Schools with Special Standards – Dress Codes

Management Resources: Oregon National Organization for Women Model Dress Code

PRIOR ACTION (continued)

7-22-20 - (continued)

Vice-Chairman Monfredo voiced his concern that this was the first time that the Seattle policy was seen and that the special subcommittee had already submitted their proposed policy with which to go forward. He proposed that the current policy be voted on and the Seattle policy be taken to back to the special subcommittee for discussion.

Chairman Clancey stated that she has also researched other school district's policies and was concerned about the section in the WPS policy that states the school principals have the discretion to render judgment, possibly creating reason for conflict and that it may not be consistent across the district. She agreed with Vice-Chairman Monfredo that others should weigh in on this before making a decision.

Chairman Clancey opened the meeting to the public for comment. Betzabe Vasquez, Antonia Amouna-McCarthy, Helen Kennedy, Molly Roach and Diana spoke to their concerns with the current policy which included, but was not limited to, durags, hoods, victim blaming, racial profiling and religious headwear.

Superintendent Binienda made it clear that principals should be in charge of their buildings. The issue with students wearing hoods is the inability for the principals to recognize who is in the building.

Ms. Novick suggested inviting the members of the subcommittee to the next meeting and also invite students, parents and staff to be part of the discussion.

Chairman Clancey made the following motion:

To approve the proposed Dress Code Policy.

On a roll call of 2-1 (nay Ms. Novick) the motion was approved.

Chairman Clancey made the following motion:


To hold the item and bring the proposed Seattle Dress Code

Policy and any other policies back to the Standing Committee on Governance and Employee Issues for discussion.

On a roll call of 3-0, the motion was approved.

PRIOR ACTION (continued)

- 8-5-20 - SCHOOL COMMITTEE MEETING - The School Committee approved the action of the Standing Committee as amended.  
Miss Biancheria amended the Action Sheet by requesting that her name be added as an attendee on the Action Sheet.
- 3-22-21 - STANDING COMMITTEE ON GOVERNANCE AND EMPLOYEE ISSUES  
(Considered with gb #0-59.)  
Mr. Monfredo stated that there should be no change to the current Dress Code Policy.  
Ms. Novick stated that the district should adopt the Seattle Public School's Dress Code Policy.  
Superintendent Binienda stated disapproval of the Seattle Dress Code Policy and indicated that the Administration, teachers and students on the Superintendent's Advisory Committee reviewed and approved for adoption of the current Dress Code Policy.  
Mrs. Clancey stated that she was in favor of moving forward with the current Dress Code Policy.  
Ms. Clancey made the following motion:  
Request that the current Dress Code Policy remain unchanged and file items gb#0-59 and gb#0-233.  
On a roll call of 2-1 (nay Ms. Novick), the motion was approved.
- 4-8-21 - SCHOOL COMMITTEE MEETING - The School Committee approved the action of the Standing Committee as amended.  
Mrs. Clancey made the following motion:  
Request that gb #0-59 and gb #0-223 be held for discussion at the meeting of the Standing Committee on Governance and Employee Issues on April 27, 2021.  
On a roll call of 6-0-1 (absent Ms. McCullough), the motion was approved.  
On a roll call of 6-0-1 (absent Ms. McCullough), the School Committee approved the action of the Standing Committee on Governance and Employee Issues as amended.

	STUDENT DRESS	Policy No. 3224  July 10, 2019 Page 1 of 3
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It is the policy of the Seattle School Board that the student and their parent/guardian hold the primary responsibility in determining the student's personal attire, hairstyle, jewelry, and personal items (e.g. backpacks, book bags). Schools are responsible for assuring that student attire, hairstyle, jewelry, and personal items do not interfere with the health or safety of any student and do not contribute to a hostile or intimidating environment for any student.

#### Core Values

In relation to student dress, the district's core values are the following:

Students should be able to dress and style their hair for school in a manner that expresses their individuality without fear of unnecessary discipline or body shaming;

Students have the right to be treated equitably. Dress code enforcement will not create disparities, reinforce or increase marginalization of any group, nor will it be more strictly enforced against students because of racial identity, ethnicity, gender identity, gender expression, gender nonconformity, sexual orientation, cultural or religious identity, household income, body size/type, or body maturity;

Students and staff are responsible for managing their personal distractions; and

Students should not face unnecessary barriers to school attendance.

#### Universal Dress Code

Students must wear:

Top (shirt, blouse, sweater, sweatshirt, tank, etc.);

Bottom (pants, shorts, skirt, dress, etc.);

and Footwear.

This policy permits additional student attire requirements when necessary to ensure safety in certain academic settings (e.g. physical activity, science or CTE courses). Additionally, this policy allows for reasonable variation in required student attire for participation in activities such as swimming or gymnastics.

Students may not wear clothing, jewelry, or personal items that:

Are pornographic, contain threats, or that promote illegal or violent conduct such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia;

Demonstrate hate group association/affiliation and/or use hate speech targeting groups based on race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or other protected groups;

Intentionally show private parts (nipples, genitals, buttocks). Clothing must cover private parts in opaque (not able to be seen-through) material;

Cover the student's face to the extent that the student is not identifiable (except clothing/headgear worn for a religious or medical purpose); or

Demonstrate gang association/affiliation.

Attire worn in observance of a student's religion are not subject to this policy. This policy permits schools with a uniform policy to continue having a uniform policy provided that it is gender neutral and inclusive of attire worn for a religious reason.

Enforcement

Principals are required to ensure that all staff are aware of and understand the guidelines of this policy.

Staff will use reasonable efforts to avoid dress-coding students in front of other students.

Students shall not be disciplined or removed from class as a consequence for wearing attire in violation of this policy unless the attire creates a substantial disruption to the educational environment, poses a hazard to the health or safety of others, or factors into a student behavior rule violation such as malicious harassment or the prohibition on harassment, intimidation, and bullying. Further, no student shall be referred to as "a distraction" due to their appearance or attire. Typical consequences for a violation of this policy include parent/guardian contact or conference and the directive to cover, change, or remove the noncomplying attire. A student may be instructed to leave their classroom briefly to change clothes. The Principal or their designee should notify a student's parent/guardian of the school's response to violations of the student dress policy.

The Superintendent or their designee is authorized to develop procedures in order to implement this policy if needed.

Adopted: July 2019 Revised:

Cross Reference: Policy Nos. 3200; 3207; 3433

Related Superintendent Procedure:

Previous Policies:

Legal References: RCW 28A.320.140 Schools with Special Standards – Dress Codes

Management Resources: Oregon National Organization for Women Model Dress Code

ITEM: c&p #1-4

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Clerk S.C. (March 24, 2021)

ITEM:

To consider a communication from the EAW to allow members of Quinsigamond School's faculty and staff to donate sick days to a colleague.

PRIOR ACTION:

4-8-21 - (Considered with c&P #1-5.)  
Mayor Petty allowed Roger Nugent, President of the EAW, and Melissa Verdier to speak regarding donating sick time to a colleague. They requested that the School Committee approve the sick days from the teachers to be transferred to their colleague.  
Mayor Petty made the following motions:  
Request that the items be referred to the Standing Committee on Governance and Employee Issues to be discussed at the next meeting.  
Request that the Administration provide enough sick days from the faculty at Quinsigamond and North High schools until such time as the item is discussed at the Standing Committee on Governance and Employee Issues and voted on at the School Committee meeting on May 6, 2021.  
On a roll call of 6-0-1 (absent Ms. McCullough), the motions were approved.

BACKUP:

Annex A (1 page) contains a copy of the petition from the EAW.



March 24, 2021

Mayor Joseph Petty  
c/o Dr. Helen Friel Clerk of School Committee  
20 Irving Street  
Worcester, MA 01609

**VIA Email Scan**

Dear Dr. Friel,

I would like to speak at the next School Committee meeting on April 1 with a few educators at Quinsigamond.

We will be speaking about donating sick days to a co-worker (Teacher).

Please let us know when we will be presenting.

Sincerely,

A handwritten signature in cursive script that reads "Roger Nugent".

Roger Nugent  
EAW President

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Clerk (March 24, 2021)

To consider a communication from the EAW to allow members of North High School's faculty and staff to donate sick days to a colleague.

PRIOR ACTION:

- 4-8-21 - (Considered with c&P #1-4.)  
Mayor Petty allowed Roger Nugent, President of the EAW, and Melissa Verdier to speak regarding donating sick time to a colleague. They requested that the School Committee approve the sick days from the teachers to be transferred to their colleague.  
Mayor Petty made the following motions:  
Request that the items be referred to the Standing Committee on Governance and Employee Issues to be discussed at the next meeting.  
Request that the Administration provide enough sick days from the faculty at Quinsigamond and North High schools until such time as the item is discussed at the Standing Committee on Governance and Employee Issues and voted on at the School Committee meeting on May 6, 2021.  
On a roll call of 6-0-1 (absent Ms. McCullough), the motions were approved.

BACKUP:

Annex A (1 page) contains a copy of the petition from the EAW.



March 25, 2021

Mayor Joseph Petty  
c/o Dr. Helen Friel Clerk of School Committee  
20 Irving Street  
Worcester, MA 01609

**VIA Email Scan**

Dear Dr. Friel,

I would like to speak at the next School Committee meeting on April 8 with a few educators at North High.

We will be speaking about donating sick days to a co-worker (IA).

Please let us know when we will be presenting.

Sincerely,

A handwritten signature in black ink that reads 'Roger Nugent' in a cursive script.

Roger Nugent  
EAW President

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Clerk (March 31, 2021)

To consider a communication from the EAW to allow members of City View School's faculty and staff to donate sick days to a colleague.

PRIOR ACTION:

4-15-21 - On a roll call of 7-0, the item was referred to the Standing Committee on Governance and Employee Issues.

BACKUP:

Annex A (1 page) contains a copy of the petition from the EAW.



March 31, 2021

Mayor Joseph Petty  
c/o Dr. Helen Friel Clerk of School Committee  
20 Irving Street  
Worcester, MA 01609

**VIA Email Scan**

Dear Dr. Friel,

I would like to speak at the next School Committee meeting on April 8 with a few educators at City View.

We will be speaking about donating sick days to a co-worker (Teacher).

Please let us know when we will be presenting.

Sincerely,

A handwritten signature in black ink that reads "Roger Nugent". The signature is written in a cursive, flowing style.

Roger Nugent  
EAW President

STANDING COMMITTEE: **GOVERNANCE AND EMPLOYEE ISSUES**

DATE OF MEETING: Tuesday, April 27, 2021

ITEM: Administration (January 25, 2021)

To consider approval of the proposed 2021-22 Student Handbook of the Worcester Public Schools.

PRIOR ACTION:

- 2-4-21 - Ms. Novick made the following motion:  
Request that the Student Handbook be forwarded to the Student Representatives for their review and invite them to attend the meeting of the Standing Committee when the item is discussed.  
On a roll call of 7-0, the motion was approved.  
On a roll call of 7-0, the item was referred to the Standing Committee on Governance and Employee Issues.
- 3-22-21 - STANDING COMMITTEE ON GOVERNANCE AND EMPLOYEE ISSUES  
Ms. Novick made the following motion:  
Request that the last sentence in the first paragraph be deleted under Rule 14 – Cell Phones, Electronic Devices, and Laser Pointing Devices as follows:  
**Rule 14. - Cell Phones, Electronic Devices, and Laser Pointing Devices**  
While on school premises or at a school sponsored event during the school day, a student shall not, without expressed permission of appropriate school personnel, use any cell phone, smart phone, tablet, camera or any other type of electronic device which may potentially be disruptive of school activities or a distraction to students. Electronic devices shall include any cell phone, smart phone, tablet or anything powered by electricity and is suitable for communicating any oral, voice, audio or text messages or postings or for recording or communicating any audio, voice, picture, image or video imagery. **Students are not permitted to have their cell phones or electronic devices while in school unless permitted by a school staff member.**  
On a roll call of 3-0, the motion was approved.  
On a roll call of 3-0, pages 0 through 33 in the Student Handbook were approved as amended.
- 4-8-21 - SCHOOL COMMITTEE MEETING – The School Committee approved the action of the Standing Committee as stated.

BACKUP:

Annex A (2 pages) contains a copy of the proposed changes  
Annex B (28 pages) contain a copy of the 2021-22 Student Handbook with the proposed changes.

## PROPOSED CHANGES TO 2021– 2022 STUDENT HANDBOOK

PAGE	PROPOSED CHANGES
26	<b>Legal Policies</b> <u>Notice for Out-of-School Suspensions</u> Last Paragraph, delete the words <b>may be</b> and replace it with <b>is.</b>
31 and 32	<b>Legal Policies</b> <u>Superintendent's Appeal Hearings</u> C, D, E G and H, add after the Superintendent the words <b>or his/her designee</b>
34	<b>Nondiscrimination</b> ADA Title I Section 504/Chapter 622 Grievance Procedure First Paragraph, third sentence delete <b>School Safety Director (Robert Pezzella, 508-799-3472)</b> and replace it with <b>Chief Diversity Officer (Ivonne Perez 508-799-3115)</b>
40	Policy on Parental Notification to Sexuality Education #2 at the end of the of the sentence delete <b>may also review them at the Worcester Public Schools' Health Education Office, 20 Irving Street, Worcester, MA (508) 799-3075 and/or the Office of Science and Technology/Engineering, 20 Irving Street, Worcester, MA (508) 799-3479</b> Replace it with <b>you may review through the Office of Curriculum and Professional Learning, 20 Irving Street, 508-799-3470.</b>
41	<b>SEX OFFENDER REGISTRY</b> Delete this section
44	Access to Student Records a. Delete the words <b>School Committee</b> and replace with <b>Worcester Public Schools</b> in two places.
47	<b>Bullying and Harassment</b> First Paragraph add the following to the end: <b>The school will investigate and respond to claims of bullying or harassment in accordance with the district's Bullying Intervention Plan and other school policies and state and federal law.</b>
51	<b>Chemical Health MIAA Rules 62</b> First sentence, change the word <b>VAP</b> with <b>Vape</b>
52	<b>Students with Disabilities and/or Suspected Disabilities Receiving Special Education Services or 504 Plan</b> <b>Replace the first paragraph</b> For special education students, the principal or his/her designee will notify the Evaluation Team Chair of the suspendable offense of a student with a disability and a record will be kept in the SAGE student management system. For 504 students, the principal or his/her designee will notify the 504 Coordinator of the suspendable offense of the student and a record will be kept in the SAGE student management system.
52	<b><u>Procedures for Suspension(s) Exceeding 10 School Days</u></b> First Bullet, add after the first sentence: <ul style="list-style-type: none"> <li>A change of placement because of a disciplinary removal occurs if your child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because: (1) the removals total more than 10 school days in a school year; (2) your child's behavior is substantially similar to previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern.</li> </ul> First Bullet, last sentence becomes the second bullet. <ul style="list-style-type: none"> <li>A change of placement invokes certain procedural protections under federal special education law and Section 504.</li> </ul>

53	<p><b>Procedures for Suspension(s) Exceeding 10 School Days</b></p> <p>Second bullet, last sentence, delete the word <b>and</b> add at the end <b>and information provided by parents/guardians.</b></p> <p>Fourth bullet, add <b>team's</b> after - If the</p> <p>Fourth bullet, second line, delete the word <b>the</b> after the words <u>related to</u> and add the words <b>your child's</b></p> <p>Forth bullet, third and fourth line, add the <b>/guardian</b> and delete the word <b>agree</b> after the words <u>special circumstances or parent</u></p> <p>Fifth bullet, second line, delete the word <b>the</b> and add the words <b>your child</b> after the words not related to</p>
54	<p><b>Special Circumstances for Exclusion</b></p> <p>End of the Fourth sentence, add <b>or a removal which results in a change in placement.</b></p> <p>At the end of the paragraph, delete <b>or the Office for Civil Rights (Section 504),</b> and add <b>and may have other rights as outlined in the Notice of Procedural Safeguards. }</b></p>

## **LEGAL POLICIES**

### **Due Process**

The Code of Conduct of the Worcester Public Schools is administered within the framework of the United States Constitution and federal and state laws and regulations with regard to due process for students. The Code of Conduct is intended to be administered for disciplinary infractions that occur on school grounds or at school-sponsored events (on and off school grounds) OR for disciplinary infractions that occur off school grounds but substantially disrupt the educational environment or create a hostile environment at school. The Code of Conduct applies during remote learning opportunities and events.

The Worcester Public Schools adheres to the Student Discipline Laws and Regulations as set forth in MGL c. 71 §§37H, 37 H½ and 37 H ¾ and 603 CMR 53.00 et seq.

### **Section I**

#### **IN-SCHOOL SUSPENSION DUE PROCESS PROCEDURES:**

A student may be removed from regular classroom activities, but not from the school premises, for up to ten (10) consecutive school days or up to ten (10) school days cumulatively for multiple infractions during the school year. Students who are placed in in-school suspension shall have the opportunity to earn credits, make up assignments, tests, papers, and other school work as needed to make academic progress during the in-school suspension.

A student who is unable to adhere consistently to acceptable classroom standards in a particular class may be removed from the class permanently and assigned to a different class at the discretion of the principal and/or his/her designee.

#### **Notice of In-School Suspension:**

The principal or his/her designee shall inform the student of the disciplinary offense charged and the basis for the charge, and provide the student with an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident. If the principal or his/her designee determines that the student committed the disciplinary offense, the principal or his/her designee shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the principal or his/her designee shall make reasonable efforts to notify the parent/guardian orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension.

On the day of the suspension, the principal or his/her designee shall send written notice (by hand-delivery, first class mail or email) to the student and parent/guardian including the reason and the length of the in-school suspension, and inviting the parent/guardian to a meeting if the meeting has not already occurred. The notice shall be in English and the primary language of the home if another language is identified in the home language survey, or by other means, as appropriate.

#### **Parent/Guardian Meeting:**

The principal or his/her designee shall also invite the parent/guardian to a meeting (in person or by telephone) to discuss the student's academic performance

and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal or his/her designee is unable to reach the parent/guardian after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent/guardian of the in-school suspension.

**No Right to Appeal:**

The decision of the principal or his/her designee is the final decision for in-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

**Section II**

**OUT-OF-SCHOOL SUSPENSION DUE PROCESS PROCEDURES FOR OFFENSES UNDER MGL c. 71 §37H ¾:**

**Due Process Procedures for Out-of-School Suspensions:**

There are two types of out-of-school suspensions, short-term suspensions and long-term suspensions. The principal or his/her designee shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequence may be long-term suspension from school, the principal or his/her designee shall afford the student additional rights as described below, in addition to those rights afforded to students who may face a short-term suspension from school. All students facing out-of-school suspension shall have the right to oral and written notice, as described below.

**Notice for any Out-of-School Suspension:**

Prior to suspending a student, the principal or his/her designee will provide the student and the parent/guardian oral and written notice of the possible suspension, an opportunity for the student to have a hearing and the opportunity for the parent/guardian(s) to participate in the hearing. The notice will be in English and in the primary language of the home if other than English as identified in the home language survey, or by other means of communication where appropriate. The notice for every potential out-of-school suspension will set forth in plain language:

- a) the disciplinary offense;
- b) the basis for the charge;
- c) the potential consequences, including the potential length of the student's suspension;
- d) the opportunity for the student to have a hearing with the principal or his/her designee concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent/guardian to attend the hearing; the date, time, and location of the hearing; and the right of the student and the student's parent/guardian to interpreter services at the hearing if needed to participate;

If the student ~~(DELETE may be)~~ **(ADD is)** placed on long-term suspension following the hearing with the principal, the student shall be provided notice of the rights described above, and also the following rights:

1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
2. The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
3. The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
4. The right to cross-examine witnesses presented by the school district;
5. The right to request that the hearing be recorded by the principal and to receive a copy of the audio recording provided to the student or parent upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent/guardian upon request;
6. The right to appeal the principal's decision to the Superintendent or his/her designee.

The principal or his/her designee shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. Prior to conducting a hearing without the parent/guardian present, the principal or his/her designee will document reasonable efforts to include the parent/guardian. The principal or his/her designee is presumed to have made reasonable efforts if the principal or his/her designee has sent written notice and has documented at least two (2) attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency notification.

Written notice to the parent/guardian may be made by hand delivery, first-class mail or email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the principal and parent/guardian.

**Emergency Removal of Student:**

Under certain emergency circumstances, it may not be practical for the principal or his/her designee to provide prior oral and written notice before removing a student from school. The principal or his/her designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the principal's or his/her designee's judgment, there is no alternative available to alleviate the danger or disruption. The principal or his/her designee will immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal shall:

- a) Make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, the disciplinary offense, the basis for the charge, the potential consequences, including potential length of suspension,

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the opportunity for a hearing including the date/time/location of the hearing, the right to interpreter services, and other rights permitted for students who may be placed on short or long-term suspension as set forth in 603 CMR 53.08;

- b) Provide written notice to the student and parent/guardian, including the information described in 603 CMR 53.06(2);

- c) Provide the student an opportunity for a hearing with the principal or his/her designee that complies with 603 CMR 53.08(2) or 53.08(3), as applicable, and the parent/guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal, student, and parent/guardian.
- d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of 603 CMR 53.08(2)(c) and 53.08(2)(d) or 603 CMR 53.08(3)(c) and 53.08(3)(d), as applicable.

A principal will not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

**SHORT-TERM SUSPENSION PROCEDURES UNDER MGL c. 71 §37H ¾:**

A short-term suspension is the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. Any student facing a potential short-term suspension is entitled to a hearing with the principal or his/her designee with the following process:

**Principal Hearing - Short-term Suspension:**

- a) The purpose of the hearing with the principal or his/her designee is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and, if so, the consequences for the infraction. At a minimum, the principal or his/her designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts that the principal or his/her designee should consider in determining whether other remedies and consequences may be appropriate as alternatives to suspension. The principal or his/her designee shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.
- b) Based on the available information, including mitigating circumstances, the principal or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.
- c) The principal or his/her designee shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make

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up assignments and such other school work as needed to make academic progress during the period of removal, as provided in 603 CMR 53.13(1). The determination shall be in writing and may be in the form of an update to the original written notice.

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

**No Right to Appeal:**

The decision of the principal or his/her designee is the final decision for short-term out-of-school suspensions not exceeding ten (10) days, consecutively or cumulatively during a school year.

**LONG-TERM SUSPENSION PROCEDURES UNDER MGL c. 71 §37H ¾:**

A long-term suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. Except for students who are charged with a disciplinary offense set forth in MGL c. 71, §37 H, or in MGL c. 71 §37H ½, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety

school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed. Any student facing a potential long-term suspension is entitled to a hearing with the principal or his/her designee with the following process:

**Principal Hearing - Long-term Suspension:**

- a) The purpose of the hearing with the principal or his/her designee is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and, if so, the consequences for the infraction. At a minimum, the principal or his/her designee shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have an opportunity to present information, including mitigating facts, that the principal or his/her designee should consider in determining whether other remedies and consequences may be appropriate as alternatives to suspension. The principal or his/her designee shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.
- b) In addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following additional rights:
  1. In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal may rely in making a determination to suspend the student or not;
  2. The right to be represented by counsel or a lay person of the student choice, at the student's/parent's/guardian's expense;

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

- c) The principal or his/her designee shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.
- d) Based on the evidence, the principal or his/her designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal or his/her designee shall send the written determination to the student and parent/guardian by hand-delivery, first-class mail or email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the principal or his/her designee and the parent/guardian. If the principal or his/her designee decides to suspend the student, the written determination shall:
  - 1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
  - 2. Set out the key facts and conclusions reached by the principal or his/ her designee;
  - 3. Identify the length and effective date of the suspension, as well as a date of return to school;
  - 4. Include notice of the student's opportunity to receive educational services to make academic progress during the period of removal from school;
  - 5. Inform the student of the right to appeal the principal's or his/her designee's decision to the superintendent or designee, but only if the principal or his/her designee has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English as determined by the home language survey, or other means of communication where appropriate, and shall include the following information stated in plain language:
    - a. The process for appealing the decision, including that the student or parent/guardian must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5)

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calendar days, the student or parent/guardian may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the superintendent decides to reverse the principal's determination on appeal.

- b. If the student is in a preschool program or in grades K through 3, the principal or his/her designee shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

**Superintendent's Appeal Hearing:**

- a) A student who is placed on long-term suspension following a hearing with the principal shall have the right to appeal the principal's decision to the superintendent or his/her designee.

- b) The student or parent/guardian shall file a notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent/guardian may request and receive from the superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days. If the appeal is not timely filed, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.
- c) The superintendent or his/her designee shall hold the hearing within three (3) school days of the student's request, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.
- d) The superintendent (ADD or his/her designee) shall make a good faith effort to include the parent/guardian in the hearing. The superintendent (ADD or his/her designee) shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent/guardian and superintendent to participate. The superintendent (ADD or his/her designee) shall send written notice to the parent/guardian of the date, time, and location of the hearing.
- e) The superintendent (ADD or his/her designee) shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and, if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian upon request. The superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent/guardian upon request.
- f) The student shall have all the rights afforded the student at the principal's hearing for long-term suspension.
- g) The superintendent (ADD or his/her designee) shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)(c)1 through 5. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision.

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- h) The decision of the superintendent (ADD or his/her designee) shall be the final decision of the school district, with regard to the suspension.

A parent/guardian conference (re-entry meeting) with the principal or his/her designee is strongly encouraged before students who are suspended return to school. This conference will be used to promote the engagement of the parents/guardians in discussions of the student's misconduct and to assist the student in reengaging with the school community.

### Section III

#### **LONG-TERM SUSPENSION/EXPULSION FOR SPECIAL CIRCUMSTANCES UNDER MGL c. 71 §37H:**

The long-term suspension or expulsion of a student from school will be in accordance with MGL c. 71 §37H. The grounds for long-term suspension or expulsion include but are not limited to the following:

- a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun, a knife, or their facsimile, or anything used in the commission of assault and battery; or a controlled substance as defined in Chapter 94 C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to long-term suspension or expulsion from the school by the principal or his/her designee.
- b) Any student who assaults a principal, assistant principal, teacher, teacher's aide, or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to long-term suspension or expulsion from the school or school district by the principal or his/her designee.
- c) Due process for a student who is subject to an expulsion or a long-term suspension as a result of possessing drugs/weapons or assaulting school staff includes:
  - 1. A student shall receive written notice before the expulsion or a long-term suspension takes place and written notice of the right to appeal.
  - 2. The student shall be given an opportunity for a hearing and the opportunity to present witnesses and evidence. The student may have an attorney at their own expense.
  - 3. Following the hearing, the principal or his/her designee may, in his/ her discretion, decide to suspend rather than expel the student.
  - 4. The student may appeal the expulsion (suspension of more than 90 days) to the superintendent provided the appeal is requested in writing, within ten (10) calendar days following the long-term suspension or expulsion.
  - 5. At the appeal hearing, the student may be represented by an attorney and may present oral and written testimony.
  - 6. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of MGL c. 71 §37H.
  - 7. The superintendent's decision is final.

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- 8. Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

**PROCEDURES FOR STUDENTS WITH FELONY COMPLAINT OR CONVICTION UNDER MGL c. 71 §37H ½:**

In accordance with MGL c. 71 §37 H ½, principals have the authority to suspend students charged with a felony and expel or issue a long-term suspension to students convicted or adjudicated of committing a felony if the principal has determined that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Due process for a student who is subject to suspension as a result of a felony charge includes:

- a) The student shall receive written notice before the suspension takes effect and written notice of the right to appeal.
- b) The student shall be given an opportunity to respond to the charges before the suspension takes effect.
- c) The student may appeal the suspension to the superintendent, provided the appeal is requested in writing within five (5) calendar days following the suspension.

- d) The superintendent must hold the appeal hearing within three (3) calendar days of the request.
- e) At the appeal hearing the student may be represented by an attorney. The student has the right to present oral or written testimony on his/her behalf.
- f) The superintendent must render a decision within five (5) calendar days.
- g) The superintendent's decision is final.
- h) Any student who is suspended or expelled pursuant to this section shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers and other school work as needed to make academic progress during the period of his/her removal.
- i) Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive educational services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

Due process for a student who is subject to an expulsion or a long-term suspension as a result of a felony conviction includes:

- a) A student shall receive written notice before the expulsion or a long-term suspension takes place and written notice of the right to appeal.
- b) The student shall be given an opportunity to respond to the charges.
- c) The student may appeal the expulsion or long-term suspension to the superintendent provided the appeal is requested in writing, within five (5) calendar days following the expulsion.
- d) The superintendent must hold the appeal hearing within three (3) calendar days of the request.
- e) At the appeal hearing the student may be represented by an attorney and may present oral and written testimony.

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- f) The superintendent must render a decision within five (5) calendar days.
- g) The superintendent's decision is final.
- h) Any student who is suspended or expelled for more than ten (10) consecutive days shall have the opportunity to receive educational services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

#### **Section IV**

#### **EDUCATIONAL SERVICES AND ACADEMIC PROGRESS UNDER MGL c. 71 §§37H, 37H½ AND 37H¾:**

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

Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive educational services and make academic progress toward meeting state and local requirements, through the school-wide education service plan.

## **Nondiscrimination**

### **Equal Opportunity/Affirmative Action/Title IX**

#### **ADA Title I Section 504/Chapter 622 Grievance Procedure**

The Worcester Public Schools is an Equal Opportunity/Affirmative Action Employer/Educational Institution and does not discriminate regardless of race, color, religion, national origin, ancestry, sex, gender identity, age, handicap (disability), genetics, military service, mental illness, sexual harassment or sexual orientation. The Worcester Public Schools provides equal access to a full range of general, occupational and vocational education programs. The ~~[DELETE School Safety Director (Robert Pezzella, 508-799-3472)]~~ **[ADD Chief Diversity Officer (Ivonne Perez 508-799-3115)]** is responsible for coordination of Title IX. The Manager of Social and Emotional Learning (Maura Mahoney, 508-799-3175) is responsible for Section 504 Americans with Disabilities Act (ADA). The Grants Manager (Greg Bares, 508-799-3108) is responsible for Title I. Timothy Sippel, Ed.L. (Secondary) and Marie Morse, Ed.D. and Ellen Kelley (Elementary) in the Office for Instruction and School Leadership (508-799-3499) are responsible for Chapter 622. These staff members are responsible for coordinating grievance procedures, which can be viewed at:

<https://worcesterschools.org/wp-content/uploads/handbook/Nondiscrimination%20Grievance%20Procedures.pdf> and by contacting your child's school. For more information relating to Equal Opportunity/Affirmative Action contact the Chief Diversity Officer, Ivonne Perez at 508-799-3115, 20 Irving Street, Worcester, MA 01609.

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### **Sexual Harassment Policy**

It is the policy of the Worcester Public Schools, as well as state and federal law, that sexual harassment of a student, present or prospective employee, or visitor shall not be tolerated.

#### **Definition**

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

1. submission to such conduct is either made explicitly or implicitly a term or condition of an individual's study, work or employment, in the Worcester Public Schools
2. submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting such individual
3. such conduct has the purpose or effect of substantially interfering with the educational performance or work of an individual with reasonable sensitivity.
4. The victim may be the same or opposite sex as the harasser
5. The victim does not have to be the person to whom the unwelcome sexual conduct is directed; the victim may also be someone who is affected by such conduct when it is directed toward another person. For example, inappropriate attempts at humor or sexual harassment of one female/male may create an intimidating, hostile or offensive environment for another female/male or may unreasonably interfere with an individual's educational or work performance.
6. Sexual harassment does not depend on the victim's having suffered an educational or economic consequence as a result of the harasser's conduct.

#### **Complaint Procedure**

1. Any member of the school community who believes that he/she has been subjected to sexual harassment will report the incident(s) to one of the grievance officers. All complaints shall be investigated promptly and resolved as soon as possible.

2. The grievance officer will attempt to resolve the problem in an informal manner through the following process:
  - a. The grievance officer will confer with the charging party in order to obtain a clear understanding of that party's statement of the facts, and may interview any witnesses.
  - b. The grievance officer will then attempt to meet with the charged party in order to obtain his/her response to the complaint.
  - c. The grievance officer will hold as many meetings with the parties as is necessary to establish the facts.
  - d. On the basis of the grievance officer's perception of the situation he/she may:
    - Attempt to resolve the matter informally through reconciliation.
    - Report the incident and transfer the record to the Superintendent or his/her designee, and so notify the parties by certified mail.
3. After reviewing the record made by the grievance officer, the Superintendent or designee may attempt to gather any more evidence necessary to decide the

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case, and thereafter impose any sanctions deemed appropriate, including a recommendation to the committee for termination or expulsion. At this stage of the proceedings, the parties may present witnesses and other evidence, and may also be represented. The parties, to the extent permissible by law, shall be informed of the disposition of the complaint. All matters involving sexual harassment complaints will remain confidential to the extent possible. If it is determined that inappropriate conduct has occurred, the Worcester Public Schools will act promptly to eliminate the offending conduct.

### **State and Federal Remedies**

Nothing in this policy or procedure shall be deemed to affect a complainant's right to pursue other remedies at law, including administrative appeals or lawsuits.

### **Considerations**

Sexual harassment is not limited to prohibited conduct by a male toward a female, by a supervisory employee toward a non-supervisory employee or by a teacher toward a student, by a student toward a teacher, or by a student toward a student. The Worcester Public Schools' view of sexual harassment includes, but is not limited to, the following considerations:

1. A male, as well as a female, may be the victim of sexual harassment and a female, as well as a male, may be the harasser.
2. The harasser does not have to be the victim's superior.

### **ANTI-HAZING LAW (G.L. c. 269)**

Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than \$3,000.00 or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in Sections 18 and 19, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall

include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, 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 the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Whoever knows that another person is the victim of hazing as defined in Section 17 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.

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Whoever fails to report such crime shall be punished by a fine of not more than \$1,000.00.

Section 19. Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and Sections 17 and 18; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and Sections 17 and 18 to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and Sections 17 and 18 to each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said Sections 17 and 18, that each of its members, plebes, pledges or applicants has received a copy of Sections 17 and 18 and that such group, team or organization understands and agrees to comply with the provisions of this section and Sections 17 and 18.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and Sections 17 and 18.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and Sections 17 and 18 and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

### **Child Abuse**

MGL c. 119, §§51A and 51B govern the reporting of child abuse and neglect and require all professional school employees to report suspected cases of abuse of students to the Department of Children and Families.

Worcester Public Schools' policy requires personnel to inform parents or guardians when there is an indication of a student's self-destructive behavior. The purpose of this is to alert the parents/guardians about the student's possible need for additional support and/or treatment. Related to this requirement, a 51A report will be filed by school authorities when

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a parent/guardian ignores the school staff's efforts to involve the parent/guardian in a perceived need of the child requiring special education, counseling, or emergency medical attention.

### **Drug Free School Zones**

Any person who distributes or possesses with intent to distribute any controlled substance as defined by Massachusetts General Laws Chapter 94C within one thousand feet of Worcester Public Schools' property, whether or not school is in session, shall be subject to punishment by imprisonment of not less than two nor more than fifteen years. In addition, a fine of not less than one thousand nor more than ten thousand dollars may be imposed but not in lieu of the mandatory minimum term of imprisonment as established by law.

### **Gun Free School Zones MGL c.269 §10(j)**

MGL c. 269 §10(j) prohibits anyone who is not law enforcement from carrying a gun or dangerous weapon on the grounds of any school (elementary, secondary, college or university). This prohibition is applicable *regardless of whether or not an individual possesses a valid license to carry*.

### **Education of Homeless Children**

The Worcester Public Schools complies with all requirements of the McKinney-Vento Homeless Assistance Act (Subtitle B – Education for Homeless Children and Youth) reauthorized in January, 2002 and the amendments to this act under the Every Student Succeeds Act (ESSA) of 2015. The Worcester Public Schools will:

1. Establish safeguards that protect homeless students from harassment and/or discrimination on the basis of their homelessness
2. Ensure that all children and youth will receive a free appropriate public education and are given meaningful opportunities to succeed in our schools
3. Inform parents/guardians/students of their right to appeal the district's enrollment or transportation decisions to the Commissioner of the Department of Elementary and Secondary Education or his/her designee, consistent with the Homeless Education Advisory 2003-7; McKinney-Vento Homeless Education Dispute Resolution process
4. Follow the requirements of the McKinney-Vento Act

When a family is enrolling a student or students in school or changing an address, but is unable to provide the usual form of address verification, or is sharing housing with others or is temporarily sheltered in some other alternative arrangement, the family member will be asked to verify the current living situation on the Student Address Verification Form so as to determine whether the student(s)

is/are eligible under the McKinney-Vento Homeless Assistance Act for required supplementary supportive services and legally mandated exemptions from certain enrollment requirements. In keeping with these requirements:

1. Homeless students have a right to either remain in their school of origin or to attend school where they are temporarily residing, assuming transportation arrangements are feasible and are in the best interest of the student;
2. Students who choose to remain in their school of origin have the right to  
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remain there until the end of the school year in which they get permanent housing;
3. Students who choose to enroll in school where they are temporarily residing must be enrolled immediately, even if they do not bring the records usually required for enrollment with them;
4. If a homeless student arrives without records, the student will be enrolled immediately and the district's designated Homeless Education Liaison must assist the family and contact the previously attended school system to obtain the required records;
5. To the extent feasible, transportation will be provided for students in order to maintain continuity of their attendance in a single school over the course of the school year;
6. When a student is residing outside of the city due to circumstances related to homelessness (in accordance with the statutory definition of "homeless") efforts will be coordinated with the district where the student is temporarily residing to provide transportation to the school of origin if this is the preference of the parent/guardian/caregivers and student;
7. Persons living in battered person's shelters or a safe house can give school officials the Post Office Box or mailing address of the shelter office, along with verification from the shelter director that the children are residing in that facility in lieu of the street address. Transportation arrangements will be made in a manner that seeks not to disclose such shelter addresses.
8. Questions or concerns regarding issues pertaining to homeless students should be referred to the Office of Social and Emotional Learning at (508) 799-3175.

#### **POLICY ON PARENTAL NOTIFICATION RELATIVE TO SEXUALITY EDUCATION**

In accordance with Massachusetts General Laws Chapter 71, Section 32A, the School Committee has adopted the following policy:

At the beginning of each course, all parents/guardians of students in the Worcester Public Schools will be notified in writing of the courses and curriculum offered that primarily involve human sexual education or human sexuality issues. The principal of each school will be responsible for sending notice(s) to the child's parents/ guardians. The parental notice will include the date and time for a parent/guardian meeting to be held at the school. At the parent/guardian meeting, the school's health or biology teacher will describe the course in detail and answer questions/concerns which parents/guardians may have about course content and delivery.

At the time of enrollment, principals will give this written notice to parents/guardians of those students who enroll in school after the start of the school year.

If the school's curriculum changes during the school year, to the extent practicable, parents/guardians will be notified of this fact in a timely manner before changes are implemented.

Each written notice sent 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 sexuality issues, without penalty to the student's grades or academic standing. Parents/guardians who request to exempt their child can send to their child's principal a letter or the reply form attached to the parent/guardian notice. The parent/guardian should specify the course, class or school activity from which the child is to be exempted. Any student who is exempted by request of the parent/guardian under this policy will be given an alternative assignment or a directed study period for the duration of the exemption.
2. Inspect and review program instructional 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 ~~(DELETE may also review them at the Worcester Public Schools' Health Education Office, 20 Irving Street, Worcester, MA (508) 799-3075 and/or the Office of Science and Technology/Engineering, 20 Irving Street, Worcester, MA (508) 799-3479)~~ **(ADD you may review through the Office of Curriculum and Professional Learning, 20 Irving Street, 508-799-3470.)**

A parent/guardian, dissatisfied with the process for notice, the access to instructional materials, or the exemption for a student under this policy will follow the Procedures for Resolving School-Related Problems as described in this Policy Handbook.

After following the school district's problem-resolution process, a parent/guardian who is still dissatisfied can write to the Massachusetts Commissioner of Education at 75 Pleasant Street, Malden, Massachusetts 02148 to request a review of the issue(s) in dispute.

## **ANNUAL NOTICE TO PARENTS/GUARDIANS ON THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

The Worcester Public Schools will inform parents/guardians of any student surveys that their child may be asked to participate in that include questions on drug use, sexual activity, political/religious affiliations, or other personal information. All such surveys are voluntary and anonymous. A copy of the survey will be made available for review through the principal and on the Worcester Public Schools' website.

## **SELECTIVE SERVICE**

### **Peacetime Registration Requirement of Selective Service System**

Section 3 of the Military Selective Service Act states that male U.S. citizens and aliens residing in the United States, who are between the ages of 18 and 26, are required to register in a manner prescribed by proclamation of the President. The proclamation under which registration is presently required was signed on July 2, 1980. It provides that males born on or after January 1, 1960, must register with Selective Service within 30 days of their 18th birthday.

The Every Student Succeeds Act reiterates that the various branches of the United States armed forces may have access to directory information of 11th and 12th grade high school students. However, the Family Rights to Privacy Act states that parents and guardians may deny this access if they so wish. Directory information

includes student's name, address, phone number, and age. If the parent/guardian wishes for the Worcester Public Schools not to divulge their child's information, the parent/guardian must make that request in writing to the school principal.

## **DELETE**

### **SEX OFFENDER REGISTRY**

#### **Public Information**

Massachusetts has created a sex offender registry by enacting Chapter 239 of the Acts of 1996. Under this law persons convicted of certain sex offenses are required to register with the police department where the offender lives and works. The designation for any particular offender is given by the State Criminal History Systems Board. The law requires that any person requesting sex offender registry information appear in person at police headquarters to obtain sex offender registry information. For further information you may contact the Worcester Police Department at (508) 799-8651.

## **STUDENT RECORDS**

### **The Family Educational Rights and Privacy Act**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive federal funds.

FERPA gives parents certain rights with respect to their child's education records. These rights transfer to the student when he or she reaches the age of 18. Students to whom the rights have transferred are "eligible students."

Under FERPA, parents and eligible students have the following rights:

1. To inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless it is impossible for parents or eligible students to review the records. Schools may charge a fee if copies are requested.
2. To request that a school add information, comments, data or any other relevant written material to the student record. If the school decides not to amend the record, the parent or eligible student then has the right to a conference with the principal. After the conference, if the school still decides not to amend the record, the parent or eligible student has the right to appeal to the Superintendent and has a further right to appeal to the School Committee.
3. To have control over the disclosure of personal identifiable information from the education record. Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - a. School officials with legitimate educational interest
  - b. Other schools to which a student is transferring
  - c. Specified officials for audit or evaluation purposes
  - d. Appropriate parties in connection with financial aid to a student
  - e. Organizations conducting certain studies for or on behalf of the school

- f. Accrediting organizations
- g. To comply with a judicial order or lawfully issued subpoena
- h. Appropriate officials in cases of health and safety emergencies and
- i. State and local authorities, within a juvenile justice system, pursuant to specific State law

FERPA allows schools to disclose, without consent, “directory” information, which is considered by the Worcester Public Schools to include student’s name; honors and awards received; participation in officially recognized activities and sports;

Parents and eligible students may request that the Worcester Public Schools not disclose directory information by contacting the Office of School and Student Performance by U.S. mail at the Durkin Administration Building, Room 202, 20 Irving Street, Worcester, MA, 01609. Additional information on FERPA may also be obtained from the U.S. Department of Education at the following address:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW Washington, D.C. 20202-8520

## **Regulations**

In compliance with Chapter 71, Section 34D of the General Laws of the Commonwealth of Massachusetts, the Worcester School Department is notifying the parents/guardians of public school students of its plans to gather information regarding students and their backgrounds, aptitudes and achievement in order to better meet their individual needs.

On the secondary level, students may be asked to complete a questionnaire which relates to identifying information, family background, interests and plans for the future. Any questions which students and/or parents/guardians feel should not be answered may be omitted. This information is necessary in order to keep school records up to date.

Any variance from the preceding plans will be made known in writing prior to implementation.

## **Types of Student Records**

The school principal or his/her designee is responsible for the privacy and security of all student records maintained in the school. The Superintendent of Schools or his/her designee is responsible for all student records that are not under the supervision of the school principal.

The student's record consists of the transcript and the temporary record, according to 603 Code of Massachusetts Regulations, Chapter 23.00. It includes all information, regardless of form or characteristics, concerning a student that is organized on the basis of the student's name or in a way such student may be individually identified.

1. **Transcript** - Minimum administrative records necessary to reflect the student's educational progress and to operate the educational system. Data is limited to:

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- a. Name (student and parent/guardian)
- b. Address (student and parent/guardian)
- c. Telephone number (student and parent/guardian)
- d. Date of birth
- e. Course titles
- f. Grades or equivalent

- g. Course credit
- h. Grade level completed
- i. Year completed

The transcript may be destroyed sixty (60) years following the student's graduation, transfer, or withdrawal from the school system.

2. **Temporary Record** - All information in the student record not contained in the transcript which is clearly of importance to the educational process. This information may include:
- a. Standardized test results (including MCAS results)\*
  - b. Class rank
  - c. Extracurricular activities
  - d. Evaluations
  - e. Educational plans
  - f. IEP, 504, Regular Education Accommodation, Behavior Support Plans and Safety Support Plans
  - g. Student Support Process Reports
  - h. Individual Student Success Plans
  - i. Health records
  - j. Attendance
  - k. Incident reports involving student suspension or the committing of criminal acts
  - l. School Discipline Records

\*In accordance with Massachusetts General Laws Chapter 71, Section 87, the score of any group intelligence test shall be removed from the record of the student at the end of the school year in which the test was administered.

Section 37L of the Education Reform Act of 1993 requires that any incident report involving student suspension for the committing of criminal acts must be included in the student's record. This includes reports in which the "student" was charged with an infraction that resulted in suspension. If a student transfers to a new school system, this information must be included as part of the student record, as the new system must be provided with this information.

Teachers' notes and similar information that is not accessible to authorized school personnel or third parties are not included in the student record. Such information may be shared with the student, parent/guardian, or a temporary substitute without making the file part of the student record. However, if such information is released to authorized school personnel, it then becomes a part of the student's record. Any information added to the temporary record shall include the name, signature and position of the person entering the information, date of entry, and

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shall be limited to that which is relevant to the educational needs of the student.

The temporary record of each student enrolled on or after June 2002 shall be destroyed no later than seven (7) years after the student transfers, graduates, or withdraws from the school district. Written notice to the eligible student and his/her parent/guardian 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.

During the time a student is enrolled in a school, the principal or his/her designee shall periodically review and destroy misleading, outdated or irrelevant information contained in the temporary record. The Worcester Public Schools hereby gives notice on an annual basis that temporary records are so reviewed and destroyed at the end of each school year as deemed appropriate. Parents/guardians wanting an opportunity to receive the information or a copy prior to its destruction should contact the principal by June 1st of the school year.

### 3. Access to Student Records

The following personnel have access to students' records in the performance of their official duties:

- a. School administrators, teachers, counselors and other professionals who are employed by the (~~DELETE School Committee~~) (**ADD Worcester Public Schools**) or who are providing services to the student under an agreement between the (~~DELETE School Committee~~) (**ADD Worcester Public Schools**) and a service provider who work directly with the students.
- b. Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/ microfiche who process information for the student's records. Such personnel shall have access only to the student record information that is required for them to perform their duties.
- c. The Evaluation Team which evaluates children pursuant to Chapter 71B of the Massachusetts General Laws.
- d. School health personnel and local and state health department personnel in the performance of official duties.
- e. The following persons serving in a parental role shall have access to a student's records:
  - i. The custodial parent(s) (parent with physical custody)
  - ii. The student's guardian
  - iii. A person or agency legally authorized to act on behalf of or in conjunction with the student's father, mother or guardian, assuming this father, mother or guardian has physical custody.
- f. Non-custodial parents **shall not** have access to a student's records when:
  - i. The parent has been denied legal custody based on a threat to the safety of the child or to the custodial parent or
  - ii. The parent has been denied visitation or has been ordered to supervised visitation or
  - iii. The parent's access to the child 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 student information described in the statute.

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Massachusetts General Laws Chapter 71 § 34H requires the non-custodial parent to submit a written request for access to the student's records to the school principal. For further information contact your child's principal.

- g. The student, if age fourteen (14) or upon entering grade nine (9).
- h. Authorized school administrative personnel may examine records for administrative reasons even if they are not providing direct service to the student.

- i. Federal, state and local education officials, and their authorized agents, as necessary, in connection with the enforcement of federal and state education laws. Personally identifiable data shall be protected and destroyed when no longer needed for enforcement purposes.
- j. To authorized school personnel of the school to which a student transfers or seeks to enroll [603 CMR 23.07 (4)(f)].
- k. Upon the receipt of a court order or lawfully issued subpoena, provided that the eligible student or parent/guardian is notified in reasonable time that (s)he may seek to have the process quashed, as required by Massachusetts General Laws Chapter 66A, § 2(k).
- l. The Department of Children and Families (DCF).
- m. A probation officer.
- n. A justice of any court.
- o. The Department of Youth Services (DYS).
- p. Bureau of Special Investigation on Welfare Fraud may inspect enrollment and attendance records of any student who is being investigated for welfare fraud or of any student who is the child, ward or dependent of someone who is being investigated for welfare fraud. The law prohibits the Bureau from obtaining access to academic, medical and evaluative records.
- q. Appropriate parties, including the local police department and the Department of Children and Families (DCF), in connection with a health or safety emergency, including weapon reports, if knowledge of the information may be necessary to protect the health or safety of the student or other individuals.

Schools are required by state law to "flag" or mark the student record of a child who has been reported missing, and should notify the police whenever there is an inquiry regarding the records.

In line with federal regulations a school may release 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 athletics 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/guardian. This serves as Worcester Public Schools public notice of the types of information it may release. **Eligible students and parents/guardians who do not want this information disclosed to any third party must submit a written request to the principal of the school.**

- 4. **Access of other third parties** requires the written consent of the eligible student or parent/guardian except for the provisions specified under 23.07(4) of the regulations. When granting consent, the eligible student or parent/

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guardian shall have the right to designate which parts of the student's record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent/guardian and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall be released to a third party on the condition that (s)he will not permit any other third party to have access to such information without the written consent of the eligible student or parent/guardian.

## 5. Amending Student Records

The student and/or his or her/parent/guardian shall have the right to add information, comments, data or any other relevant written material to the student record. In accordance with the Department of Elementary and Secondary Education's <http://www.doe.mass.edu/infoservices/data/sims/sasid/>, district and school records are to reflect a student's stated name and pronouns. Nothing more formal than usage is required, consistent with the statutory standard.

The above persons have the right to request deletion or amendment of any information contained in the student record. They shall also have the right to a conference with the principal to make objections known regarding material contained in the record.

In the event any decision of a principal is not satisfactory, the student and/or his or her parent/guardian may then appeal to the Superintendent in writing for a re-view of the objections. A further appeal is possible to the School Committee if the Superintendent's response is not satisfactory. A hearing shall be conducted by the School Committee within four weeks of written notice of an appeal. The student and/or parent/guardian may be represented by an advocate of his or her choosing to cross-examine witnesses and to present evidence. Written notice of the decision will be furnished to the student and/or parent/guardian.

## EVERY STUDENT SUCCEEDS ACT

The Worcester Public Schools makes every effort to comply with the regulations and requirements of the Every Student Succeeds Act (ESSA), a federal law enacted in 2015. This legislation requires school district personnel to notify parents/ guardians of a variety of issues regarding their children's education. Among them is a requirement to notify parents/guardians of students attending Title I schools of their right to know about the qualifications of the teachers and instructional assistants who work with their children.

In a Title I school, parents/guardians have the right to know the professional qualifications of classroom teachers who instruct their children. ESSA allows parents/guardians to ask for certain information about a student's classroom teacher and requires that the district provide the parents/guardians with the requested information in a timely manner. Specifically, parents/guardians have the right to ask for the following information about each of their children's classroom teachers in a Title I school:

1. Whether the teacher has met the Massachusetts Department of Elementary and Secondary Education (DESE) qualification and licensing criteria for the

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grade levels and subject areas in which the teacher provides instruction.

2. Whether the teacher is teaching under emergency or other provisional status through which DESE qualification or licensing criteria have been waived.
3. Whether the teacher is teaching in the field of discipline of the certification of the teacher.
4. Whether any instructional assistants or other paraprofessionals provide services to your child, and, if they do, their qualifications.

If parents/guardians would like to receive any of this information, they must contact the principal of their child(ren)'s Title I school.

In addition, districts are required to provide to each individual parent/guardian information on the child's level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Title I.

At the beginning of each school year, Title I schools must notify parents/ guardians of each child that the parents may request (and the school will provide) in a timely manner information regarding any state or school policy regarding student participation in any assessments mandated by ESSA. Information on each mandated assessment is available on the Worcester Public Schools' website.

No later than thirty days after the beginning of the school year, each Title I school must inform parents/guardians of an English learner identified for participation or participating in a language instruction educational program of the reasons for placement; the child's level of English proficiency and academic achievement; and how the program will address the child's specific needs; and to provide parents/guardians with written guidance detailing the parental rights and options with regard to such a program.

### **Bullying and Harassment**

The Worcester Public Schools is committed to providing a safe, positive and productive educational environment where students can achieve the highest academic standards. No student shall be subjected to harassment, intimidation, bullying or cyber-bullying. **(ADD The school will investigate and respond to claims of bullying or harassment in accordance with the district's Bullying Intervention Plan and other school policies and state and federal law.)**

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

- Causes physical or emotional harm to the target or damage to the target's property;
- Places the target in reasonable fear of harm to him/herself, or of damage to his/her property;
- Creates a hostile environment at school for the target;
- Infringes on the rights of the target at school; or
- Materially and substantially disrupts the education process or the orderly operation of a school.

"Cyber-bullying" means bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a:

- Wire

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- Radio
- Electromagnetic
- Photo-electronic or photo-optical system, including but not limited to electronic mail, internet communications, instant messages or facsimile communications

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, the full cooperation and assistance of parents and families are expected.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying or cyber-bullying. Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities;
- At functions or programs whether on or off school grounds;
- At school bus stops
- On school buses or other vehicles owned, leased or used by the school district; or
- Through the use of technology or an electronic device owned, leased or used by the school district.

Bullying and cyber-bullying are prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the school district if the act or acts in question:

- Create a hostile environment at school for the target
- Infringe on the rights of the target at school; and/or
- Materially and substantially disrupt the education process or the orderly operation of a school

Acts of bullying can result in any one, or combination of, the following legal charges:

- Assault (GL c. 265, §13A). The act or an instance of unlawfully threatening or attempting to injure another.
- Assault & Battery (GL c. 265, §13A). An assault upon a victim that is carried out by striking the victim, knocking the victim down, or otherwise doing violence to the victim.
- Criminal Harassment (GL c. 265, §43A). Whoever willfully and maliciously

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engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress.

- Harassing/Annoying Phone Calls. (GL c. 269, §43A). Whoever telephones another person, or causes any person to be telephoned, repeatedly, for the sole purpose of harassing, annoying or molesting such person or his/her family, whether or not conversation ensues, or whoever telephones a person repeatedly, and uses indecent or obscene language to such a person.
- Threats (GL c. 275, §4) (GL c. 209A, §7). An expression of intention and an ability in circumstances that would justify apprehension on the part of the recipient.
- Disruption of School Assembly (GL c. 272, §40). Whoever willfully interrupts or disturbs a school or other assembly of people met for a lawful purpose.

- Civil Rights Violation (GL c. 265, §§37, 38). No person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, or oppress or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him by the constitution or laws of the Commonwealth or by the constitution or laws of the United States.
- Malicious Destruction of Property (GL c. 266, §127). Whoever destroys or injures the personal property, dwelling house or building of another.

## **Athletes and Participants in School-Related Activities**

### **General**

Athletes and participants in school-related activities shall be governed by local and state law, MIAA regulations, the Policies Handbook of the Worcester Public Schools, and rules included in the Worcester Public Schools Code of Conduct for Athletes and Participants in School-Related Activities.

### **Academic Requirements**

1. A student must secure during the last marking period preceding the contest (e.g., second quarter marks determine third quarter eligibility) a grade of 65 or above in four traditional yearlong major courses. Yearlong major courses are equivalent to a Carnegie Unit which is a minimum of 1.0 credits. In addition, a student's overall average of all yearlong courses must be a C or above.
2. A student cannot at any time represent a school unless that student is taking courses that would be the equivalent of four traditional yearlong major courses.
3. To be eligible for the fall marking period, students are required to have passed four yearlong classes with a 65 or above. In addition, a student's overall average of all yearlong courses must be a C or above. Students in

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grades 10, 11 or 12 are eligible for a one-time-only waiver during their high school years. The waiver is applicable if the student does not meet the C average (minimum of 70) on all yearlong courses in the previous academic year. Incoming 9th graders are exempt from academic requirement for the first quarter only.

4. Academic eligibility of all students shall be considered as official and determining only on the published date when the report cards for that ranking period are to be issued to the parents/guardians of all students.
5. Incomplete grades may not count towards eligibility.
6. A student who repeats work upon which he/she once received credit cannot count that subject a second time for eligibility.
7. A student cannot count for eligibility any subject taken during the summer, unless that subject has been previously pursued and failed.

### **Attendance**

1. A student who is absent from school will not participate in any school-related activity. This includes in-house suspensions.
2. A student must be in school for at least three (3) hours to be able to participate in any school-related activity.

3. Any student with five (5) or more unexcused absences will be excluded from the club or team for the remainder of the current sports season. A student with ten (10) or more unexcused absences will be ineligible for any club or team for the remainder of the academic year.

### **Head Injuries and Concussions in Extracurricular Activities**

Consistent with the requirements of Chapter 166 of the Acts of 2010, An Act Relative to Safety Regulations for School Athletic Programs:

1. At or before the start of each sport or band season, all students who plan to participate in extracurricular athletic activities shall complete and submit to the coach, athletic director, or band director a current WPS Permission Form, signed by both the student and the parent, that provides comprehensive history with up-to-date information relative to concussion history; any head, face or cervical spine injury history; and any history of co-existent concussive injuries.
2. Any student, who during a practice or competition, sustains a head injury or suspected concussion, or exhibits signs and symptoms of a concussion, shall be removed from the practice or competition immediately and may not return to the practice or competition that day.
3. The student shall not return to play unless and until the student provides medical clearance and authorization as specified in 105 CMR 201.011.

All head injuries must be reported to the nursing administrative office, including those that occur outside of the school prior to the start of the sports season or physical activity. Parents must also complete the history of head injury section on the **Extracurricular Athletic Activities Permission Form**.

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Additional information, including the *Post Sports-related Head Injury Medical Clearance and Authorization Form*, can be found on the Worcester Public Schools website: <https://worcesterschools.org/wp-content/uploads/handbook/HEAD%20INJURY%20MEDICAL%20CLEARANCE%20FORM.pdf>

### **Chemical Health MIAA Rule 62**

**From the earliest fall practice date, to the conclusion of the academic year or final athletic event (whichever is later),** a student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol; any tobacco product (including e-cigarettes, **(DELETE VAP) (ADD Vape)** pens and all similar devices); marijuana (including synthetic); steroids; or any controlled substance. This policy includes products such as “NA or near beer”, inhalants (defined as any substance that produces a mind-altering effect when inhaled), and misuse of over-the-counter medications and substances used for the purposes of altering one’s mental state. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the student’s own use by his/her doctor.

If a student who violates this rule is unable to participate in interscholastic sports due to injury or academics, any penalty imposed will not take effect until that student is able to participate again. See MIAA Handbook for penalties.

### **Reasonable Conduct**

The Worcester Public Schools recognizes that the safety and welfare of individual students and teams are a priority. Therefore, students will not engage in any acts of criminal activity such as, but not limited to, vandalism, assault and battery, sexual misconduct, hazing, plagiarism, theft or other disruptive conduct.

Students are also expected to behave appropriately during all school-related activities. Detrimental actions include, but are not limited to, insubordination, fighting, taunting, unsportsmanlike conduct, lying, and inappropriate language or gestures and all other infractions as stated in the Worcester Public Schools' Policies Handbook and school handbooks.

Recognizing the varying degrees of severity, the type of misconduct and a student's previous record of conduct, each situation will be considered individually. The principal working with the coach/advisor will determine appropriate consequences, which may include denial of participation or dismissal from the team/ activity. In all cases the student will have the right to due process (Due Process, page 16).

It is also understood that spectators, including parents/guardians of all Worcester Public Schools' athletes/students, are to conduct themselves appropriately at all athletic competitions/activities, both home and away. Parents/guardians are not expected to taunt or display any inappropriate behavior to other fans, officials, coaches or players. Inappropriate behavior may lead to expulsion from the event.

### **Felony Charge/Conviction**

1. Any student charged with a felony will be ineligible to participate in any school-related activities until the case has been adjudicated and the charges dismissed or reduced to a non-felony status.

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2. Any student convicted of a felony and/or expelled or issued a long-term suspension from school will be ineligible to participate in any school-related activities for the duration of the expulsion or long-term suspension.

### **Team Management Plan**

At the preseason meeting with the Director of Athletics, each coach will turn in a management plan outlining rules and expectations for the coming season that has been approved by the principal. This plan will be distributed to all candidates for the team.

### **Discipline of Students Under Section 504 and ADA**

Under various federal and state laws and regulations, students with disabilities may not be discriminated against in discipline matters on the basis of their disability or impairment. In addition to those rights set forth in the Worcester Public Schools Student Handbook, procedures will be implemented to comply with state and federal law and regulations regarding students with disabilities. Additional information can be found at: <https://worcesterschools.org/wp-content/uploads/handbook/Discipline%20of%20Students%20Under%20Section%20504%20and%20ADA.pdf>, or you may obtain a copy from your child's school or by contacting the WPS 504 coordinator at 508-799-3175.

## **Students with Disabilities and/or Suspected Disabilities Receiving Special Education Services or 504 Plan**

For special education students, the principal or his/her designee will notify the Evaluation Team Chair of the suspendable offense of a student with a disability and a record will be kept in the SAGE student management system. For 504 students, the principal or his/her designee will notify the 504 Coordinator of the suspendable offense of the student and a record will be kept in the SAGE student management system.

### **Procedures for Suspension(s) Not Exceeding 10 School Days**

- Any student with a disability may be suspended for up to ten (10) schooldays during a school year. Disciplinary decisions are the same as for students without disabilities and in accordance with the due process procedures in this handbook.
- The school provides additional safeguards for students with disabilities prior to any suspension beyond 10 consecutive days or more than 10 cumulative days (if there is a pattern of suspension) in any school year.

### **Procedures for Suspension(s) Exceeding 10 School Days**

• If your child is suspended for more than 10 school days in a school year, or if there is a pattern of suspension, this removal is considered a “change of placement”. A change of placement because of a disciplinary removal occurs if your child with a disability is removed from his/her current educational placement for more than 10 consecutive school days, or the child is subjected to a series of removals that constitutes a pattern because: (1) the removals total more than 10 school days in a school year; (2) your child’s behavior is substantially similar to previous incidents that resulted in the series of removals; and (3) additional factors such as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another constitute a pattern.

#### **(Add this as bullet #2.)**

- A change of placement invokes certain procedural protections under federal special education law and Section 504.

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- Prior to any removal that constitutes a change of placement, the school may convene a team meeting to develop a plan for conducting a functional behavioral assessment (FBA) that will be used as the basis for developing specific strategies to address your child’s problematic behavior.
- Prior to any removal that constitutes a change of placement, the school must inform you that the law requires the school district consider whether or not the behavior that forms the basis of the disciplinary action is related to your child’s disability. This consideration is called a “manifestation determination”. Parents have a right to participate in this process. All relevant information will be considered including the IEP or Section 504 Plan, teacher observations, (~~DELETE and~~) evaluation reports (**ADD and information provided by parents/guardians**).
- At a manifestation determination meeting, the team will consider:
  - ◊ Did the student’s disability cause or have a direct and substantial relationship to the conduct in question?
  - ◊ Was the conduct a direct result of the district’s failure to implement the IEP?

- If the (ADD team's) manifestation determination decision is that the disciplinary action was related to (DELETE the) (ADD your child's) disability, then your child may not be removed from the current educational placement (unless under the special circumstances or parent(ADD/guardian) (DELETE agree). The team will review the IEP or Section 504 Plan and any behavioral intervention plans and may amend those plans as appropriate. The team will complete a functional behavior assessment and behavior intervention plan if it has not already done so.
- If the manifestation determination decision is that the disciplinary action was not related to (DELETE the) (ADD your child's) disability, then the school may suspend or otherwise discipline your child according to the school's code of conduct. The team may, as appropriate, complete a functional behavioral assessment and behavioral intervention services and modification, to address the behavior so that it does not recur. For students with IEPs, during the period of time of removal from school that exceeds 10 school days, the school district must provide educational services that allow your child to continue to make educational progress. For students with Section 504 Plans, there is no automatic right to receive educational services beyond the 10th school day of suspension under federal law, however, state law does provide all students with the rights to receive educational services during periods of suspension lasting longer than ten days.

### **Special Circumstances for Exclusion**

Special circumstances exist if your child: possesses, uses, sells or solicits illegal drugs on school grounds or at a school-sponsored event; carries a weapon to school or a school-sponsored event; or inflicts serious bodily harm upon another person at school or a school-sponsored event. Under these circumstances, the principal may place your child in an interim alternate educational setting (IAES) for up to 45 school days.

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Your child may remain in this IAES for a period of time not to exceed 45 schooldays. Thereafter, your child will return to the previously agreed-upon placement unless a hearings officer has ordered another placement, or you and the school agree to another placement. For students with Section 504 Plans, there is no automatic right to receive educational services beyond the 10th day of school suspension under federal law, however, state law does provide all students with the rights to receive educational services during periods of suspensions lasting longer than ten days. School personnel will provide Parent's Notice of Procedural Safeguards (Special Education) or Notice of Parent and Student Rights Under Section 504 for students with disabilities prior to any suspension exceeding 10 school days in one school year (ADD or a removal which results in a change in placement). These notices will provide an explanation of the process should there be disagreement regarding the manifestation determination or any placement decision. Parent, guardian, and/or student may petition the Bureau of Special Education Appeals for a hearing [DELETE or the Office for Civil Rights (Section 504)]. (ADD and may have other rights as outlined in the Notice of Procedural Safeguards.)

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