

# Section J: Students

JB: EQUAL EDUCATIONAL OPPORTUNITIES

JBB: EDUCATIONAL EQUITY

JBCA: SCHOOL ENROLLMENT: RESIDENCY

JEB: ENTRANCE AGE

JF: SCHOOL ADMISSIONS

JFABC: ADMISSION OF TRANSFER STUDENTS

JFABD: HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

JFABE: EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN

JFABF: EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE

JFBB: SCHOOL CHOICE

JH: STUDENT ABSENCES AND EXCUSES

JHD: EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

JI: STUDENT RIGHTS AND RESPONSIBILITIES

JIB: STUDENT INVOLVEMENT IN DECISION MAKING

JIC: STUDENT DISCIPLINE

JICA: STUDENT DRESS CODE

JICC: STUDENT CONDUCT ON SCHOOL BUSES

JICE: STUDENT PUBLICATIONS

JICF: GANG ACTIVITY/SECRET SOCIETIES

JICFA: PROHIBITION OF HAZING

JICFA-E: HAZING DEFINITIONS

JICFB: BULLYING PREVENTION

JICH: ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED

JICK: HARASSMENT OF STUDENTS

JIE: PREGNANT STUDENTS

JIH: SEARCHES AND INTERROGATIONS

JII: STUDENT COMPLAINTS AND GRIEVANCES

JJ: CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

JJA: STUDENT ORGANIZATIONS

JJE: STUDENT FUND-RAISING

JJF: STUDENT ACTIVITY ACCOUNTS

JJH: STUDENT OVERNIGHT OR LATE NIGHT TRAVEL

JJH-R: STUDENT TRAVEL REGULATIONS

JJIB: INTERSCHOLASTIC ATHLETICS

JJIF: ATHLETIC CONCUSSION POLICY

JJIF-R: ATHLETIC CONCUSSION PROTOCOL

JK: STUDENT CONDUCT

JKA: CORPORAL PUNISHMENT (DELETED)

JKAA: PHYSICAL RESTRAINT OF STUDENTS

JKAA-R: NEWBURYPORT PUBLIC SCHOOLS PHYSICAL RESTRAINT PREVENTION AND BEHAVIOR SUPPORT PROCEDURES

JL: STUDENT WELFARE

JLA: Student Insurance Program (Deleted)

JLC: STUDENT HEALTH SERVICES AND REQUIREMENTS

JLCA: PHYSICAL EXAMINATION OF STUDENTS

JLCB: IMMUNIZATION OF STUDENTS

JLCC: COMMUNICABLE DISEASES

JLCD: ADMINISTERING MEDICINES TO STUDENTS

JLD: Guidance Program (Deleted)

JP: Student Gifts and Solicitations (Deleted)

JRA: STUDENT RECORDS

JRD: STUDENT PHOTOGRAPHS

## JB: EQUAL EDUCATIONAL OPPORTUNITIES

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration of their human rights, and sympathetic understanding of their personal feelings, particularly with reference to their race\*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law which prohibits discrimination in public school admissions and programs.

All implementing provisions issued by the Board of Elementary and Secondary Education in compliance with this law will be followed.

\*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

LEGAL REFS.: Title VI, Civil Rights Act of 1964

Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972

Executive Order 11246, as amended by E.O. 11375 Title IX, Education Amendments of 1972

M.G.L. 76:5; 76:16 (Chapter 622 of the Acts of 1971)

DESE regulations 603 CMR 26:00

DESE regulations 603 CMR 28.00

CROSS REF.: AC, Nondiscrimination

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JBB: EDUCATIONAL EQUITY

The School Committee's goal is to strive to address the needs of every student.

Educational equity for the purpose of this policy is defined as providing all students the high quality instruction and individualized supports they need to be prepared for life after graduation.

To achieve educational equity the district will commit to:

1. Systematically, when appropriate, use districtwide and individual school level data, disaggregated by race/ethnicity, gender/gender identity, national origin, language, special education, socioeconomic status and mobility to inform district decision making.

2. Raise the achievement of all students.

3. Graduate all students ready to succeed in a diverse local, national and global community.

In order to reach the goal of educational equity for each and every student, the District shall:

1. Provide every student with access to high quality curriculum, support, and other educational resources.

2. Seek to promote educational equity as a priority in professional development and educator evaluation.

3. Endeavor to create schools with a welcoming and inclusive culture and environment.

4. Provide multiple pathways to success in order to meet the needs of the diverse student body and actively encourage, support and expect high academic achievement for each student.

The Superintendent shall include equity practices in the district's strategic plan and goal strategies to implement this policy. The Superintendent, upon request, will periodically report to the Committee the progress of the implementation of this policy.

**Adopted: February 27, 2024**

## JBCA: SCHOOL ENROLLMENT: RESIDENCY

The Newburyport School Committee adopts the following policy regarding the residency and admissions of students. The staff is directed to ensure that all forms and regulations are fully executed and conform to this policy.

### **I. RESIDENCY**

In order to attend the Newburyport Public Schools, a student must actually reside in the City of Newburyport, unless one of the exceptions (set forth in Part V below) applies. The residence of a minor child is ordinarily presumed to be the legal residence of the child’s parent or legal guardian having physical custody of the child. A student’s actual residence is considered to be the place where he or she lives permanently. In determining residency, the Newburyport Public Schools retain the right to require the production of a variety of records and documentation and to investigate where a student actually resides.

A determination that a student does not actually reside in the City of Newburyport renders the student ineligible to enroll in the Newburyport Public Schools or, if the student is already enrolled in the Newburyport Public Schools, shall result in the termination of such enrollment. A parent, legal guardian, or student who has reached the age of majority (18), who is aggrieved by a determination of residency, may appeal the determination to the Superintendent of Schools, whose decision shall be final.

### **II. VERIFICATION OF RESIDENCY**

Before any student is enrolled in the Newburyport Public Schools, his or her parent or legal guardian must provide:

1. A signed Affidavit of Residency; and
2. Proof of residency in the City of Newburyport (3 documents)

All applicants for enrollment must submit at least one document each from Column A, B, and C and any other documents that may be requested, including but not limited to those from Column A, B, or C (noted below). A parent, guardian, or student who is unable to produce the required documents should contact the Superintendent of Schools.

Column A Evidence of Residency	Column B Evidence of Occupancy	Column C Evidence of Identification
Record of Recent mortgage payment and/or property tax bill	Recent bill dated within the past 60 days showing Newburyport Address	Valid driver’s license
Copy of Lease <i>and</i> record of recent rental payment	Gas bill	Valid Massachusetts Photo ID card
Landlord Affidavit <i>and</i> recent rental payment	Oil bill	Valid Passport
Section 8 Agreement	Electric bill	
	Home telephone bill (not cell phone)	
	Cable bill	
	Excise tax bill	

The Principal, or his/her designee, shall verify the home address and home telephone number of each student at least once during the school year. Any irregularities shall be reported promptly to the Superintendent of Schools. Parents are required to notify the school of any changes of their address or the address of the student within five days of the change.

### **III. ENFORCEMENT**

Should a question arise concerning any student's residency in the City of Newburyport while attending the Newburyport Public Schools, the student's residency will be subject to further inquiry and/or investigation. Such questions concerning residency may arise on the basis of incomplete, suspicious, or contradictory proofs of address; anonymous tips; correspondence that is returned to the Newburyport Public Schools because of an invalid or unknown address, or other grounds.

The Superintendent may request additional documentation, and may obtain the services of police or investigative agency personnel to conduct investigations into student residence. The residency investigator(s) will report his or her findings to the Superintendent of Schools, who shall make final determination of residency.

Upon an initial determination by the Superintendent of Schools that a student is actually residing in a city or town other than the City of Newburyport, the student's enrollment in the Newburyport Public Schools shall be terminated immediately.

### **IV. PENALTIES**

In addition to termination of enrollment and the imposition of other penalties permitted by law, the Newburyport Public Schools reserve the right to recover restitution based upon the costs of educational services provided during the period of non-residency.

### **V. EXCEPTIONS**

1. The Residency Requirements Shall Not Apply to the Following:

- a. Students enrolled in the High School under special programs approved by the School Committee, such as educational exchange programs;
- b. Tuition paying students, as permitted by law;
- c. Students who are in foster care or who are entitled to attend the Newburyport Public Schools under the McKinney-Vento Homeless Assistance Act.

### **VI. POTENTIAL WAIVER WHEN RESIDENCY IS IN TRANSITION**

For students whose residency is in transition, the following exceptions to the general policy may apply, with prior written approval from the Superintendent of Schools:

1. Pending Purchase of Dwelling

The children of families who have a signed and accepted Purchase and Sale Agreement to purchase and reside in a dwelling in the City of Newburyport may be enrolled up to 30 calendar days in advance of the time actual physical residence occurs. If actual residence occurs later

than 30 days after enrollment, students may be asked to leave the Schools until actual residence occurs.

0. Residence in Rental Properties

Children of families who plan to rent a primary residence in Newburyport may enroll in the Newburyport Public Schools 30 days prior to taking possession of the rental property, as evidenced by a signed lease and evidence of financial commitment.

0. Brief Residence Outside the Town

Newburyport Schools students whose families must briefly live outside the City because they are (a) moving from one Newburyport residence to another, or (b) renovating a current Newburyport residence, may continue to attend the Newburyport Public Schools. Evidence of the intention and ability to resume residency in Newburyport within 90 days may be required.

**VII. NOTIFICATION**

The Newburyport Public Schools residency requirements, verification procedures, and consequences of falsifying or misrepresenting residency will be published in the District Policy Manual.

LEGAL REFS.: MGL 76:5

Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017
<b>Revised</b>	2/23/2021

## JEB: ENTRANCE AGE

In an attempt to permit children to enter school at the time most appropriate for them individually, the School Committee establishes the following policy on entrance age:

1. Children who will be five years of age prior to the first day of September in the year during which they wish to enroll will be eligible to enter kindergarten for that school year.
2. The admission of children whose birthdays fall after the first day of September will be solely at the superintendent's discretion.
3. Initial admission of children to any other grades will involve a consideration of both chronological age and the readiness of the children to do the work of those grades.

LEGAL REFS.:           M.G.L. 15:1G  
                              603 CMR 8.00

**Adopted: June 19, 2017**

**Revised: February 27, 2024**



## JF: SCHOOL ADMISSIONS

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

Advance registration for prospective kindergarten students will take place in the spring. Every student seeking admission to school for the first time must present a birth certificate or equivalent proof of age acceptable to the Principal and proof of vaccination and immunizations as required by the state and the School Committee. Proof of residency of legal guardianship may also be required by the school administration.

LEGAL REFS.: M.G.L. 15:1G; 76:1; 76:5; 76:15; 76:15A  
603 CMR 26.00

CROSS REFS.: JLCA, Physical Examination of Students  
JLCB, Inoculations of Students  
JFBB, School Choice  
JFABD, Homeless Students: Enrollment Rights and Services  
JFABE, Educational Opportunities for Military Children  
JFABF, Educational Opportunities for Children in Foster Care

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JFABC: ADMISSION OF TRANSFER STUDENTS

The school district will enroll and place students who have left Commonwealth charter schools by adhering to the same policies and procedures in place for any other student enrolling in the school district including, but not limited to, examination of the course of study and level of academic attainment of the student when determining the student's appropriate grade placement or eligibility for high school graduation.

To the same extent provided for other students enrolling in the school district, students who enroll in the school district from a Commonwealth charter school shall be subject to the graduation requirements of the school district, may have certain graduation requirements waived, and may make-up certain graduation requirements.

LEGAL REFS.: Chapter 12, Section 11 of the Acts of 2010

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JFABD: HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES

As required by law, the district will work with homeless children and youth and unaccompanied youth (collectively, “homeless students”) as well as their families or legal guardians to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided district services for which they are eligible, including Head Start and comparable pre-school programs, Title I, similar state programs, special education, bilingual education, vocational and technical education programs, gifted and talented programs, school nutrition programs, summer programming and extracurricular activities.

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

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

### **Students Remaining in Schools of Origin**

It is presumed to be in the best interest of homeless students to remain in their schools of origin, i.e. the school that the student was attending at the time he or she became homeless, or the last school the student attended prior to becoming homeless. Homeless students may continue to attend their school of origin for as long as they remain homeless or until the end of the academic year in which they obtain permanent housing. For homeless students who complete the final grade level served by the school of origin, the term “school of origin” shall also include the receiving school in the same school district educating students at the next grade level.

Homeless students are entitled to transportation comparable to that provided for all other students attending school in the district. The district will transport students who are sheltered or temporarily residing within the district to the students’ school of origin. For homeless students attending a school of origin located outside the district in which the student is sheltered or temporarily residing, the district in which the school of origin is located will coordinate with the district in which the student is sheltered or temporarily residing to provide the transportation services necessary for the student, and these districts will divide the cost equally. Formerly homeless students who find permanent housing mid-school year will continue to receive transportation services until the end of the school year.

### **Students Enrolling in District Where Sheltered or Temporarily Residing**

Parents or guardians may elect to enroll homeless students in the school district in which the student is sheltered or temporarily residing, rather than having the student remain in the school of origin. Enrollment changes for homeless students should take place immediately.

If homeless students are unable to provide written proof of their shelter or temporary residence in the district, the homeless liaison will work with the family seeking enrollment to determine homelessness. Information regarding a homeless student's living arrangement shall be considered a student education record, and not directory information. Records containing information about the homeless student's living arrangement may not be disclosed without the consent of the parent or satisfaction of another student-privacy related exemption.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families who reside in the district. Accordingly, the district will provide transportation services to school in a manner comparable to the transportation provided for all other students in the district.

### **Dispute Resolution**

If the district disagrees with a parent or guardian's decision to keep a student enrolled in the school of origin and considers enrollment in the district where the student is sheltered or temporarily residing to be in the student's best interest, the district will explain to the parent, in writing and in a language the parent can understand, the rationale for its determination and provide parent with written notice of their rights to appeal the district's determination to the Massachusetts Department of Elementary and Secondary Education. During the pendency of any such appeal, the student should remain enrolled in the school selected by the parent or guardian, receiving transportation to school and access to other available services and programs.

The Massachusetts Department of Elementary and Secondary Education's Advisory on Homeless Education Assistance contains additional information about educating homeless students and the appeal process. This advisory is available at the following link:  
<http://www.doe.mass.edu/mv/haa/mckinney-vento.docx>

### **Homeless Liaison**

The Superintendent shall designate an appropriate staff person to be the district's liaison for homeless students and their families. The district's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in locations such as

schools, family shelters and soup kitchens. The district's liaison will also review and recommend amendments to district policies that may act as barriers to the enrollment of homeless students. The liaison shall ensure district staff receive professional development and other support on issues involving homeless students.

LEGAL REFS.: The McKinney-Vento Act and Title I, Part A, as Amended by the Every Student Succeeds Act of 2015

#### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017
Revised	11/16/2020

## JFABE: EDUCATIONAL OPPORTUNITIES FOR MILITARY CHILDREN

To facilitate the placement, enrollment, graduation, data collection, and provision of special services for students transferring into or out of the District because of their parents or guardians being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The district believes it is appropriate to remove barriers to educational success imposed on children of military families resulting from frequent moves required by parents' or guardians' military deployment.

### Definitions

**Children of military families:** School aged children, enrolled in kindergarten through 12th grade, in the household of an active duty member of the uniformed service of the United States, including members of the National Guard and Reserve serving on active duty.

**Deployment:** The period one month before the service members' departure from their home station on military orders through six months after return to their home station.

**Education(al) records:** Official records, files, and data directly related to a student and maintained by the school including, but not limited to, records encompassing all the material kept in the student's cumulative folder.

Eligible students are children of military families as well as the children of veterans who have been severely injured and medically discharged, and children of active duty personnel who died on active duty. Children of retired active duty personnel are also eligible to receive services for one year following the discharge due to severe injury, or the retirement or death of an active military parent. The Compact does not apply to children of inactive Guard or Reserves, veterans and retired personnel not included above, or U.S. Department of Defense personnel and other federal civil service employees and contract employees.

The District's responsibilities to eligible students include the following:

- Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
- Upon enrollment of an eligible student, the receiving school must request official records and the sending schools shall respond within 10 days with the records.
- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
- Receiving schools must initially honor placement of students in all courses from the sending school. These include, but are not limited to, Honors, International Baccalaureate, Advanced Placement, vocational-technical, and career pathway courses if those courses are offered in the receiving school and space is available. The receiving schools must also initially honor placement of like programs to those of the student in the sending state, including, but not limited

to, Gifted and Talented programs, and English as a Second Language programs. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.

- In compliance with federal law, the district will assume financial and programmatic responsibility for the special education programs of students with existing IEPs drafted in other states.
- As appropriate, the District will exercise the right to waive prerequisites for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, also as deemed appropriate.
- Students of active duty personnel shall have additional excused absences, as necessary, for visitations relative to leave or deployment.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to continue to attend the school in which he or she was enrolled while living with the custodial parent or guardian, without any tuition fee imposed.
- The District high school will accept exit or end-of-year exams required from the sending state, national norm-referenced tests, or alternate testing instead of testing requirements for graduation in the District (receiving state.) If this is not possible, the alternative provision of the Interstate Compact shall be followed to facilitate the on-time graduation of the student in accordance with Compact provisions.

LEGAL REFS: M.G. L. 15E;  
Interstate Compact on Educational Opportunity for Military Children

#### Version Control

Action	Date
First Reading	11/16/2020
Second Reading	waived
Adopted	11/16/2020

## JFABF: EDUCATIONAL OPPORTUNITIES FOR CHILDREN IN FOSTER CARE

The purpose of this policy is to ensure the educational stability of students in foster care. Educational stability has a lasting impact on students' academic achievement and wellbeing, and the School Committee is committed to supporting all efforts to ensure that students in foster care have equal access to high-quality, stable educational experiences from preschool (if offered) through high school graduation.

Irrespective of the location of a foster care placement, students in foster care will continue to attend their school of origin, unless after a collaborative decision-making process, it is determined to be in the student's best interest to enroll in and attend school in the district in which the student resides in foster care. Enrollment of students in the district where they reside in foster care will take place immediately upon such a determination.

The district has designated a point of contact for students in foster care. The district and the point of contact will collaborate with DCF to ensure that students can access transportation and the other services to which they may be entitled.

### **Best Interest Determination**

Decisions about whether a student in foster care should continue to attend the school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (or, if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when appropriate) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and account for unique factors about the student and his or her foster care placement. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care; however, DCF will finalize the best interest determination if the relevant parties cannot agree on the best school for the student to attend.

The district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. To the extent feasible and appropriate, the district will ensure that a child remains in his or her school of origin while the disputes are being resolved to minimize disruptions and reduce the number of moves between schools.

### **Transportation**

The district of origin must collaborate with DCF on how transportation will be arranged and provided to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care.

Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, seeking help from foster parent(s), etc.



Absent other agreements between the district and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

### **Immediate Enrollment**

If it is in the best interest of a student in foster care to leave the school of origin, the student must be immediately enrolled in the district in which he or she resides in foster care. During enrollment of students in foster care, DCF representatives will present the district with a form indicating that the student is in foster care, along with a state-agency identification badge.

If the student does not have immediate access to immunization records, the student shall be permitted to enroll under a personal exception. Students and families should be encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. After enrollment, the district will immediately request available records from the student's previous school.

Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to students in foster care (homeless families) on the same terms as families who reside in the district. Accordingly, the district will provide transportation services to school in a manner comparable to the transportation provided for all other students in the district.

LEGAL REFS:           Every Student Succeeds Act (ESSA);  
                              Fostering Connections to Success and Increasing Adoptions Act of 2008  
                              (Fostering Connections Act)

### Version Control

Action	Date
First Reading	11/16/2020
Second Reading	waived
Adopted	11/16/2020

## JFBB: SCHOOL CHOICE

Non-resident students may attend the Newburyport Public Schools under the provisions of General Laws, Chapter 76, Section 12b, as amended and modified, and subject to regulations drawn up by the superintendent and approved by the school committee. If the School Committee will not be participating in the school choice program, then by law and no later than June 1, of each school year the Committee must hold a Public Hearing to review participation in the school choice program, and hold a vote to withdraw from the school choice program for the year beginning the following September.

### **A. Cost of Tuition**

1. The cost of tuition for non-resident students will be borne by the Commonwealth of Massachusetts in accordance with the law.
2. Funds received from the Commonwealth in payment of tuition for non-resident students will be deposited with the city treasurer in a separate account for the use of the school committee without further appropriation.

### **B. Admissions**

1. The school committee will determine the number of non-resident students to be accepted on the basis of information provided by the superintendent. The committee will make this determination after considering enrollment, staffing needs, and class size data.
2. Information concerning the number of non-residents to be admitted will be published as the committee deems appropriate.
3. The superintendent will determine the acceptance of Choice students conditional upon availability of seats. A wait list will be established and admissions from the wait list will be on a first come, first serve basis.
4. Non-resident students currently enrolled shall continue to be enrolled.
5. By law, siblings of non-resident students (existing choice) enrolled in the schools take precedence in admittance over other applicants.
6. If a student moves and no longer lives in Newburyport but wishes to remain a student in the Newburyport Public Schools, a School Choice application must be completed and submitted to the superintendent. The superintendent will determine the acceptance of Choice students conditional upon availability of seats.
7. If there are more applicants than seat availability at a particular grade level, a lottery will be held to determine who will be accepted and the others will remain on a waitlist until future seats become available. Any sibling of a student already enrolled in the receiving district shall receive priority for admission to said district.
8. Non-resident students admitted under this policy may maintain their enrollment until they graduate.

9. The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of race\*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law, athletic performance, academic performance, or proficiency in the English language.

\*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

### **C. Transportation**

The school committee will not provide transportation for non-resident students enrolled under this policy.

LEGAL REFS.: M.G.L. 71:6; 71:6A; 76:6; 76:12; 76:12B  
DESE 603 CMR 26.00

CROSS REF.: JLCA, Physical Examination of Students  
JLCB, Inoculations of Students  
JFBB, School Choice  
JFABD, Homeless Students: Enrollment Rights and Services

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JH: STUDENT ABSENCES AND EXCUSES

Regular and punctual school attendance is essential for success in school. The Committee recognizes that parents/guardians of children attending our schools have special rights as well as responsibilities, one of which is to ensure that their children attend school regularly, in accordance with state law.

Therefore, students may be excused temporarily from school attendance for the following reasons: illness or quarantine; bereavement or serious illness in family; weather so inclement as to endanger the health of the child; and observance of major religious holidays.

A student may also be excused for other exceptional reasons with approval of the Principal or designee.

Accordingly, parents/guardians will provide a written explanation for the absence or tardiness of their child. This will be required in advance for types of absences where advance notice is possible.

In instances of chronic or irregular absence reportedly due to illness, the school administration may request a physician's statement certifying such absences to be justified.

### **Student Absence Notification Program**

Each Principal or designee will notify a student's parent/guardian within 3 days of the student's absence in the event the parent/guardian has not informed the school of the absence.

Each Principal or designee shall make a reasonable effort to meet with any student, and that student's parent/guardian, who has missed five (5) or more unexcused school days (a school day shall be equal to two (2) or more class periods in the same day) in a school year. The meeting shall be to develop action steps to improve student attendance and shall be developed jointly by the Principal or designee, the student, and the student's parent/guardian. The parties may seek input from other relevant school staff and/or officials from relevant public safety, health and human service, housing, and nonprofit agencies.

### **Dropout Prevention**

A student who has not graduated from high school and has been absent from school for ten (10) consecutive days of unexcused absence shall not be considered permanently removed from school unless the Principal has sent notice to the student, and that student's parent/guardian. The notice shall be sent within five (5) days of the tenth consecutive day of absence and shall offer at least 2 dates and times within the next ten (10) days for an exit interview with the Superintendent or designee, the student, and the student's parent/guardian. The notice shall be in both English and the primary language of the home, if applicable. The notice shall include contact information for scheduling the exit interview and shall indicate the parties shall reach an agreement on the date/time of the interview within the ten (10) day timeframe. The timeframe may be extended at the request of the parent/guardian and no extension shall exceed 14 days.

The Superintendent or designee may proceed with any interview without a parent/guardian present, provided the Superintendent has documented a good faith effort to include the parent/guardian.

The Superintendent or designee shall convene a team of school staff to participate in the exit interview and shall provide information to the student and, if applicable, the student's parent/guardian on the detrimental effects of early withdrawal from school and the alternative education programs and services available to the student.

LEGAL REFS.: M.G.L. 76:1; 76:1A; 76:1B; 76:16; 76:18; 76:19; 76:20

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JHD: EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

### Denial of Admission

Denial of admission means the withholding of the privilege of enrolling in a school of the District.

The following shall be the grounds for denial of admission to school or for diversion to an appropriate alternative program:

Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

Failure to meet the requirements of age for beginning school as fixed by the School Committee as provided in Massachusetts General Laws;

Not being a resident of the District and the District has opted not to participate in the School Choice Law;

Failure to comply with the provisions of the Massachusetts School Entry Immunization Law.

LEGAL REFS.: M.G.L. 76:12; 76:12A; 76:12B  
603 CMR 26:00

CROSS REF: JEB, Entrance Age

**Adopted: February 27, 2024**

## JI: STUDENT RIGHTS AND RESPONSIBILITIES

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

Among these rights and responsibilities are the following:

1. Civil rights--including the rights to equal educational opportunity and freedom from discrimination; the responsibility not to discriminate against others.
2. The right to attend free public schools; the responsibility to attend school regularly and to observe school rules essential for permitting others to learn at school.
3. The right to due process of law with respect to suspension, expulsion, and decisions the student believes injure their rights.
4. The right to free inquiry and expression; responsibility to observe reasonable rules regarding these rights.
5. The right to privacy, which includes privacy with respect to the student's school records.

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

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

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

LEGAL REFS.: M.G.L. 71:3H; 71:82 THROUGH 71:86:

### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JIB: STUDENT INVOLVEMENT IN DECISION MAKING

As appropriate to the age of students, class or school organizations and school government organizations, such as student councils, may be formed to offer practice in self-government and to serve as channels for the expression of students' ideas and opinions.

The Committee will take into consideration student opinions in establishing policies that directly affect student programs, activities, privileges and other areas of student sensitivity.

Students will be welcomed at Committee meetings and granted privileges of speaking in line with the privileges extended to the general public.

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

### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017



## JIC: STUDENT DISCIPLINE

### **1. Specific Misconduct and Disciplinary Action**

Respect is at the heart of Newburyport Public Schools, respect for yourself, respect for the staff, and respect for your school. Every student has a right to an education in a safe, secure and supportive environment, and every teacher has a right to expect respectful, prepared students in his/her classroom. The administration will treat all students consistently and equitably, and will respect the rights of all students to an education in a safe and healthy environment. It is the policy of the Newburyport Public Schools to ensure fair and effective disciplinary practices. Accordingly, the following rules and regulations will be administered fairly and consistently to all students:

Enforcement of discipline is based on a system of progressive actions, starting with restorative justice, with a goal of limiting the use of long-term suspension as a consequence for student misconduct until other consequences need to be considered, as appropriate. The administrator will exercise discretion in determining disciplinary consequences. The administrator may utilize his/her discretion to significantly increase penalties in the cases of second and third offenses or for other factors. In determining the severity of the penalty or suspension, the appropriate administrator may consider all relevant facts, including but not limited to: 1) previous disciplinary record, 2) severity of disruption to the educational process, 3) degree of danger to self and/or others, 4) the degree to which the student is willing to change his/her inappropriate behavior and 5) whether alternative consequences are appropriate to re-engage the student in learning. Alternative consequences may include the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive behavioral interventions and supports.

### **Student Conduct and Discipline Policies**

The school's primary goal is to educate, not to discipline; however, when the behavior of individual students comes in conflict with the rights of others, corrective actions may be necessary both for the benefit of that individual and the school as a whole.

Students are governed by the policies, regulations, and rules of this district and state law, which are applicable in school, on the school grounds, at a school activity away from school, on the way to or from school, and on a school bus . . . The School Committee expects that students will be particularly mindful of their conduct when traveling for school events as they become “ambassadors” for our City. Students may also be subject to discipline for actions that affect the operation of the school but which occur beyond the areas listed above (cyber-bullying, harassment of school personnel, among others).

The principal, in consultation with the School Council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The School Council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct. Such governing rules shall be published and disseminated to school personnel, students and parents each year. In the case of the High School, the School Committee must approve the handbook by their Second June meeting.

We recognize that effective discipline should result in a positive change in the student's behavior, and at times must be adjusted to fit the individual situation. To this end, we list the offenses and recommended punishment to be incurred by a student for the indicated offense..

## **2. Process for Classroom Discipline**

Teachers are in charge of classroom management within their classrooms. Teachers are expected to maintain the expectations for student behavior/conduct that meet the general code of conduct as outlined in this handbook. Additionally, teachers should be explicit about their own expectations that may be unique to their own rooms. These rules or guidelines should be outlined in the course syllabus. Teachers should hold students accountable for their conduct within the classroom. When issues of misconduct arise, teachers should attempt to find a resolution based on any or all of the following:

1. A student/teacher conference (or teacher detention) to resolve the problem;
2. Communication with the parent through phone, email or conference;
3. A teacher/parent/student conference to resolve the problem;
4. Referral of the student to the Principal/Associate Principal for disciplinary action.

## **3. Guidelines for Referrals to the Principal and/or his/her Designee**

It is expected that teachers will handle their own discipline situations on a normal basis. However, it is recognized that situations do occur which demand that a student be referred to the Principal/Associate Principal for disciplinary actions.

Newburyport students have the privilege of making decisions. However, all students must understand the rules and possible consequences for violating them. The consequences for infractions of school rules include the following range of responses:

- Teacher-Student Conferences
- Parent Conference
- Exclusion from areas in the school
- Loss of activity privilege
- Loss of “Senior Week” activities up to and/or including graduation exercises
- Office detention
- In School Suspension
- Friday Extended-day detention
- Out-of-school suspension – both short term (10 days or less) and long term (over 10 days)
- Expulsion
- Mediation, conflict resolution, restorative justice, as appropriate
- Positive behavioral interventions and supports, as appropriate
- Other, as appropriate

## **4. Teacher-Student Conferences**

Every teacher has the right to request that a student report after school for extra help or for disciplinary reasons. Students and teachers will make every effort to honor these appointments. The Teacher-Student Conference will be held upon the teacher’s request.

## **5. Parent Conferences**

Meetings may be arranged including parents/guardians, the student, administration, faculty and/or involved or pertinent personnel.

## **6. Peer Mediation**

At the determination of the Associate Principal and the director of the Peer Mediation Program, students may be referred for mediation of disputes between two or more students. Peer mediation will not be used to address bullying.

## **7. Exclusion from Areas of the School**

If student behavior is disruptive and/or causes a safety concern, s/he may be excluded from an area of the school (for example a class, the library, a laboratory) for a period of time.

## **8. Loss of Activity Privileges**

### *ELIGIBILITY TO PARTICIPATE IN SCHOOL ACTIVITIES AND EVENTS*

Extra-curricular activities and events are an important part of the educational experience for our students, but participation in these activities is a privilege, not a right. The variety of clubs, activities and events is extensive and students are encouraged to become involved in one or more of these opportunities.

Participation in clubs and activities at Newburyport Schools and attending school-sponsored, school-related events is a privilege afforded to students who remain in good standing (e.g. acceptable attendance, no disciplinary action). To participate in school activities, events and clubs, students are expected to maintain good attendance and demonstrate good behavior and citizenship during school and at school-sponsored events. Eligibility for participation in activities, events, clubs, awards, scholarships and honorary positions at Newburyport Schools is limited to students who are currently enrolled in and attending Newburyport High School in good standing. Students not meeting these expectations may be excluded at the discretion of the Principal or his/her designee. A student's removal from extracurricular activities and attendance at school sponsored events is not subject to the procedural requirements of Massachusetts Laws Chapter 71, section 37H  $\frac{3}{4}$  (Principal's Hearing).

The removal is not a suspension for the purpose of counting the school days that a student is suspended. Parents will be notified when a student is removed or excluded from extracurricular activities.

## **9. Loss of "Senior Week" activities up to and/or including graduation exercises**

Senior activities are privileges afforded to students in good standing. If, during the senior activities after senior classes are over and before graduation, a student commits an infraction that warrants a suspension or expulsion, s/he will also forfeit his/her opportunity to participate in any other senior activities including the graduation ceremony. The student's diploma will be given to him/her at some time after the official graduation date.

## **0. Office Detentions**

Office detention is held at the end of the SAME school day as the infraction. A twenty-four hour grace period may be extended by the administration. Failure to report to an office detention may result in an extended-day detention. Parents will be notified.

## **11. Suspensions**

The Newburyport Public Schools adheres to the Student Discipline Laws and Regulations as set forth in Massachusetts General Laws Chapter 71, sections 37H, 37 H1/2 and 37 H  $\frac{3}{4}$  and 603 CMR 53.00 et seq.

## **IN-SCHOOL SUSPENSION 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 consistently adhere 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. If the in-school suspension exceeds ten (10) days, cumulatively or consecutively, in a school year, the student shall have the right to appeal the suspension to the Superintendent of Superintendent's designee.

On the same day as the in-school suspension decision, the principal or his/her designee shall make reasonable efforts to notify the parent 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, certified mail, first class mail or email) to the student and parent including the reason and the length of the in-school suspension, and inviting the parent 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 Meeting:*

The principal or his designee shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal or his/her designee is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent 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.

## **OUT-OF-SCHOOL SUSPENSION PROCEDURES UNDER M.G.L. CH. 71, SEC. 37H¾:**

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

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 oral and written notice of the possible suspension, an opportunity for the student to have a hearing and the opportunity of the Parent(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 will set forth in plain language:

- a. the disciplinary offense;
- a. the basis for the charge;
- a. the potential consequences, including the potential length of the student's suspension;
- a. the opportunity for the student to have a hearing with the principal or his 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 to attend the hearing;
- e. I the date, time, and location of the hearing;
- f. the right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- g. if the student may be placed on long-term suspension following the hearing with the principal:
  - 1. the rights set forth in 603 CMR 53.08(3)(b) ; and
  - 2. the right to appeal the principal's decision to the superintendent.

The principal or his/her designee shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Prior to conducting a hearing without the parent present, the principal or his/her designee will document reasonable efforts to include the parent. 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 in the manner specified by the parent for emergency notification.

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

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 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, 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 long-term suspension as set forth in 603 CMR. 53.08(3)(b);

- a. Provide written notice to the student and parent, including the information described in 603 CMR 53.06(2);
- d. 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 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.
- e. 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)I and 53.08(2)(d) or 603 CMR 53.08(3)I 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 M.G.L. CH. 71, SEC. 37H<sup>3/4</sup>:

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. The principal, or his/her designee, may, in his or her discretion, allow a student to serve a short-term suspension in school. 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, 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.
- a. 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.
- a. The principal or his/her designee shall notify the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal, 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.
- a. If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the short-term suspension takes effect.

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 M.G.L. CH. 71, SEC. 37H¾:

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. The principal or his/her designee, may, in his or her discretion, may allow a student to serve a long-term suspension in school. Except for students who are charged with a disciplinary offense set forth in Massachusetts General Laws Chapter 71, §37 H, or in Massachusetts General laws Chapter 71 § 37H ½, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) 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 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, 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'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 upon request. If the student or parent requests an audio recording, the principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

- c. The principal or his/her designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.
- 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 by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal and the parent. If the 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;
  - 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 education services to make academic progress during the period of removal from school;
  - 5) Inform the student of the right to appeal the principal's decision to the superintendent or designee, but only if the principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English 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 must file a written notice of appeal with the superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent 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.
- e. If the student is in a public preschool program or in grades K through 3, the principal shall send a copy of the written determination to the superintendent and explain the reasons for imposing an out-of-school suspension, before the suspension takes effect.

*Superintendent's Appeal Hearing:*

- 1. 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.
- 2. The student or parent 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 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.
- 3. The superintendent shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the superintendent shall grant the extension.



4. The superintendent shall make a good faith effort to include the parent in the hearing. The superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and superintendent to participate. The superintendent shall send written notice to the parent of the date, time, and location of the hearing.
5. The superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent 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 upon request.
6. The student shall have all the rights afforded the student at the principal's hearing for long-term suspension.
7. The superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of 603 CMR 53.08(3)I1 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.
8. The decision of the superintendent shall be the final decision of the school district, with regard to the suspension.

A parent 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 or guardians in discussions of the student's misconduct and to assist the student in re-engaging with the school community.

LONG-TERM SUSPENSION/EXPULSION PROCEDURES FOR SPECIAL CIRCUMSTANCES:

The long-term suspension or expulsion of a student from school will be in accordance with Massachusetts General Laws, Chapter 71, Section 37H. The grounds for long term suspension or expulsion include but are not limited to the following:

1. any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, 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.
2. 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.

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:

- 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.
- a. 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.

- a. Following the hearing, the principal or his/her designee may, in his/her discretion, decide to suspend rather than expel the student.
- b. The student may appeal the expulsion or long-term suspension to the Superintendent provided the appeal is requested in writing, within ten (10) calendar days following the long-term suspension or expulsion.
- c. At the appeal hearing the student may be represented by an attorney and may present oral and written testimony.
- d. 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 Section 37H.
- e. The Superintendent's decision is final.
- f. 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:*

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

EDUCATION SERVICES AND ACADEMIC PROGRESS UNDER M.G.L. CH. 71, SECS. 37H, 37H1/2 AND 37H3/4:

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 shall inform the student and parent 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 education services and make academic progress toward meeting state and local requirements, through the school-wide education service plan. A description of the school-wide education service plan is provided below.

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

## **12. Sending Student Home**

If the situation indicates that the student should be removed from the premises, the administrator shall attempt to reach the student's parents or guardians to request that they come to school for their child. The administrator may forgo the previous provision in the event of mass violations of school rules and where it is not possible to keep the student(s) on school grounds and restore order to protect people on school property. Even in such an emergency situation, the administrator will take into account such factors as the distance to home and the age of the individual students involved and shall take whatever action is necessary and possible, including having the student removed from the campus by the police.

## **13. Multiple Suspension Alternatives**

The administration may, at its discretion, substitute community service projects in place of some portion of multiple suspensions. The community service suspension alternative can only be approved in conjunction with consecutive external suspensions, and only when the administration feels that the specifics of the individual situation warrant such consideration.

## **14. Corporal Punishment**

Corporal punishment in public schools is illegal in Massachusetts. School staff may not hit or physically punish students. School staff may, however, use reasonable force if necessary to protect students, other persons, or themselves from an assault by a student.

## 15. Discipline of Students With Disabilities

In general, all students are expected to meet the requirements for behavior as set forth in the student handbook and the school's code of conduct. In accordance with Chapter 71B of the Massachusetts General Laws and with federal law IDEA 2004: Section 615 (k), and with Section 504 of the Rehabilitation Act of 1973: 29 U.S.C. Section 794 (A), the school may suspend or remove your child from his or her current placement for no more than 10 school days. Special provisions are outlined below for students with a documented disability who have an Individualized Education Program (IEP) or a Section 504 Plan.

### Suspension of Students with Disabilities

Procedures for suspension(s) not exceeding 10 school days:

- Any student with a disability may be suspended for up to ten (10) days during a school year. Disciplinary decisions are the same as for students without disabilities.
- 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. Your child may remain in this IAES for a period of time not to exceed 45 school days. Thereafter, your child will return to the previously agreed-upon placement unless a hearing officer has ordered another placement, or you and the school agree to another placement.

### Procedures for suspension of students with a disability when suspension exceeds 10 school days.

- If your child is suspended for more than 10 school days in a school year, this removal is considered a "change of placement". A change of placement invokes certain procedural protections under federal special education law and Section 504.
- Prior to any removal that constitutes a change of placement, the school will 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 in 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, and evaluations reports.
- 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 manifestation determination decision is that the disciplinary action *was* related to the disability, then your child may not be removed from the current educational placement (unless

under the special circumstances). The Team will review the IEP or Section 504 Plan and any behavioral intervention plans.

- If the manifestation determination decision is that the disciplinary action *was not* related to the disability, then the school may suspend or otherwise discipline your child according to the school's code of conduct. 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.

- 

#### 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. Your child may remain in this IAES for a period of time not to exceed 45 school days. Thereafter, your child will return to the previously agreed-upon placement unless a hearing 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 10<sup>th</sup> school day of suspension.

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. 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 Bureau of Special Education Appeals for a hearing or the Office of Civil Rights (Section 504). Until issues are resolved, the student remains in his or her current placement.

### **16. Plagiarism/Cheating Policy**

A student who is found cheating or plagiarizing his/her schoolwork will lose credit for that assignment and may also receive up to a maximum three-day suspension (OSS) from school. Any suspension incurred as a result of a cheating incident shall not take place during a formal exam period. Examples of plagiarism/cheating follow, but are not limited to: 1. Failure to credit an appropriate author(s). 2. Downloading Internet materials without citing appropriate source and author. 3. The sale or purchase and submission of teacher-directed academic assignments-prose, poetry, term papers, and/or any such written document. 4. The use of online translators (Internet translation sites are prohibited). 5. Unauthorized use of any electronic device during the time of a formal assessment/test/exam.

### **17. Forgery/Misrepresentation**

Signing a name other than your own is considered forgery. This includes, but is not limited to, the names of parents, teachers, staff members, and peers. Misrepresentation electronically or over the phone is also considered a serious infraction.

### **18. Conduct**

Students at Newburyport Schools are expected to demonstrate the Clipper Values and act in a respectful, courteous manner at all times, including those times when they are in the corridors, on the bus or otherwise traveling to and from school. This respect and courtesy shall be extended to fellow students, teachers, administrators and staff members.

## **19. Gambling**

Gambling in the building or on school grounds is not acceptable. Violations will be referred to the Associate Principal for disciplinary action.

### **20 Laser Pointers/Pens**

Any device that projects a laser beam is prohibited from school. If confiscated by a teacher or administrator, these items may be claimed from the Associate Principal's Office at the end of the school day. If confiscated a second time, these items will be returned only to a parent/guardian.

## **21 School Property**

We care a great deal about, and are very proud of, our school building and facilities and we hope that you will share that with us. The building and its equipment need to be treated with care and respect in order for them to remain attractive and functional. It is expected that you will treat all school property well, pick up any paper or litter that you see in the classrooms, corridors, lavatories, dining areas or grounds, and that you immediately report any marring or destruction of property which you observe in the building to a teacher or custodian.

## **22. Tobacco, Smoking, Vaping**

Use of any tobacco products, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco and snuff and electronic cigarettes, electronic cigars, electronic pipes or other similar products that rely on vaporization or aerosolization, within the school buildings, school facilities, on school grounds or school buses, or at school sponsored events by any individual, including school personnel and students, is prohibited at all times.

A student determined to be in violation of this policy shall be subject to disciplinary action pursuant to the student discipline code as outlined below:

### **First Violation:**

- Notification to the athletic director and all other club/activity/co-curricular advisors for the implementation of a probationary period due to a "Chemical Health Violation". See 8.13 for co-curricular penalties and 9.7 & 9.8 for athletic penalties.
- Dismissed to custody of the parents.
- Student will participate in a school run health education course held after school taught by certified Health/Wellness professional.

Students who do not show or refuse to participate in the health education course will be assigned to a 3 hour extended day detention.

### **Second Violation:**

- Subsequent Chemical Health Violation (See penalties, 8.13 and 9.7/9.8)
- Sent home with parents and suspended the following day (OSS).

Third and Subsequent Violations:

- Two day OSS (out of school suspension).
- Notification of all sports and activities directors

## **23 Safety Issues**

Any act that imperils the safety of others, including but not limited to: throwing objects (snowballs, ice, food, water, etc.) or other actions which could cause injury or damage is forbidden. The severity of discipline will depend on the severity of the incident.

## **24. Trespassing/Triggering Alarm**

Students who enter the building when the facility is shut down will be considered trespassing. Students who trigger the security alarm will be required to pay for the custodial overtime to do a building check.

## **25 Arson, Pulling Fire Alarms, or False Dialing 911**

Pulling fire alarms, arson and dialing 911 (when there is not an emergency) are violations of state laws. If such instances occur, the school will inform the police and may file a court complaint against the student(s). In addition, the student(s) will receive a minimum of ten days suspension. If a second offense is committed, the school administration will recommend that the student be excluded from school.

## **26 Assault on an Administrator, Teacher, Teacher's aide or other staff**

Any student, who assaults an administrator, teacher, teacher's aide, or other educational or support staff, on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal. The student will be suspended and a hearing will be held with the principal to consider expulsion of the student. Police will be notified (see *Memorandum of Understanding*, Section 3A).

## **27 Student Searches**

The Fourth Amendment to the Constitution of the United States prohibits unreasonable search and seizures. If, however, there is reasonable suspicion to believe that a student has violated school rules or the law, or is in possession contraband (e.g. weapons, narcotics, alcohol, stolen property) on his/her person or possessions or located in his/her locker, Newburyport Schools reserves the right to search that student, his/her possession(s) and/or locker. This shall be done in the presence of the principal or his/her designee and the student, if possible. Lockers are the property of Newburyport Public Schools and are provided as a privilege for convenience only. The locker, in its entirety, including the space within the locker, shall be the property of the school. Students are cautioned that they may use the locker subject to the right of the school to open the locker at any time for inspection, and there should be no expectation of privacy in the student locker.

When necessary, the school may work in cooperation with local authorities to allow the use of K-9 units. Every effort will be made to limit direct contact between the K-9 units and the students.

## **28 Theft**

Students involved in the act of stealing or receiving stolen property may receive disciplinary consequences up to and including suspension (OSS). Additionally, students should expect to pay restitution and notification of parents. Depending on the circumstances, the police may be notified. (See the *Memorandum of Understanding*, Section 6.40).

Students involved in a second or subsequent offences may be suspended (OSS) for up to five days.

## **29 Vandalism**

Vandalism includes all willful damage to school or personal property. Depending on the circumstances and severity, the police may be notified. Students involved in vandalism of school property may receive disciplinary consequences such as detention, Friday Extended-day detention, or suspension (OSS). Additionally, students should expect to pay restitution.

Second or subsequent offenses will result in more severe consequences.

## **30. Weapons**

Any student who is found on school premises or at school-sponsored or school related events, including athletic games, in possession of a dangerous weapon, including, but not limited to a gun or knife (including pocket knives and box cutters) may be subject to expulsion from the school by the principal. State laws identify such possession as a crime punishable by substantial fines and/or imprisonment. The student will be suspended and a hearing will be held with the principal to consider expulsion of a student found in possession of a dangerous weapon in school or at school activities. Police will be notified (See *Memorandum of Understanding*, Section 6.40).

## **31. Possession or Use of a Deadly Weapon**

The term "dangerous or deadly weapon" is used to include knives, chains, section of pipe, tire irons, razors, razor blades, guns, and any other object used by a student to intimidate or to inflict bodily harm on another person.

A student found to be in possession of a dangerous or deadly weapon will receive an external suspension of a minimum of 10 days, pending review by the principal for further suspension or expulsion: parents and police are notified verbally and in writing.

*Massachusetts General Law, .71, s.10 states: "Whoever not being a law enforcement officer, and notwithstanding any license obtained by him under the provisions of Chapter 140, carries on his person a firearm as hereinafter defined, loaded or unloaded, in any building or on the grounds of any secondary school, college or university without the written authorization of the board or officer in charge of such secondary school, college or university shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year; or both. For the purpose of this paragraph, "firearm" shall mean any pistol, revolver, rifle, or smoothbore arm from which a shot, bullet, or pellet can be discharged by whatever means."*



### **32. Memorandum of Understanding: Collaborative Initiative Involving the Newburyport Schools, Police, and District Attorney**

- A. General Principles: The Newburyport Public Schools, the Newburyport Police Department, and the Essex County District Attorney's Office agree to coordinate their response to violent, delinquent, or criminal acts by students and to alcohol and other drug use, which occur on school premises or at school sponsored or school-related events. To ensure a safe educational environment, this collaborative effort between school administration and law enforcement supports "zero tolerance" for drugs, alcohol, weapons and violence. Non-students involved in such acts on school premises or at school events are to be reported as students are.

It continues to remain the sole prerogative of school officials to impose discipline for infractions of school rules and policies. In cases where the school has reported an incident to the police, as described below, the school agrees to notify the police department before suspending a student under the provisions of M.G.L. Chapter 71, Section 37H 1/2.

M.G.L. Chapter 71, Section 37H requires each school district to have a written Code of Conduct reflected in student handbooks stating the standards and procedures to assure building security and safety of students and school personnel, and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or civil rights violations. Reference to this Memorandum shall be made in these handbooks.

#### **B. Objectives**

- A. To develop and implement a process for school officials and local police to coordinate a response to criminal/delinquent behavior and to refer appropriate first time or early offenders, ages 7-17, to the Essex County District Attorney's Juvenile Diversion Program. The Juvenile Diversion Program is an alternative to the court system. Participating youth are required to attend counseling/education programs, perform community service and in some cases pay restitution. Youth who successfully complete the Juvenile Diversion Program will have no court record.
- A. To work with the Substance Abuse Advisory Committee, which should include representatives for the school age population, local police, clergy, parents, teachers, school administrators, community agency representatives and the District Attorney's Juvenile Diversion Coordinator, and which should make recommendations to the appropriate school officials and parent groups concerning more effective ways to promote an awareness of the dangers of drug and alcohol use and abuse and sound preventative measures.

#### **C. Procedures**

While acknowledging that school officials are not agents of the police or Commonwealth and the Commonwealth and police are not agents of the school, the school and police should develop policies and protocols for coordinated efforts.

- A. The Superintendent of Schools and the school Principal are responsible for reporting acts. The Police Chief shall designate an officer (or officers) to coordinate all reported criminal acts.

A mandatory reportable act shall include:

- Any serious incident of assaultive behavior, assault and battery, destruction of property, or theft;
- Violation of a restraining order;
- Possession of a dangerous weapon;
- Finding any student who is in actual or constructive possession of what is reasonably believed to be a controlled substance as defined by state law, except that possession of drugs pursuant to a valid prescription is a discretionary reportable act; and
- Having a reasonable belief that any student has sold or offered to sell or otherwise distributed a drug that is believed to be a controlled substance under the law.

A discretionary reportable act shall include

- Any student's violation of a state criminal statute which warrants reporting but is not as serious as a mandatory reportable act; and
- Finding any student, regardless of age, who is reasonably believed to be under the influence of alcohol or other drugs.

- B. Any teacher or other school employee who has reasonable grounds to believe that student has committed a mandatory reportable act or a discretionary reportable act, as defined above, shall take (or cause to be taken) the student to the Principal or Superintendent. The Principal/Superintendent shall ask the reporting teacher/employee what happened and take custody of any physical evidence.
- C. The Principal/Superintendent shall inform the student and his/her parent or guardian of the nature of the offense and inform them that certain offenses must be reported to the police. The Principal/Superintendent may offer the student the opportunity to respond to the teacher/employee's report. The Principal/Superintendent shall in the case of a mandatory reportable act, and may in the case of a discretionary reportable act, notify the police of the incident and the existence of any physical evidence. All contraband (drug, alcohol, firearms, and dangerous weapons) shall be immediately surrendered to the appropriate police department. In addition, the Principal/Superintendent will comply with M.G.L. Chapter 71, Section 37L requiring that an incident involving a student's possession or use of a dangerous weapon on school premises at any time be reported in writing to the Chief of Police. This report must be filed in any case involving a student's possession or use of a dangerous weapon on school premises, regardless of whether it occurred during school hours, and whether or not the student has been expelled.
- D. School personnel are permitted to search a student's clothing, personal possessions or locker at the direction of the Principal/Superintendent if there is a reasonable basis for believing that the student is concealing material the possession of which is prohibited by federal, state, or local law, or the provisions of the School Discipline Code. However, if the Principal/Superintendent believes, prior to the search, that the student's act should be reported to the police, they should inform the police that the school intends to conduct the search. The Principal/Superintendent shall inform students in writing at the beginning of each school year of this practice. The Principal/Superintendent should keep a record of such searches detailing time, place, reasons and witnesses.

- E. Upon notification from the Principal/Superintendent, police shall respond in cases of mandatory reportable acts and may respond in other cases.
- F. Juvenile offenders who meet the eligibility criteria for the Essex County District Attorney's Juvenile Diversion Program may be admitted to that program in lieu of prosecution. The Juvenile

Diversion/Juvenile Justice Coordinator together with police and the Assistant District Attorney will decide which candidates should be offered the Juvenile Diversion Program. Cases that are not appropriate for Juvenile Diversion will be prosecuted through the Juvenile Justice System. For those student offenders who have reached their seventeenth birthday, the police and the Assistant District Attorney will decide which adult cases to prosecute in the criminal court.

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

Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JICA: STUDENT DRESS CODE

The right of students to freedom of expression in the public schools of the commonwealth shall not be abridged, provided that such right shall not cause any disruption or disorder within the school. The responsibility for appropriate dress and appearance of students will rest with individual students and parents. Students shall have a right to express themselves by the dress and hair style of their own choosing provided students meet their responsibility to dress and groom in a manner that conforms to the reasonable and acceptable standards of health, safety and cleanliness, and that does not distract or cause disruption to the educational process. Teachers and administrators also have an obligation to serve as role models for students in the manner of their dress. While it is not practical to publish a definitive list of requirements or prohibitions, the following guidelines should be followed:

- Clothing may not bear inappropriate words or picture or, promote drugs and/or alcohol.

Any staff member who feels that a student is inappropriately dressed may send the student to the Main Office, where the Principal or Associate Principal will make the final determination regarding the dress. Students will be given an opportunity to change into appropriate clothing. Refusal to comply with the dress code may result in disciplinary consequences.

**Adopted: June 19, 2017**

**Revised: January 23, 2023**

## JICC: STUDENT CONDUCT ON SCHOOL BUSES

School bus safety is a primary concern of the Newburyport Public Schools, which reserves the right to take whatever action is necessary to maintain a high level of safety. The courts have held that the right of a student to transportation is a qualified right, dependent on appropriate behavior. In those cases where a student seriously or repeatedly misbehaves, the Assistant Principal or Principal will notify the student's parents. Such behavior may result in temporary removal from the bus for that student. If a student's behavior seriously endangers other students and/or the driver, that student is subject to immediate and possibly permanent removal from the bus. Disciplinary action is detailed in each school's Handbook or Student Code of Conduct.

The following conduct is strictly prohibited:

- Smoking, vaping or use of tobacco (also see School Committee Policy *ADC*)
- Lighting of matches or any device
- Extending any body part out of a window
- Standing or moving when bus is moving
- Throwing any object within the bus or out a window
- Interfering with anyone passing to or from a seat
- Eating of any food
- Profanity
- Bullying
- Possession of any illegal or dangerous or drug or weapon
- Talking or shouting in a manner that is disruptive to the bus driver or other students
- Behavior of any kind that is disruptive to the bus driver or to students on the bus
- Any student conduct prohibited in the Student Handbook or Student Code of Conduct.

Failure to comply with the above regulations will result in disciplinary actions as detailed in each school's Student Handbook or Student Code of Conduct and may include temporary or permanent loss of bus privilege, suspension from school, or other disciplinary action as appropriate to the offense.

A student who pays a fee for transportation and whose riding privileges are suspended because of a violation of these rules will not receive a fee refund in whole or in part.

The driver is in complete charge of the bus and the students while in route to and from school. All passengers must follow the instructions issued by the driver for loading, unloading and personal conduct.

### **Safety Guidelines**

For reasons of safety, all bus passengers must comply with the following:

1. Students must ride in the assigned buses, loading and departing at designated stops only.
2. Students are expected to be on time at designated bus stops (at least five (5) minutes before).

3. Students must stay off the road at all times while waiting for the bus. Students should conduct themselves in a safe manner while waiting.
4. After the bus arrives at the bus stop, students may not cross the street until signaled to do so by the driver. The driver will not signal students to move from the bus stop until after the red lights are flashing and the driver has verified that the traffic has stopped.
5. Passengers leaving buses must cross in front of the bus under the direction of the driver who is able to see traffic in both directions while passengers cannot. The bus shall not move until all passengers are safely on their side of the street.
6. Bulky objects carried onto the bus are to be stored as directed by the driver.
7. USE OF EMERGENCY DOORS IS PROHIBITED UNLESS THERE IS AN EMERGENCY SITUATION.
8. Students will be held liable for any damage resulting from defacing or causing destruction of school buses.

### **Responsibility of Bus Driver**

The primary responsibility of a bus driver is to conduct the bus in a safe manner consistent with all laws, regulations, and stipulations of the contract between the Newburyport Public Schools and the bus company. Additionally:

1. A bus driver shall report any misconduct that would impair safe operation of the bus by filling out a “Bus Conduct Report”.
2. A bus driver shall not leave the bus with students aboard, unattended.
3. A bus driver shall check the bus at the end of each bus run to make sure that no students remain on the bus.

### **Version Control**

<b>Action</b>	<b>Date</b>
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JICE: STUDENT PUBLICATIONS

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

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

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

### Distribution of Literature

The time, place and manner of distribution of print and digital media will be reasonably regulated by the Principal.

LEGAL REF.: M.G.L. 71:82

**Adopted: February 27, 2024**

## JICF: GANG ACTIVITY/SECRET SOCIETIES

The goal of the School Committee is to keep District schools and students free from the threats or harmful influence of any gang. For purposes of this policy, gang is defined as any group, secret society, organization or association that advocates drug use, violence, ethnic intimidation, or disruptive or illegal behavior. The Principal or their designee shall maintain supervision of school premises to deter intimidation of students and confrontations between members of different gangs.

The Superintendent shall establish open lines of communication with local law enforcement agencies so as to share information and provide mutual support in this effort within appropriate legal guidelines.

The Superintendent shall provide as needed in-service training to help staff members identify gangs and gang symbols, recognize early manifestations of disruptive activities, and respond appropriately. Staff members shall be informed about conflict management techniques and alerted to intervention measures and community resources that may help students.

### Symbols

The School Committee finds that gang symbols are inherently disruptive to the educational process, and therefore prohibits the presence of any insignia, apparel, jewelry, accessory, notebook or other school supply, or manner of grooming which by virtue of its color, arrangement, trademark, or any other attribute denotes membership in gangs. The School Committee further prohibits any demonstration of gang membership through the use of hand gestures, graffiti, or printed materials. This policy shall be applied by the Principal or their designee as the need for it arises at individual school sites. A student may be suspended or expelled for failure to comply with the provisions of this policy.

### Prevention Education

The School Committee realizes that students may become involved in gangs without understanding the consequences of such membership. Early intervention is a key component of efforts to break the cycle of such memberships. Therefore, gang violence prevention information shall be made available in the elementary, middle, and high schools as appropriate.

### Secret Societies

Fraternities, sororities and/or secret societies shall not receive District or building recognition in any manner.

A student may be suspended or expelled for failure to comply with the provisions of this policy.

**Adopted: February 27, 2024**



## JICFA: PROHIBITION OF HAZING

In accordance with Massachusetts General Laws, the School Committee hereby deems that no student, employee or school organization under the control of the School Committee shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any person while on school property.

Any student who observes what appears to them to be the activity of hazing another student or person should report such information to the Principal including the time, date, location, names of identifiable participants and the types of behavior exhibited. Students and employees of the District are obligated by law to report incidents of hazing to the police department.

Any student who is present at a hazing has the obligation to report such an incident. Failure to do so may result in disciplinary action by the school against that student and could involve suspension from school for up to three days.

Any student who participates in the hazing of another student or other person may, upon the approval of the Superintendent of Schools, be suspended from school for up to ten (10) school days.

Any student determined by the Principal to be the organizer of a hazing activity may be recommended for expulsion from school but will receive no less disciplinary action than that of a participant.

In all cases relating to hazing, students will receive procedural due process.

LEGAL REF.: M.G.L. 269:17, 18, 19

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JICFA-E: HAZING DEFINITIONS

### CH. 269, S.17. CRIME OF HAZING; DEFINITION; PENALTY

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

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to be contrary, consent shall not be available as a defense to any prosecution under this action.

### CH. 269, S.18. DUTY TO REPORT HAZING

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

### CH. 269, S.19. HAZING STATUTES TO BE PROVIDED; STATEMENT OF COMPLIANCE AND DISCIPLINE POLICY REQUIRED

Each secondary school and each public and private school or college shall issue to every group or organization under its authority or operating on or in conjunction with its campus or school, and to every member, plebe, pledge or applicant for membership in such group or organization, a copy of this section and sections seventeen and eighteen. An officer of each such group or organization, and each individual receiving a copy of said sections seventeen and eighteen shall sign an acknowledgment stating that such group, organization or individual has received a copy of said sections seventeen and eighteen.

Each secondary school and each public or private school or college shall file, at least annually, a report with the regents of higher education and in the case of secondary schools, the Board of Education, certifying that such institution has complied with the provisions of this section and also certifying that said school has adopted a disciplinary policy with regards to the organizers and participants of hazing. The Board of Regents and, in the case of secondary schools, the Board of Education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such a report.

LEGAL REF.: M.G.L. 269:17, 18, 19

Version Control

Action	Date
--------	------

First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JICFB: BULLYING PREVENTION

The School Committee 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.

“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 that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to themselves, or of damage to their 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.

Cyber-bullying shall also include the creation of electronic medium 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/guardians 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.

### Prevention and Intervention Plan

The Superintendent and/or their designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The bullying prevention and intervention plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the bullying prevention and implementation plan within their school.

### Reporting

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are obligated to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying.

Each school shall have a means for anonymous reporting by students of incidents of bullying. No formal disciplinary action shall be taken solely on the basis of an anonymous report.

Any student who knowingly makes a false accusation of bullying shall be subject to disciplinary action.

Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

A member of a school staff shall immediately report any instance of bullying the staff member has witnessed or become aware of to the school principal or their designee.

### Investigation Procedures

The Principal or their designee, upon receipt of a viable report, shall promptly contact the parents or guardians of a student who has been the alleged target or alleged perpetrator of bullying. The actions being taken to prevent further acts of bullying shall be discussed.

The school Principal or a designee shall promptly investigate the report of bullying, using a Bullying/Cyber-bullying Report Form which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses.

Support staff shall assess an alleged target's needs for protection and create and implement a safety plan that shall restore a sense of safety for that student.

Confidentiality shall be used to protect a person who reports bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying.

If the school Principal or a designee determines that bullying has occurred they shall take appropriate disciplinary action and if it is believed that criminal charges may be pursued against the perpetrator, the principal shall consult with the school's resource officer and the Superintendent to determine if criminal charges are warranted. If it is determined that criminal charges are warranted, the local law enforcement agency shall be notified.

The investigation shall be completed within fourteen school days from the date of the report. The parents or guardians shall be contacted upon completion of the investigation and informed of the results, including whether the allegations were found to be factual, whether a violation of this policy was found, and whether disciplinary action has or shall be taken. At a minimum the Principal or their designee shall contact the parents or guardians as to the status of the investigation on a weekly basis.

Disciplinary actions for students who have committed an act of bullying or retaliation shall be in accordance with district disciplinary policies.

Each school shall document any incident of bullying that is reported per this policy and a file shall be maintained by the Principal or designee. A monthly report shall be provided to the Superintendent.

Confidentiality shall be maintained to the extent consistent with the school's obligations under law.

#### Retaliation

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

#### Target Assistance

The school district shall provide counseling or referral to appropriate services, including guidance, academic intervention, and protection to students, both targets and perpetrators, affected by bullying, as necessary.

#### Training and Assessment

Annual training shall be provided for school employees and volunteers who have significant contact with students in preventing, identifying, responding to, and reporting incidents of bullying.

Age-appropriate, evidence-based instruction on bullying prevention shall be incorporated into the curriculum for all K to 12 students.

#### Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be

provided to students and their parents or guardians, in age-appropriate terms.

Annual written notice of the bullying prevention and intervention plan shall be provided to all school staff. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan applicable to the school.

Relevant sections of the bullying prevention and intervention plan relating to the duties of faculty and staff shall be included in the school employee handbook.

The bullying prevention and intervention plan shall be posted on the school district website.

LEGAL REFS.: Title VII, Section 703, Civil Rights Act of 1964 as amended  
Federal Regulation 74676 issued by EEO Commission  
Title IX of the Education Amendments of 1972  
603 CMR 26.00  
M.G.L. 71:37O; 265:43, 43A; 268:13B; 269:14A

REFERENCES: Massachusetts Department of Elementary and Secondary Education's Model  
Bullying Prevention and Intervention Plan

CROSS REFS.: AC, Nondiscrimination  
ACAB, Sexual Harassment  
JIC, Student Discipline  
JICFA, Prohibition of Hazing

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JICH: ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED

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

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

### Verbal Screening

- The school district shall utilize, in accordance with law, a verbal screening tool approved by the Department of Elementary and Secondary Education to screen students for substance abuse disorders. The tool shall be administered by trained staff on an annual basis at grades 7 and 9.
- Parents/guardians shall be notified prior to the opening of school each year. Parents/guardians shall have the right to opt out of the screening by written notice prior to or during the screening.
- All statements made by a student during a screening are confidential and shall not be disclosed except in the event of immediate medical emergency or in accordance with law. De-identified results shall be reported to the Department of Public Health within 90 days of the completion of the screening process.

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

LEGAL REFS.: M.G.L. 71:2A; 71:96; 71:97; 272:40A

CROSS REFS.: ADC, Tobacco Products on School Premises Prohibited  
GBED, Tobacco use on School Property by Staff Members Prohibited  
IHAMB, Teaching About Alcohol, Tobacco and Drugs  
GBEC, Drug Free Workplace Policy

**Adopted: June 19, 2017**

**Revised: February 27, 2024**



## JICK: HARASSMENT OF STUDENTS

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

Harassment prohibited by the District includes, but is not limited to, harassment on the basis race\*, color, sex, sexual orientation, gender identity, religion, disability, age, genetic information, active military/veteran status, marital status, familial status, pregnancy, or pregnancy-related condition, homelessness, ancestry, ethnic background, national origin, or any other category protected by state or federal law. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion pursuant to disciplinary codes. Employees who have been found to violate this policy will be subject to discipline up to and including, termination of employment, subject to contractual disciplinary obligations.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities; or
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student.

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

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

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

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

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

The District will promptly and reasonably investigate allegations of harassment through designation of Title IX Coordinator or building based employees, who may include principals or their designees. The superintendent will recommend, in consultation with the principals, opportunities to the designated recipients for appropriate training. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally appropriate disciplinary, restorative and/or corrective action.

The District will respond promptly and reasonably investigate allegations of sexual harassment through designation of the Title IX Coordinator or building based employees to any reports or complaints of discrimination, including harassment and retaliation, or other violations of civil rights, pursuant to our detailed response protocol. Where it is determined that discrimination or harassment has occurred, the District will act promptly to eliminate the conduct and will impose developmentally- appropriate disciplinary, restorative, and/or corrective action.

\*race to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles.

LEGAL REF.: M.G.L. 151B:3A  
Title IX of the Education Amendments of 1972  
BESE 603 CMR 26:00  
34 CFR 106.44 (a), (a)-(b)  
34 CFR 106.45 (a)-(b) (1)  
34 CFR 106.45 (b)(2)-(b)(3,4,5,6,7) as revised through June 2020  
Acts of 2022, Chapter 117

CROSS REF.: AC, Non-Discrimination Policy Including Harassment and Retaliation

**Adopted: February 27, 2024**

## JIE: PREGNANT STUDENTS

The School Committee wishes to preserve educational opportunities for those students who may become pregnant and/or take on parenting responsibilities.

Pregnant students are permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout their pregnancy, and after giving birth are permitted to return to the same academic and extracurricular program as before the leave.

The school district does not require a pregnant student to obtain the certification of a physician that the student is physically and emotionally able to continue in school.

Every effort will be made to see that the educational program of the student is disrupted as little as possible; that health counseling services, as well as instruction, are offered; that return to school after leave is encouraged; and that every opportunity to complete high school is provided.

LEGAL REFS.:       M.G.L. 71:84  
                          Title IX: 20 U.S.C. §1681  
                          34 CFR § 106.40(b)

### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JIH: SEARCHES AND INTERROGATIONS

### Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school committees and administrators. This authority may be exercised as needed in the interest of safeguarding children, personal and school property.

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

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

### Interrogations by Police

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

1. When law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school Principal or another building administrator will be present . An effort will be made to contact the student's parent/guardian or guardian so that the responsible individual may be notified of the situation.
2. If custody and/or arrest are involved, the Principal will request that all procedural safeguards, as prescribed by law, are followed by the law enforcement officials.

LEGAL REFS.: M.G.L. 269:17, 18, 19

MOU: District Attorney, Newburyport Police Department, Newburyport Public Schools

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JII: STUDENT COMPLAINTS AND GRIEVANCES

The School Committee recognizes that there may be conditions in the school system that are in need of improvement and that students should have some means by which their concerns may be effectively expressed, considered, and dealt with fairly. Such means, if well-conceived, and understood in advance, can do much to maintain harmonious relationships among the schools and the students and community. Every attempt will be made to seek a satisfactory solution to any concerns in a friendly and informal manner.

Students--and their parents and/or guardians, who believe that a student has received unfair treatment may bring forward their grievance through the appropriate channels. Appeals of disciplinary cases will be required to follow the district's policy on student discipline. Any applicable provisions of the Massachusetts General Laws or federal law will be followed by school officials in conducting hearings.

CROSS REF.:           JIC, Student Discipline  
                          JIB, Student Involvement in Decision Making

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JJ: CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES

The School Committee believes that student activities are a vital part of the total educational program and should be used as a means for developing wholesome attitudes and good human relations and knowledge and skills. Therefore, the schools will provide a broad and balanced program of activities geared to the various ages, interests, and needs of students.

The following will serve as guides in the organization of student activities:

1. The goal for each student will be a balanced program of appropriate academic studies and activities to be determined by the school, the parents/guardians, and the student. This should be a shared responsibility.
2. Guidance will be offered to encourage participation of all students in appropriate activities and to prevent over-emphasis on extracurricular activities at the cost of academic performance.
3. All activities will be supervised; all clubs and groups will have a faculty advisor.

LEGAL REF.:           M.G.L. 71:47  
                              603 CMR 26.06

**Adopted: June 19, 2017**  
**Revised: February 27, 2024**

## JJA: STUDENT ORGANIZATIONS

Student organizations in the District shall be encouraged when they meet the criteria of contributing to student self-esteem and performance and should operate within the framework of state statutes, School Committee policies, and administrative procedures.

Each building Principal shall develop general guidelines for the establishment and operation of student organizations within the particular school. Among other provisions, such guidelines shall require the approval of the Principal prior to the formation of any club or organization in the school and the assignment of at least one faculty or designated adult advisor to each approved student organization. Within such guidelines will be provisions for a periodic review of all student organizations.

The formation of any student organization that may engage in activities of a controversial nature shall require approval by the School Committee.

All student organizations shall be required to open membership to all interested and/or eligible students. Disruptive groups, secret societies, and/or gangs shall not receive recognition in any manner under this policy.

All forms of hazing in initiations shall be prohibited in a student organization. No initiation shall be held for a student organization which will bring criticism to the school system or be degrading to the student.

The faculty or designated adult advisor must attend every meeting of the student organization whether conducted on school premises or at another location.

### Student Organizations - High Schools

In addition to the above requirements, all clubs or organizations at the high school level will relate to the subject matter covered by the curriculum. The Principal is responsible for determining that the purpose of a student organization is related to the curriculum. The Principal is authorized to deny requests by unauthorized student organizations desiring to meet or form in a particular school, the Principal shall inform the group of the reasons for the denial. The students and/or group may submit a written request to the appropriate District administrator for review of the Principal's decision.

LEGAL REF.:           603 CMR 26.00

CROSS REF.:           JICF, Gang Activities/Secret Societies

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JJE: STUDENT FUND-RAISING

While the School Committee recognizes that fundraising activities have become a part of the school environment at all levels, the Committee wishes to ensure that students are not exploited by the process.

The Committee supports student involvement in the sale of tickets to scheduled athletic events, school dramatic and musical performances, and other school events where sales are required. Also, student publications which require the sale of advertising to sustain themselves and serve the student body and/or the community may involve students in such sales.

Charitable fundraising activities, especially those that are part of a community service event or program are encouraged provided such proposals are submitted to and approved by both the building Principal and the Superintendent.

Other fundraising activities that wish to involve students in the fundraising process shall be submitted to the Superintendent for approval.

For safety reasons and because the School Committee recognizes that community members receive requests for support from many worthy causes, activities such as canning and door-to-door sales are strongly discouraged.

No money collections of any kind may be held in the schools without the specific consent of the Superintendent.

CROSS REF.:           JP: Student Gifts and solicitations  
                              KHA: Public Solicitations in Schools

### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017



## JJF: STUDENT ACTIVITY ACCOUNTS

*The single most important protection for any Student Activities Account is to separate the duties and responsibilities of those collecting and depositing money from those who disburse or spend it.*

The School Committee shall adopt procedures for the creation, operation, and control of Student Activity Funds.

1. An interest bearing account has been created by the City Treasurer to be used as a depository for all monies raised by student organizations. The account is “Newburyport Public Schools Student Activities”.
2. A sub account has been created for each (checking account) for the purpose of paying daily student activity expenditures. A limit of \$75,000 will be maintained. When these funds need to be replenished, a warrant will be produced. A voucher with verification of expenditure attached (approved by Principal) will be provided showing amounts of the requested funds that have been paid by the Student Activity Accounts. Both the Warrant and vouchers must be approved by the Assistant Superintendent of Finance or his/her designee before being presented to the School Committee for authorization.
3. All bank deposits must be evidenced by a student activity deposit slip signed by the advisor with the student organization to be credited and forwarded to the Bookkeeper in charge of the Student Activity for deposit. Any monies not deposited shall be held over in the school safe and deposited the next day.
4. Miscellaneous student earnings (such as vending machines) will be distributed for student activity benefit. The earnings will be used for the direct benefit of student at the appropriate school.
5. Fundraising events must be held in accordance with School Committee Policy. Fundraising financial results must be reported to the Principal within one week of the conclusion of the event. Funds must be deposited in accordance with prior instructions.
6. A standard Request for Funds form will accompany all requests for payments. The Request for Funds form will state to whom the check is payable and the amount. The check will be prepared by the Student Activities Bookkeeper and signed by an authorized signer. A copy of the check and request/invoice will be kept on file with the Student Activity bookkeeper. All purchases are to be made under the town tax exempt number.
  - a. No check will be made payable to cash.
  - a. No check will be issued without bills or receipts.
  - a. Vendor statements shall not be accepted
  - a. All checks shall be sequentially numbered and accounted for including voids
  - a. Both accounts will have 2 signers authorized; principal and central office finance. Both signatures will be required for any amount of \$5,000 or higher
2. Student Activity Accounts shall be maintained by the Principal and Student Activity Bookkeeper. The receipts and expenditures should match to the appropriate recognized Student Activity Account. The student organization accounts should be balanced to the control accounts.
3. Bank and account reconciliations will be performed monthly by the Student Activity Bookkeeper. Copies of Student Accounts will be sent to Principals, Business Manager and to each account advisor as requested.
4. School Committee policies shall specify the use and disposition of all interest earned, which shall be for the benefit of the students participating in activities.

- a. Interest earned on deposits may be expended for operating costs related to the operation of the Student Activity Account
  1. Bank charges, audits, forms, tickets and computer supplies
- b. Balance of unused interest will be distributed to the Student Organization account using a distribution formula based on the average monthly balance in each account.
2. Any student organization account inactive for a period of three (3) years shall be closed by the following action;
  - a. Written notification by the student activity bookkeeper to the student advisors & principal that the activity will cease to be a viable account. If an advisor or student office/treasurer is not available, such discontinuance will be authorized by the principal.
  - a. Any disposition of assets of an inactive recognized Student Activity Organization shall be determined by the School Committee, but in no case shall disposition benefit specific individuals. (the primary goal in disposition should be to benefit the student body)
  - b. Senior Class accounts shall remain open ninety (90) days after graduation to insure that all outstanding bills can be paid. Upon completion of the ninety (90) days, all funds in not withdrawn by the officers shall be forwarded to the elected treasurer of the graduation Senior Class. Once a class of student graduates, the school district is no longer responsible for these monies.
3. Storage of checkbooks and deposits shall be in the central office, locked cabinet. Storage of documents and records shall be in a secure and confidential place.
4. An internal audit will be conducted once a year by the Assistant Superintendent of Finance or his/her designee. An independent audit by an outside auditing firm shall be scheduled every three (3) years. The audits shall be paid for by interest earned by the Student Activity accounts. Ongoing internal reviews should be done by the Assistant Superintendent for Business and Finance or his/her designee.
5. Faculty advisors or student offices shall not benefit from Student Activity Funds.
6. Staff Accounts, Athletic Revolving Accounts and Scholarship Accounts may not be commingled and maintained under the student activity account.
7. A bond is maintained which covers employees who handle Student Activity Funds.
8. Financial advisors to other fundraising bodies not under the direct control of the Newburyport Public Schools such as all Booster, PTO and Post-Graduation Party organizers will be encouraged to purchase a bond covering funds held on deposit. The cost of the bond will be the responsibility of the individual organization.
9. Student advisors, or others involved in purchasing, may not benefit personally from any purchasing – either directly or indirectly.
10. Reimbursement of funds are allowed only when the option to purchase through the schools purchasing process is not available. All reimbursement purchases must be pre-approved by the principal and the reason must be stated on the appropriate form, no reimbursement will be approved without the proper documentation; reimbursement form signed by principal and a detailed receipt.

LEGAL REFS.: M.G.L. 71:47  
603 CMR 26.06

Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017



## JJH: STUDENT OVERNIGHT OR LATE NIGHT TRAVEL

All student trips which include late night or overnight travel must have prior approval of the School Committee. Initial approval by the School Committee is required before engaging students in fundraising activities. The School Committee will also consider the educational value of the trip in relation to the cost prior to granting initial approval. Overnight trips should offer significant educational benefits to students that clearly justify the time and expense of the trip. Such trips should be appropriate for the grade level.

Final approval will not be granted until all preparations for the trip have been completed including, but not limited to, all logistical details involving transportation, accommodation arrangements and fundraising efforts. The School Committee requires that final approval be sought no less than 30 days prior to the scheduled trip dates.

Teachers and other school staff are prohibited from soliciting for privately run trips through the school system and in the schools. The School Committee will only review for approval school-sanctioned trips. The School Committee will not review or approve trips that are privately organized and run without school sanctioning.

LEGAL REFS.: M.G.L. 69:1B; 71:37N

CROSS REFS.: IJOA, Field Trips

**Adopted: June 19, 2017**

**Revised: February 27, 2024**



## JJH-R: STUDENT TRAVEL REGULATIONS

### 1. Transportation

The use of private vans or automobiles for trips planned to include late night or overnight student travel is prohibited. Late night or overnight trips will use commercial motor coaches.

Trips planned to include late night or overnight student travel will include a pre-trip check of companies, drivers, and vehicles. CORI and/or background checks will be conducted in accordance with Massachusetts General Laws and School Committee Policy.

The Superintendent or designee will ensure that the selected carrier is licensed for passenger transportation by the Federal Motor Carrier Safety Administration (FMCSA). The district will not contract with any carrier that has a safety rating of "conditional" or "unsatisfactory". FMCSA ratings are available at <https://ai.fmcsa.dot.gov/SMS/>.

The contract with the carrier will prohibit the use of subcontractors unless sufficient notice is given to the district that allows verification of the subcontractor's qualifications.

### 2. Trip Scheduling

Overnight accommodations should be made in advance with student safety and security in mind. Whenever possible, trip schedulers should avoid planning student travel between the hours of midnight and 6:00 a.m., due to the increased risk of vehicular accidents during this time period.

Whenever possible, overnight trips should be scheduled on weekends or during school vacations to minimize lost classroom time. Non-academic field trips are considered "optional school programs" and do not count toward meeting structured learning time requirements. (Refer to the Massachusetts Dept. of Elementary and Secondary Education publication Student Learning Time Regulations Guide)

Trip itineraries must leave enough time for drivers to rest in conformity with federal hour-of-service requirements and common sense.

Trip scheduling should take into account the likelihood of delays due to weather, traffic, stragglers, and other unanticipated factors.

If substantially all members of a class are participating in a trip, the school should provide appropriate substitute activities for any students not participating.

### 3. Fundraising

The amount of time to be devoted to fundraising should be reasonable and commensurate with students' obligations for homework, after-school activities, and jobs.

Group fundraising activities are preferred. Students should not be assigned individual fundraising targets.

If students are charged individual fees for participation, every effort should be made to provide scholarships where needed.

### Additional Resources

Federal Motor Carrier Safety Administration (FMCSA) [www.fmcsa.dot.gov](http://www.fmcsa.dot.gov)

United Motorcoach Association - Student Motorcoach Travel Safety Guide (includes "Motorcoach Safety Checklist")  
[www.uma.org/consumer/student-transportation/](http://www.uma.org/consumer/student-transportation/)

Department of Defense's approved list of motor carriers  
[www.defensetravel.dod.mil/Docs/BusAgreementPOCs.pdf](http://www.defensetravel.dod.mil/Docs/BusAgreementPOCs.pdf)

CROSS REF.: IJOA, Field Trips  
                  ADDA, Background Checks

LEGAL REFS.: MGL . [69:1B](#); [71:37N](#); [71:38R](#)  
                  603 CMR 27

### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JJIB: INTERSCHOLASTIC ATHLETICS

The School Committee believes that students will benefit from the experiences in self-discipline and team effort made possible through participation in inter-school sports.

District participation in interscholastic athletics will be subject to approval by the School Committee and will be in accordance with regulations and recommendations of the Massachusetts Interscholastic Athletic Association.

At the high school level, interscholastic athletic competition will include a variety of sports. Students will be allowed to participate in individual sports on the basis of their abilities and desire. Additionally, intramural athletic activities will be offered as an outgrowth of class instruction in physical education.

The School Committee is aware that team participation in athletic contests by members of the student body requires that "away games" be scheduled. It also recognizes that there is a need to regulate certain aspects of student participation in such contests. Therefore, the Superintendent will establish regulations to ensure the safety and well-being of students and staff members who participate in these activities

LEGAL REFS.: M.G.L. 71:47; 71:54A; 76:5  
603 CMR 26.00

CROSS REFS.: AC, Nondiscrimination (and subcodes)

**Adopted: June 19, 2017**

**Revised: February 27, 2024**



## JJIF: ATHLETIC CONCUSSION POLICY

The purpose of this policy is to provide information and standardized procedures for persons involved in the prevention, training management and return to activity decisions regarding students who incur head injuries while involved in extracurricular athletic activities including, but not limited to, interscholastic sports, in order to protect their health and safety as required by Massachusetts law and regulations. The requirements of the law apply to all public middle and high schools, however configured, serving grades six through high school graduation. In addition to any training required by law, the following persons shall complete one of the head injury safety training programs approved by the Massachusetts Department of Public Health (DPH) as found on its website: coaches; certified athletic trainers; trainers; volunteers; school and team physicians; school nurses; athletic directors; directors responsible for a school marching band; employees or volunteers; and students who participate in an extracurricular activity and their parents.

Upon the adoption of this policy by the School Committee, the Superintendent shall ensure that DPH receives an affirmation on school district letterhead that the district has developed policies and the School Committee has adopted a final policy in accordance with law. This affirmation shall be updated by September 30, 2013 and every two years thereafter upon review or revision of its policies.

The Superintendent shall maintain or cause to be maintained complete and accurate records of the district's compliance with the requirements of the Concussion Law, and shall maintain the following records for three years or, at a minimum, until the student graduates, unless state or federal law requires a longer retention period:

1. Verifications of completion of annual training and receipt of materials;
2. DPH Pre-participation forms and receipt of materials;
3. DPH Report of Head Injury Forms, or school based equivalents;
4. DPH Medical Clearance and Authorization Forms, or school based equivalents; and
5. Graduated reentry plans for return to full academic and extracurricular athletic activities.

This policy also applies to volunteers who assist with extracurricular athletic activities. Such volunteers shall not be liable for civil damages arising out of any act or omission relating to the requirements of law, unless such volunteer is willfully or intentionally negligent in his act or omission.

Most student athletes who sustain a concussion can fully recover as long as their brain has time to heal before sustaining another hit; however, relying only on an athlete's self-report of symptoms to determine injury recovery is inadequate as many high school athletes are not aware of the signs and symptoms or the severity concussive injuries pose, or they may feel pressure from coaches, parents, and/or teammates to return to play as quickly as possible. One or more of these factors will likely result in under-diagnosing the injury and a premature return to play. Massachusetts General Laws and Department of Public Health regulations make it imperative to accurately assess and treat student athletes when concussions are suspected. Student athletes who receive concussions may appear to be "fine" on the outside, when in actuality they have a brain injury and are not able to return to play. Incurring a second concussion can prove to be devastating to a student athlete. Research has shown that young concussed athletes who return to play before their brain has healed are highly vulnerable to more

prolonged post-concussion syndrome or, in rare cases, a catastrophic neurological injury known as Second Impact Syndrome.

The following protocol will discuss and outline what a concussion is, the mechanism of injury, signs and symptoms, management and return to play requirements, as well as information on Second Impact Syndrome and past concussion syndrome. Lastly, this policy will discuss the importance of education for our athletes, coaches and parents and other persons required by law.

This protocol should be reviewed on a yearly basis with all staff to discuss the procedures to be followed to manage sports-related concussions. This protocol will also be reviewed on a yearly basis by the athletic department as well as by nursing staff. Any changes in this document will be approved by the school committee and given to athletic staff, including coaches and other school personnel in writing. An accurate synopsis of this policy shall be placed in the student and faculty handbooks.

LEGAL REFS.: M.G.L. 111:222; 105 CMR 201.000

#### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JJIF-R: ATHLETIC CONCUSSION PROTOCOL

### **Section I. What is a Concussion?**

A concussion is defined as a transient alteration in brain function without structural damage, but with other potentially serious long-term ramifications. In the event of a concussion, the brain sustains damage at a microscopic level in which cells and cell membranes are torn and stretched. The damage to these cells also disrupts the brain at a chemical level, as well as causing restricted blood flow to the damaged areas of the brain, thereby disrupting brain function. A concussion, therefore, is a disruption in how the brain works; it is not a structural injury. Concussions are difficult to diagnose because the damage cannot be seen. A MRI or CT Scan cannot diagnose a concussion, but they can help rule out a more serious brain injury to a student athlete. Because concussions are difficult to detect, student athletes must obtain medical approval before returning to athletics following a concussion.

### **Section II. Mechanism of Injury:**

A concussion is caused by a bump, blow or jolt to the head or body. Any force that causes the brain to bounce around or twist within the skull can cause a concussion. A bump, blow or jolt to the head or body can be caused by either indirect or direct trauma. The two direct mechanisms of injury are coup-type and contrecoup-type. Coup-type injury is when the head is stationary and struck by a moving object such as another player's helmet, a ball, or sport implement, causing brain injury at the location of impact.

Contrecoup-type injury occurs when the head is moving and makes contact with an immovable or slowly moving object as a result of deceleration, causing brain injury away from the site of impact. Indirect forces are transmitted through the spine and jaw or blows to the thorax that whip the head while the neck muscles are relaxed. Understanding the way in which an injury occurred is vital in understanding and having a watchful eye for athletes who may exhibit symptoms of a concussion so these student athletes can receive the appropriate care.

### **Section III. Signs and Symptoms:**

Signs (what you see):

- Confusion
- Forgets plays
- Unsure about game, score, opponent
- Altered coordination
- Balance problems
- Personality change
- Slow response to questions
- Forgets events prior to injury (retrograde amnesia)
- Forgets events after injury (anterograde amnesia)
- Loss of consciousness (any duration)

Symptoms (reported by athlete):

- Headache

- Fatigue
- Nausea or vomiting
- Double vision/ blurry vision
- Sensitivity to light (photophobia)
- Sensitivity to noise (tinnitus)
- Feels sluggish
- Feels foggy
- Problems concentrating
- Problems remembering
- Trouble with sleeping/ excess sleep
- Dizziness
- Sadness
- Seeing stars
- Vacant stare/ glassy eyed
- Nervousness
- Irritability
- Inappropriate emotions

If any of the above signs or symptoms are observed after a suspected blow to the head, jaw, spine or body, they may be indicative of a concussion and the student athlete must be removed from play immediately and not allowed to return until cleared by an appropriate allied health professional.

#### **Section IV. Management and Referral Guidelines:**

1. When an athlete loses consciousness for any reason, the athletic trainer will start the EAP (Emergency Action Plan) by activating EMS; check ABC's (airway, breathing, circulation); stabilize the cervical spine; and transport the injured athlete to the appropriate hospital via ambulance. If the athletic trainer is not available, the coach should immediately call EMS, check ABCs and not move the athlete until help arrives.
2. Any athlete who is removed from the competition or event and begins to develop signs and symptoms of a worsening brain injury will be transported to the hospital immediately in accordance with the EAP. Worsening signs and symptoms requiring immediate physician referral include:
  - Amnesia lasting longer than 15 minutes
  - Deterioration in neurological function
  - Decreasing level of consciousness
  - Decrease or irregularity of respiration
  - Decrease or irregularity in pulse
  - Increase in blood pressure
  - Unequal, dilated, or unreactive pupils
  - Cranial nerve deficits
  - Any signs or symptoms of associated injuries, spine or skull fracture, or bleeding
  - Mental-status changes: lethargy, difficulty maintaining arousal, confusion, agitation
  - Seizure activity
  - Vomiting/ worsening headache
  - Motor deficits subsequent to initial on-field assessment
  - Sensory deficits subsequent to initial on-field assessment
  - Balance deficits subsequent to initial on-field assessment

- Cranial nerve deficits subsequent to initial on-field assessment
  - Post-Concussion symptoms worsen
  - Athlete is still symptomatic at the end of the game
3. After a student athlete sustains a concussion, the athletic trainer will use the Standardized Assessment for Concussion (SAC) to assess and document the student athlete's concussion. The athletic trainer will also report on the student athlete's signs and symptoms by using the Signs and Symptoms Check-List. On the signs and symptoms checklist, the athletic trainer will also check pulse and blood pressure of each student athlete with a suspected concussion. After the initial evaluation of a concussion, all signs and symptoms will be tracked on the computer using the ImPact Test.
  4. Any athlete who is symptomatic but stable is allowed to go home with his/her parent(s)/guardian(s) following the head injury.
    - If the head injury occurs at practice, parent(s)/guardian(s) will immediately be notified and must come and pick up the student athlete and talk to the certified athletic trainer in person.
      - A. If the injury occurs at a game or event the student athlete may go home with the parent/guardian(s) after talking with the certified athletic trainer.
      - A. Parent(s)/guardian(s) will receive important information regarding signs and symptoms of deteriorating brain injury/function prompting immediate referral to a local emergency room as well as return to play requirements. Parent(s)/guardian(s), as well as student athletes, must read and sign the Concussion Information and Gradual Return to Play form and bring it back to the certified athletic trainer before starting with the return to play protocol.

#### **Section V. Gradual Return to Play Protocol:**

1. Student athletes, with the consent of their parent(s)/guardian(s), will start taking the ImPact Test (or other approved test identified by the School District). The ImPact Test is a tool that helps manage concussions, determine recovery from injury, and is helpful in providing proper communication between coaches, parents and clinicians. The ImPact Test is a neurocognitive test that helps measure student athletes' symptoms, as well as test verbal and visual memory, processing speed and reaction time. It is mandatory for all student athletes to take the ImPact Test for a baseline score in accordance with Massachusetts State Law. The law states that all public schools must develop safety protocols on concussions and all public schools must receive information on past concussion history. The ImPact Test appears to be a promising tool in monitoring a student athlete's prior concussions, as well as any future concussions.
2. Each student athlete will complete a baseline test at the beginning of their sport season. All student athletes and club cheerleading members will undergo ImPact testing. Student athletes will be re-tested every other year. If a student athlete plays more than one sport during the academic year, their test will remain valid. For example, if a soccer student athlete also plays basketball in the winter, the student athlete will not have to take the ImPact Baseline Test again in the winter. If a student athlete posts scores below the norm, the student athlete will be re-tested at another time with either the certified athletic trainer or school nurse. Student athletes cannot begin practice until a valid baseline score is obtained during their designated time to take the test.
  - A. At the beginning of every sport season, student athletes are required to complete a concussion history form and return it to the athletic department. This information will be recorded in the student information system for tracking purposes.
  - A. Following any concussion, the athletic trainer must notify the athletic director and school nurses.

- A. Following a concussion, the athlete will take a post-injury test within 24 to 48 hours following the head injury. STUDENT ATHLETES WILL NOT BE ALLOWED TO MOVE ON TO FUNCTIONAL/PHYSICAL TESTING UNTIL THEIR IMPACT TEST IS BACK TO THE BASELINE SCORE AND ASYMPTOMATIC. After a student athlete takes their first post-injury test, the student athlete will not be re-tested again for 5 days.
- A. If, after the first post-injury ImPact test, the athlete is not back to his/her baseline the parent/guardian(s) will be notified, and the student athlete will be referred to their healthcare provider and must have the Concussion Information and Gradual Return to Play form signed by a physician, physician assistant, licensed neuropsychologist or nurse practitioner stating when the athlete is allowed to return to play.
- A. Following a post-injury test, the certified athletic trainer will take the Concussion Information and Gradual Return to Play form signed by the parent(s)/guardian(s) and fill in the date of all post-injury tests taken by each student athlete.
- A. The certified athletic trainer will also document the date on which the athlete is asymptomatic and sign the document agreeing that all the above statements are true and accurate.
- A. Once the athlete starts on the exertional post concussion tests, the parent(s)/guardian(s) will be notified and the athlete will be sent home with all signed documents relating to head injury. At this time the parent/guardian(s) must bring the student athlete to a licensed physician, licensed neuropsychologist, licensed physician assistant, nurse practitioner or other appropriately trained or licensed healthcare professional to be medically cleared for participation in the extracurricular activity.
- A. Student athletes who continue to exhibit concussion symptoms for a week or more must be evaluated by a physician before returning to play.
- A. Once a student athlete's post-injury test is back at the student athlete's baseline score, the student athlete will go through 5 days of Exertional Post Concussion Tests. The student athlete must be asymptomatic for all functional and physical tests to return to play (RTP). All tests will be administered by a certified athletic trainer.

### **Exertional Post Concussion Tests:**

- A. Test 1: (30% to 40% maximum exertion): Low levels of light physical activity. This will include walking, light stationary bike for about 10 to 15 minutes. Light isometric strengthening (quad sets, UE light hand weights, ham sets, SLR's, resistive band ankle strengthening) and stretching exercises.
- A. Test 2: (40% to 60% maximum exertion): Moderate levels of physical activity. Treadmill jogging, stationary bike, or elliptical for 20 to 25 minutes. Light weight strength exercises (resistive band exercises UE and LE, wall squats, lunges, step up/downs. More active and dynamic stretching.
- A. Test 3: (60% to 80% maximum exertion). Non-contact sports specific drills. Running, high intensity stationary bike or elliptical 25 to 30 minutes. Completing regular weight training. Start agility drills (ladder, side shuffle, zig-zags, carioca, box jumps, and hurdles).
- A. Test 4: (80% maximum exertion). Limited, controlled sports specific practice and drills.
- A. Test 5: Full contact and return to sport with monitoring of symptoms.

### **Section VI. School Nurse Responsibilities:**

1. Assist in testing all student athletes with baseline and post-injury ImPact testing.

2. Participate and complete the CDC training course on concussions. A certificate of completion will be recorded by the nurse leader yearly.
3. Complete symptom assessment when student athlete enters Health Office (HO) with questionable concussion during school hours. Repeat in 15 minutes.
4. Observe students with a concussion for a minimum of 30 minutes.
5. If symptoms are present, notify parent/guardian(s) and instruct parent/guardian(s) that student must be evaluated by an MD.
  - a. If symptoms are not present, the student may return to class.
2. If symptoms appear after a negative assessment, MD referral is necessary.
3. Allow students who are in recovery to rest in HO when needed.
4. Develop plan for students regarding pain management.
5. School nurse will notify teachers and guidance counselors of any students or student athletes who have academic restrictions or modifications related to their concussion.
6. Educate parents and teachers about the effects of concussion and returning to school and activity.
7. If injury occurs during the school day, inform administrator and complete accident/incident form.
8. Enter physical exam dates and concussion dates into the student information system.

### **Section VII. School Responsibilities:**

1. Review and, if necessary, revise, the concussion policy every 2 years.
2. Once the school is informed of the student's concussion, a contact or "point person" should be identified (e.g. the guidance counselor, athletic director, school nurse, school psychologist or teacher).
3. Point person to work with the student on organizing work assignments, making up work and giving extra time for assignments and tests/quizzes.
4. Assist teachers in following the recovery stage for student.
5. Convene meeting and develop rehabilitative plan.
6. Decrease workload if symptoms appear.
7. Recognize that the student's ability to perform complex math equations may be different from the ability to write a composition depending on the location of the concussion in the brain.
8. Educate staff on the signs and symptoms of concussions and the educational impact concussions may have on students.
9. Include concussion information in student handbooks.
10. Develop a plan to communicate and provide language-appropriate educational materials to parents with limited English proficiency.

### **Section VIII. Athletic Director Responsibilities:**

1. Provide parents, athletes, coaches, and volunteers with educational training and concussion materials yearly.
2. Ensure that all educational training programs are completed and recorded.
3. Ensure that all students meet the physical exam requirements consistent with 105 CMR 200.000 prior to participation in any extracurricular athletic activity
4. Ensure that all students participating in extracurricular athletic activity have completed and submitted their pre-participation forms, which include health history form, concussion history form, and MIAA form.
5. Ensure that athletes are prohibited from engaging in any unreasonably dangerous athletic technique that endangers the health or safety of an athlete, including using a helmet or any other sports equipment as a weapon.

6. Ensure that all head injury forms are completed by parent/guardian(s) or coaches and reviewed by the coach, athletic trainer, school nurse and school physician.
7. Inform parent/guardian(s) that, if all necessary forms are not completed, their child will not participate in athletic extracurricular activities.

### **Section IX. Parent/Guardian Responsibilities:**

1. Complete and return concussion history form to the athletic department.
2. Inform school if student sustains a concussion outside of school hours. Complete new concussion history form following new injury.
3. If student suffers a concussion outside of school, complete head injury form and return it to the school nurse.
4. Complete a training provided by the school on concussions and return certificate of completion to the athletic department.
5. Watch for changes in your child that may indicate that your child does have a concussion or that your child's concussion may be worsening. Report to a physician:
  - A. Loss of consciousness
  - A. Headache
  - A. Dizziness
  - A. Lethargy
  - B. Difficulty concentrating
  - C. Balance problems
  - D. Answering questions slowly
  - E. Difficulty recalling events
  - F. Repeating questions
  - G. Irritability
  - H. Sadness
  - I. Emotionality
  - J. Nervousness
  - K. Difficulty with sleeping
2. Encourage your child to follow concussion protocol.
3. Enforce restrictions on rest, electronics and screen time.
4. Reinforce recovery plan.
5. Request a contact person from the school with whom you may communicate about your child's progress and academic needs.
6. Observe and monitor your child for any physical or emotional changes.
7. Request to extend make up time for work if necessary.
8. Recognize that your child will be excluded from participation in any extracurricular athletic event if all forms are not completed and on file with the athletic department.

### **Section X. Student and Student Athlete Responsibilities:**

1. Complete Baseline ImPact Test prior to participation in athletics.
2. Return required concussion history form prior to participation in athletics.
3. Participate in all concussion training and education and return certificate of completion to the athletic department prior to participation in athletics.
4. Report all symptoms to athletic trainer and/ or school nurse.
5. Follow recovery plan.
6. REST.
7. NO ATHLETICS.



8. BE HONEST!
9. Keep strict limits on screen time and electronics.
10. Don't carry books or backpacks that are too heavy.
11. Tell your teachers if you are having difficulty with your classwork.
12. See the athletic trainer and/or school nurse for pain management.
13. Return to sports only when cleared by physician and the athletic trainer.
14. Follow Gradual Return to Play Guidelines.
15. Report any symptoms to the athletic trainer and/or school nurse and parent(s)/guardian(s) if any occur after return to play.
16. Return medical clearance form to athletic trainer prior to return to play.
17. Students who do not complete and return all required trainings, testing and forms will not be allowed to participate in sports.

### **Section XI. Coach & Band Instructor Responsibilities:**

1. Participate in Concussion Education Course offered by the National Federation of State High School Associations (NFHS) on a yearly basis. Complete certificate of completion and return to the athletic department.
2. Ensure all student athletes have completed ImPact baseline testing before participation.
3. Ensure all student athletes have returned concussion history and health history form prior to participation in athletics.
4. Complete a head injury form if their player suffers a head injury and the athletic trainer is not present at the athletic event. This form must be shared with the athletic trainer and school nurse.
5. Ensure all students have completed a concussion educational training and returned their certificate of completion prior to participation in athletics.
6. Remove from play any student athlete who exhibits signs and symptoms of a concussion.
7. Do not allow student athletes to return to play until cleared by a physician and athletic trainer.
8. Follow Gradual Return to Play Guidelines.
9. Refer any student athlete with returned signs and symptoms back to athletic trainer.
10. Any coach, band instructor, or volunteer coach for extracurricular activities shall not encourage or permit a student participating in the activity to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student athlete, including using a musical instrument, helmet or any other sports equipment as a weapon.

### **Section XII. Post-Concussion Syndrome:**

Post-Concussion Syndrome is a poorly understood condition that occurs after a student athlete receives a concussion. Student athletes who receive concussions can have symptoms that last a few days to a few months, and even up to a full year, until their neurocognitive function returns to normal. Therefore, all school personnel must pay attention to and closely observe all student athletes for post-concussion syndrome and its symptoms. Student athletes who are still suffering from concussion symptoms are not ready to return to play. The signs and symptoms of post-concussion syndrome are:

- Dizziness
- Headache with exertion
- Tinnitus (ringing in the ears)
- Fatigue

- Irritability
- Frustration
- Difficulty in coping with daily stress
- Impaired memory or concentration
- Eating and sleeping disorders
- Behavioral changes
- Alcohol intolerance
- Decreases in academic performance
- Depression
- Visual disturbances

### **Section XIII. Second Impact Syndrome:**

Second impact syndrome is a serious medical emergency and a result of an athlete returning to play and competition too soon following a concussion. Second impact syndrome occurs because of rapid brain swelling and herniation of the brain after a second head injury that occurs before the symptoms of a previous head injury have been resolved. The second impact that a student athlete may receive may only be a minor blow to the head or it may not even involve a hit to the head. A blow to the chest or back may create enough force to snap the athlete's head and send acceleration/deceleration forces to an already compromised brain. The resulting symptoms occur because of a disruption of the brain's blood auto regulatory system which leads to swelling of the brain, increasing intracranial pressure and herniation.

After a second impact a student athlete usually does not become unconscious, but appears to be dazed. The student athlete may remain standing and be able to leave the field under his/her own power. Within fifteen seconds to several minutes, the athlete's condition worsens rapidly, with dilated pupils, loss of eye movement, loss of consciousness leading to coma and respiratory failure. The best way to handle second impact syndrome is to prevent it from occurring altogether. All student athletes who incur a concussion must not return to play until they are asymptomatic and cleared by an appropriate health care professional.

### **Section XIV. Concussion Education:**

It is extremely important to educate coaches, athletes and the community about concussions. On a yearly basis, all coaches must complete the online course called "Concussion In Sports: What You Need to Know". This course is offered by the National Federation of State High School Associations (NFHS). Student athletes also need to understand the importance of reporting a concussion to their coaches, parents, athletic trainer and other school personnel. Every year student athletes and parents will participate in educational training on concussions and complete a certificate of completion. This training may include:

- CDC Heads-Up Video Training, or
- Training provided by the school district

The school district may also offer seminars, speakers, and discussion panels on the topic of concussions. Seminars offer an opportunity for the certified athletic trainer, athletic director and nurse leader to speak about concussions on the field at practices and games and to discuss the protocol and policy that the district has enacted. Providing education within the community will offer the residents and parents of

athletes an opportunity to ask questions and voice their concerns on the topic of brain injury and concussions. When it comes to concussions, everyone needs to be aware of the potential dangers and remember that a concussion is a brain injury. Whenever anyone has a doubt about a student athlete with a concussion, SIT THEM OUT and have them see the appropriate healthcare professional!

LEGAL REFS.: M.G.L. 111:222; 105 CMR 201.000

Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017

## JK: STUDENT CONDUCT

The Massachusetts General Laws require the School Committee to adopt written policies, rules and regulations not inconsistent with law, which may relate to study, discipline, conduct, safety and welfare of all students, or any classification thereof, enrolled in the public schools of the District.

The implementation of the general rules of conduct is the responsibility of the Principal and the professional staff of the building. In order to do this, each school staff in the District shall develop specific rules not inconsistent with the law nor in conflict with School Committee policy. These building rules shall be an extension of the District policies by being more specific as they relate to the individual schools.

The purpose of disciplinary action is to restore acceptable behavior. When disciplinary action is necessary, it shall be administered with fairness and shall relate to the individual needs and the individual circumstances.

Students violating any of the policies on student conduct and control will be subject to disciplinary action. The degree, frequency, and circumstances surrounding each incident shall determine the method used in enforcing these policies. Most of the situations which require disciplinary action can be resolved within the confines of the classroom or as they occur by reasonable but firm reprimand, and/or by teacher conferences with the student and/or parents or guardians.

If a situation should arise in which there is no applicable written policy, the staff member shall be expected to exercise reasonable and professional judgment.

LEGAL REFS.: M.G.L. 71:37H; 71:37H ½; 71:37H ¾; 71:37L; 76:16; 76:17  
603 CMR 53.00

Adopted: June 19, 2017  
Revised: February 27, 2024

JKA: CORPORAL PUNISHMENT (DELETED)

## JKAA: PHYSICAL RESTRAINT OF STUDENTS

Maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the school district. Further, students of the district are protected by law from the unreasonable use of physical restraint. Such restraint shall be used only in emergency situations of last resort after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution.

When an emergency situation arises, and physical restraint is the only option deemed appropriate to prevent a student from injuring himself or herself, another student or school community member, a teacher or employee or agent of the school district may use such reasonable force needed to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The definitions of forms of restraint shall be as defined in 603CMR 46.02.

The use of mechanical restraint, medical restraint, and seclusion is prohibited.

The power of the School Committee or of any teacher or other employee or agent of the Committee to maintain discipline on school property shall not include the right to inflict corporal punishment upon any student.

Physical restraint, including prone restraint where permitted under 603 CMR 46.03, shall be considered an emergency procedure of last resort and shall be prohibited except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to themselves and/or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions are deemed inappropriate.

The Superintendent will develop procedures identifying:

- Appropriate responses to student behavior that may require immediate intervention;
- Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
- Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations;
- Descriptions of the school's training and procedures to comply with reporting requirements; including, but not limited to making reasonable efforts to orally notify a parent/guardian of the use of restraint within 24 hours of its imposition;
- Procedures for receiving and investigating complaints;
- Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;
- A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR 46.03(1)(b), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR 46.00,
- A process for obtaining principal approval for a time out exceeding 30 minutes.

Each building Principal will identify staff members to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. These staff members will participate in an in-depth training program in the use of physical restraint.

In addition, each staff member will be trained regarding the school's physical restraint policy and accompanying procedures. The Principal will arrange training to occur in the first month of each school year, or for staff hired after the beginning of the school year, within a month of their employment.

Physical restraint is prohibited as a means of punishment, or as a response to destruction of property, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious physical harm to the student or others.

Physical restraint is prohibited when it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting.

The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint".

This policy and its accompanying procedures shall be reviewed and disseminated to staff annually and made available to parents of enrolled students. The Superintendent shall provide a copy of the Physical Restraint regulations to each Principal, who shall sign a form acknowledging receipt thereof.

LEGAL REFS.:       M.G.L. 71:37G  
                          603 CMR 46.00

**Adopted: June 19, 2017**  
**Revised: February 27, 2024**

## JKAA-R: NEWBURYPORT PUBLIC SCHOOLS PHYSICAL RESTRAINT PREVENTION AND BEHAVIOR SUPPORT PROCEDURES

The Newburyport Public Schools seeks to promote a safe and productive educational environment and workplace for its students and employees. In accordance with the policy of the school committee, Massachusetts Code of Regulations (603 CMR 46.00), the law governing the use of physical restraint on students in public schools, Newburyport Public Schools seeks to ensure that every student is free from the use of restraint in a manner that is not consistent with these state regulations. It is the policy of Newburyport Public Schools that physical restraint shall be used only in emergency situations of last resort, after other lawful and less intrusive alternatives have failed or been deemed inappropriate, and with extreme caution.

If physical restraint is necessary, Newburyport Public Schools personnel shall use physical restraint with two goals in mind:

To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and

To prevent or minimize any harm to the student as a result of the use of physical restraint.

These Physical Restraint Prevention and Behavior Support Procedures do not preclude any teacher, employee or agent of a public education program from using reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm.

### **METHODS FOR PREVENTING STUDENT VIOLENCE, SELF-INJURIOUS BEHAVIOR, AND SUICIDE, INCLUDING INDIVIDUAL CRISIS PLANNING AND DE ESCALATION OF POTENTIALLY DANGEROUS BEHAVIOR OCCURRING AMONG GROUPS OF STUDENTS OR WITH AN INDIVIDUAL STUDENT.**

The Newburyport Public Schools will provide school-wide professional development focused on identifying and preventing student violence, self-injurious behavior and suicide, including behavioral crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. A school level crisis team along with teachers and other school personnel will identify students who are potentially at risk and review the student's behavioral, social, emotional progress at periodic intervals. For any student with a history of significant emotional/behavioral at-risk behavior, and/or any student who has required physical restraint, a school based team should develop a safety or crisis plan. The plan should include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and review meetings for the purpose of assessing progress and making necessary adjustments.

### **I. METHODS FOR ENGAGING PARENTS IN DISCUSSIONS ABOUT RESTRAINT PREVENTION AND THE USE OF RESTRAINT SOLELY AS AN EMERGENCY PROCEDURE.**



The Principal should make information available to all families and students about behavioral supports and restraint prevention efforts that are utilized within the Newburyport Public Schools. School personnel should work to identify students who are at risk for restraint and work with the student and family to identify behavioral support to prevent restraint from occurring. If a restraint occurs, school personnel are expected to notify the student's parent/guardian in accordance with the reporting procedures of the Newburyport Public Schools. School personnel should follow up with the student and their family regarding behavioral supports.

Parents/guardians shall be provided with an opportunity to discuss with school officials the administration of the restraint, any consequences that may be imposed on the student, and any other related matter.

**A. Alternatives to physical restraint and method of physical restraint in emergency situations.**

Alternative methods should be used first when seeking to prevent student violence, self injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student. Physical restraints should be used as a last resort in emergency situations after these other less intrusive alternatives have failed or been deemed inappropriate.

Examples of interventions and less intrusive methods may include but are not limited to:

1. Active listening
2. Use of a low non-threatening voice
3. Limiting the number of adults providing direction to the student
4. Offering the student a choice
5. Not blocking the student's access to an escape route
6. Suggesting possible resolutions to the student
7. Avoiding dramatic gestures (waiving arms, pointing, blocking motions, etc.)
8. Verbal prompts: a verbal prompt is communicating what is expected behavior by clearly stating instructions and expectations.
9. Full or partial physical cue: A full or partial physical cue is anytime an adult needs to temporarily place their hands on a student or physically redirects a student without force. These are used at increasing levels as needed to return a student safely back to task.
10. Physical escort: A physical escort is a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder or back, for the purpose of inducing a student who is agitated to walk to a safe location.
11. Physical redirection: A physical redirection is done by temporarily placing one hand on each of the student's shoulders, without force, and redirecting the student of the learning activity, classroom or safe location.
12. Time-Out: A time-out is a behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

**A. General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:**

1. **Remain calm:** To possibly help prevent the likelihood of a student experiencing distress from escalating his/her behavior use of a neutral and level tone of voice, control one's facial expressions and use a supportive non-threatening body language.
2. **Obtain Assistance:** Whenever possible, school personnel should immediately take steps to notify the school administrator, the school's administrative response team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
3. **One Person Speaks:** In order to minimize the likelihood of confusion and /or the likelihood of a student experiencing distress from his/her escalating behavior, and have one person providing overall direction to the response and the follow up procedures. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
4. **Remove Student if Possible:** Consider the feasibility of having a student experiencing distress leave an area where other students are present and move to another more private and safe area in order to de-escalate.
5. **Remove Other Students:** If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

## **II. PHYSICAL RESTRAINT PROCEDURES**

### **A. Definitions:**

Department shall mean the Department of Elementary and Secondary Education.

Mechanical restraint shall mean the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed. Examples of such devices include: adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports; vehicle safety restraints when used as intended during the transport of a student in a moving vehicle; restraints for medical immobilization; or orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior. Medication prescribed by a licensed physician and authorized by the parent for administration in the school setting is not medication restraint.

Physical escort shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to

promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Prone restraint shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the face-down position.

School Working Day shall mean a day or partial day that students are in attendance at the public education program for instructional purposes.

Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time out. The use of seclusion restraint is expressly prohibited.

Time-out shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

#### **B. When Physical Restraint May be Used:**

Physical restraint, including prone restraint where permitted, shall be considered an emergency procedure of last resort and shall be prohibited in the Newburyport Public Schools programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

All physical restraints, including prone restraint where permitted, shall be administered in compliance with 603 CMR 46.05.

#### **C. Prohibitions:**

Physical restraint shall not be used as a means of discipline or punishment;

Physical restraint shall not be used when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting;

Physical restraint shall not be used as a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or

Physical restraint shall not be used as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical

restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort.

Mechanical restraint, medication restraint, and seclusion shall be prohibited in the Newburyport Public Schools.

Prone restraint shall be prohibited except on an individual student basis, and only under the following circumstances:

1. The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students or staff;
2. All other forms of physical restraints have failed to ensure the safety of the student and/or the safety of others;
3. There are no medical contraindications as documented by a licensed physician;
4. There is psychological or behavioral justification for the use of prone restraint and there are no psychological or behavioral contraindications, as documented by a licensed mental health professional;
5. The school has obtained consent to use prone restraint in an emergency as set out in the physical restraint regulation, and such use has been approved in writing by the principal; and,
6. The school has documented 1 -5 above in advance of the use of prone restraint and maintains the documentation.

#### **D. Proper Administration of Physical Restraint**

1. Trained personnel. Only school personnel who have received training pursuant to the state physical restraint regulations 603 CMR 46.04(2) or 603 CMR 46.04(3) shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. These training requirements shall not preclude a teacher, employee or agent of a public education program from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
2. Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
3. Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements set forth in 603 CMR 46.05(5). Floor restraints, including prone restraints otherwise permitted under 603 CMR 46.03(1)(b), shall be prohibited unless the staff member §. administering the restraint have received in-depth training according to the requirements of 603 CMR 46.04(3) and, in the judgment of the trained staff members, such method is required to provide safety for the student or others present.
4. Duration of restraint. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself or others, or the student indicates that he or she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

#### **E. Safety requirements. Additional requirements for the use of physical restraint:**

1. No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously

- monitor the physical status of the student, including skin temperature and color, and respiration.
2. Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student expresses or demonstrates significant physical distress including, but not limited to, difficulty breathing, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
  3. If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal. The approval shall be based upon the student's continued agitation during the restraint justifying the need for continued restraint.
  4. Program staff shall review and consider any known medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

### **III. TRAINING REQUIREMENTS**

1. Program staff: Each principal shall determine a time and method to provide all program staff with training regarding the program's restraint prevention and behavior support policy and requirements when restraint is used. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:
  - a. The role of the student, family, and staff in preventing restraint;
  - b. The Newburyport Public Schools restraint prevention and behavior support policy and procedures, including use of time-out as a behavior support strategy distinct from seclusion;
  - c. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances;
  - d. When behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration;
  - e. Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student; and
  - f. Identification of program staff who have received in-depth training in the use of physical restraint.
2. In-depth staff training. At the beginning of each school year, the Principal of each school or his or her designee shall identify Newburyport Public Schools staff who are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint. Such training be competency-based and be at least-sixteen (16) hours in length with at least one refresher training occurring annually thereafter.
  - a. Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:
    - .Appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;

- ii. A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- iii. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- iv. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
- v. Demonstration by participants of proficiency in administering physical restraint; and,
- vi. Instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological, and social-emotional effects.

#### **IV. FOLLOW-UP PROCEDURES AND REPORTING REQUIREMENTS**

- 1) Follow-up Procedures: At an appropriate time after a student has been released from a restraint, the school shall implement follow-up procedures. These procedures shall include:
  - a. a review of the incident with the student to address the behavior that precipitated the restraint;
  - a. a review of the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed
  - b. consideration of whether any follow-up is appropriate for students who witnessed the incident.
- 2) Reporting Requirements:
  - a. School staff shall report the use of any physical restraint as specified herein.
  - b. Reporting to the principal. The school staff who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. The written report shall be provided to the principal for review of the use of the restraint. If the principal has administered the restraint, the principal shall prepare the report and submit it to an individual or team designated by the superintendent. The principal or his/her designee shall maintain an on-going record of all reported instances of physical restraint.
  - c. Reporting to parents. The principal or his/her designee shall make reasonable efforts to verbally inform the student's parent of the restraint within 24 hours of the event, and shall notify the parent by written report sent either within three school working days of the restraint to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three school working days of the restraint. If the school or program customarily provides a parent of a student with report cards and other necessary school-related information in a language other than English, the written restraint report shall be provided to the parent in that language. The principal shall provide the student and the parent an opportunity to comment orally and in writing on the use of the restraint and on information in the written report.
  - d. Reporting to the Department.
    - i. When a physical restraint has resulted in an injury to a student or school staff, the school shall send a copy of the written report required by this policy to the Department postmarked no later than three school working days of the administration of the restraint. The school shall also send the Department a copy of the record of

physical restraints maintained by the principal pursuant to the Administrative Review section above for the 30-day period prior to the date of the reported restraint.

- ii. The Newburyport Public Schools shall collect and annually report data to the Department regarding the use of physical restraints. Such data shall be reported in a manner and form directed by the Department.
- 3) Individual student review. The principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams as the principal deems appropriate to assess each student's progress and needs. The assessment shall include at least the following:
    - a) review and discussion of the written reports and any comments provided by the student and parent about such reports and the use of the restraints;
    - b) analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved;
    - c) consideration of factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions *as* appropriate, with the goal of reducing or eliminating the use of restraint in the future;
    - d) agreement on a written plan of action by the program.

If the principal directly participated in the restraint, a duly qualified individual designated by the superintendent shall lead the review team's discussion. The principal shall ensure that a record of each individual student review is maintained and made available for review by the Department or the parent, upon request.

- 4) Administrative review. The principal shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management policy, conduct additional staff training on restraint reduction/prevention strategies, such *as* training on positive behavioral interventions and supports, or take such other action *as* necessary or appropriate to reduce or eliminate restraints.

## **V. USE OF TIME OUT AS A BEHAVIOR SUPPORT STRATEGY.**

- 1) Time out is a behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. Time out may be inclusionary or exclusionary. Inclusionary time out is when the student is removed from positive reinforcement or full participation in classroom activities while remaining in the classroom. Exclusionary time-out is when the student separates from the rest of the class either through complete visual separation or from actual physical separation.
  - a) During time-out, a student must be continuously observed by a staff member.
  - b) Staff shall be with the student or immediately available to the student at all times.
  - c) The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming.
  - d) Time-out shall cease as soon as the student has calmed.

- 2) The use of exclusionary time-out.
  - a) Exclusionary time-out as a staff- directed behavioral support should only be used when the student is displaying behaviors which present, or potentially present, an unsafe or overly disruptive situation in the classroom.
  - b) Staff- directed exclusionary time-out should not be used as a method of punishment for noncompliance, or for incidents of misbehavior that are no longer occurring.
  - c) For any exclusionary time-out that may last longer than 30 minutes, school staff must seek approval from the principal for the continued use of time-out. The principal may not routinely approve such requests but must consider the individual circumstances, specifically whether the student continues to be agitated to determine whether time-out beyond 30 minutes is justified. If it appears that the use of exclusionary time-out exacerbates the student's behavior, or the continuation of the exclusionary time-out beyond 30 minutes has not helped the student to calm, then other behavioral support strategies should be attempted.
  - d) Unless it poses a safety risk, a staff member must be physically present with the student who is in an exclusionary time-out setting. If it is not safe for the staff member to be present with the student, the student may be left in the time-out setting with the door closed. However, in order to ensure that the student is receiving appropriate support, a school counselor or other behavioral support professional must be immediately available outside of the time-out setting where the individual can continuously observe and communicate with the student as appropriate to determine when the student has calmed. Students must never be locked in a room. For students displaying self-injurious behavior, a staff member must be physically present in the same setting with the student.
  - e) Exclusionary time-out must end when the student has calmed.

## **VI. A PROCEDURE FOR RECEIVING AND INVESTIGATING COMPLAINTS REGARDING RESTRAINT PRACTICES.**

Any student, parent, guardian, or other person who believes that a student has been subject to physical restraint in a manner that is inconsistent with Physical Restraint Prevention and Behavior Support Procedures of the Newburyport Public Schools may file a complaint, verbally or in writing, with a teacher, guidance counselor, mediator or principal. Any staff member who believes that a student has been subject to physical restraint in a manner that is inconsistent with the Physical Restraint Prevention and Behavior Support Procedures shall file a written complaint with the Principal. Upon receipt of such a report, the Principal shall conduct an investigation of the incident. He/she shall promptly review the Physical Restraint Report Form and other pertinent documentation, and interview students, staff, witnesses, parent, guardians and anyone else who might have information about the incident. Once the investigation is completed, the Principal shall determine whether the physical restraint was in compliance with policy and procedures of the Newburyport Public Schools. The principal shall notify the complainant of the outcome of the investigation in writing. If the principal determines that inappropriate conduct has occurred, he/she will act promptly to eliminate offending conduct. Based on the nature of the conduct and the results of the investigation, the Principal will determine the appropriate level of response. Such response may, but shall not be limited to, determining whether it is necessary or appropriate to review and modify restraint prevention procedures of the Newburyport Public Schools, conduct additional staff training on restraint reduction/prevention strategies, or take other action as necessary or appropriate such as referring the matter for disciplinary action, to law enforcement or other state agencies. Students and employees will not be retaliated against for making a complaint or cooperating in the investigation of a complaint. Any retaliation by students or school staff will result in disciplinary measures.



## Version Control

Action	Date
First Reading	4-27-2021
Second Reading	5-3-2021
Adopted	5-3-2021

## JL: STUDENT WELFARE

### Supervision of Students

School personnel assigned supervision are expected to act as reasonably prudent adults in providing for the safety of the students in their charge.

In keeping with this expected prudence, no teacher or other staff member will leave his/her assigned group unsupervised except when an arrangement has been made to take care of an emergency.

During school hours or while engaging in school-sponsored activities, students will be released only into the custody of parents or other persons authorized in writing by a parent or guardian.

### Reporting to Authorities - Suspected Child Abuse or Neglect

Any school official or employee shall report any suspected child abuse or neglect as required by M.G.L. Ch. 119, S 51A.

In accordance with the law, the District shall establish the necessary regulations and procedures to comply with the intent of the Act consistent with the District's responsibility to the students, parents, District personnel, and the community.

### Student Safety

Instruction in courses in industrial arts, science, homemaking, art, physical education, health, and safety will include and emphasize accident prevention.

Safety instruction will precede the use of materials and equipment by students in applicable units of work, and instructors will teach and enforce all safety rules set up for the particular courses. These include the wearing of protective eye devices in appropriate activities.

### Safety on the Playground and Playing Field

The District shall provide safe play areas. Precautionary measures, which the District requires, shall include:

- A periodic inspection of the school's playground and playing fields by the Principal of the school and others as may be deemed appropriate;
- Instruction of students in the proper use of equipment;
- Supervision of both organized and unorganized activity.

### Fire Drills and Reporting

The District shall cooperate with appropriate fire departments in the conduct of fire drills. The Principal of any public or private school, containing any of grades 1 to 12, shall immediately report any incident of unauthorized ignition of any fire within the school building or on school grounds, to the local fire department. Within 24 hours, the Principal shall submit a written report of the incident to the head of the

fire department on a form furnished by the Department of Fire Services. The Principal must file this report whether or not the fire department responded.

LEGAL REFS.: 71:37L; 148:2A

CROSS REFS.: EB, Safety Program  
EBB, First Aid

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

JLA: Student Insurance Program (Deleted)

## JLC: STUDENT HEALTH SERVICES AND REQUIREMENTS

Activities may include identification of student health needs, health screening tests (including eye and hearing screening tests), communicable disease prevention and control, promotion of the correction of remediable health defects, emergency care of the ill and injured, health counseling, health and safety education, and the maintenance of a healthful school environment.

The District recognizes that parent/guardian(s) have the primary responsibility for the health of their students. The school will cooperate with appropriate professional organizations associated with maintaining individual and community health and safety.

The District shall provide the services of a medical consultant who shall render medical and administrative consultative services for personnel responsible for school health and athletics.

### Procedures for Emergency at School

School personnel shall give only emergency care to students who become ill or injured on school property, buses, or while under school supervision.

Each year parent/guardian(s) shall supply information such as the name, address, and phone number of a family member or other individual to be contacted in case the parent/guardian is not available; and any allergies or diseases the student might have.

The District shall maintain a Medical Emergency Response Plan, as required by law, and an Emergency Procedures Handbook, which shall be utilized by District personnel for handling emergencies. Emergency procedures shall include the following:

- Provision for care beyond First Aid, which would enable care by the family or its physician or the local Emergency Medical Services agencies. In instances when the EMS is required, every effort shall be made to provide the unit with the student's Emergency Card which lists any allergies or diseases the student might have;
- Information relative to not permitting the administration of any form of medicine or drugs to students without written approval of parent/guardian(s). Requests made by parent/guardian(s) for such administration of medication shall be reviewed and approved by the Principal or designee;
- Provisions for reporting all accidents, cases of injury, or illness to the Principal. Provisions shall be made (in all cases of injury or illness involving possible legal or public relations implications) for reporting such to the appropriate executive director of education immediately;
- Prompt reporting by teachers to the Principal or designee any accident or serious illness and such reports will be filed with the Superintendent's office.

### Student Illness or Injury

In case of illness or injury, the parent or guardian will be contacted and asked to call for the student or of possible provide the transportation.

Transportation of an ill or injured student is not normally to be provided by the school. If the parent cannot provide transportation and the student is ill or injured, a taxi may be called to assist with

transporting the student and a family member if necessary. Expense incurred as a result of emergency ambulance use will not be borne by the District.

Transportation of a student by school personnel will be done only in an emergency and by the individual so designated by the school administrator.

LEGAL REF.: M.G.L. 71:53; 54; 54A; 54B; 55; 55A; 55B; 56; 57; 69:8A

CROSS REFS.: EBB, First Aid  
EBC, Emergency Plans  
JLCD, Administration of Medications to Students

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JLCA: PHYSICAL EXAMINATION OF STUDENTS

Every student will be examined for screening in sight, hearing, BMI\*, and for other physical problems as provided in the law and regulation. A record of the results will be kept by the school nurse.

Every student shall submit record of a current general physical examination: upon entering school and upon admittance to the fourth, seventh, and tenth grades. The results of examinations will be a basis for determining what corrective measures or modifications of school activities, if any, should be recommended. A record of all examinations and recommendations will be kept.

Every candidate for a school athletic team will present the signed consent of parent or guardian in order to participate on a squad and will provide current health and fitness release by the student's medical provider to participate in athletics by providing a recent physical examination.

School nurses assess students who enter the health office or are referred for an evaluation and parents/guardians are notified if necessary with the appropriate nursing assessment and/or follow up recommendations.

The school physician will make a prompt examination of all children referred to them by the school nurse. They will examine school employees when, in their opinion, the protection of the student's health may require it. Except in an emergency, the school physician will not prescribe for or treat any student.

The school nurse will make periodic reports to the Superintendent and building principal of the number of students examined; returned to class rate, the number sent home; and any other pertinent information relative to health services for that building. In all cases of exclusion or recommendation, the causes will be included in the report.

Department of Health Regulations call for vision screenings in Grades 1-5, once between 6-8, and once between 9-12; hearing screenings in grades 1-3, once between 6-8, and once between 9-12; BMI in grades 1, 4, 7, 10.

LEGAL REFS.: M.G.L. 71:53; 54; 56; 57  
105 CMR 200

CROSS REF: JF SCHOOL ADMISSIONS

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JLCB: IMMUNIZATION OF STUDENTS

Students entering school for the first time, whether at kindergarten or through transfer from another school system, will be required to present a physician's certificate attesting to immunization against communicable diseases as may be specified from time to time by the Department of Public Health. The only exception to these requirements will be made on receipt of a written statement from a doctor that immunization would not be in the best interests of the child, or by the student's parent or guardian stating that vaccination or immunization is contrary to the religious beliefs of the student or parent, or the student is deemed homeless under the guidelines of the McKinney Vento Act.

LEGAL REF.: M.G.L. 76:15

CROSS REF.: JF: SCHOOL ADMISSIONS

**Adopted: June 19, 2017**

**Revised: February 27, 2024**



## JLCC: COMMUNICABLE DISEASES

The District is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities to handicapped children under the law.

The School Committee recognizes that communicable diseases which may afflict students range from common childhood diseases, acute and short-term in nature, to chronic, life-threatening diseases.

Management of common and uncommon communicable diseases shall be in accordance with Massachusetts Department of Health guidelines. A student who exhibits symptoms of a communicable disease may be temporarily excluded from school attendance. The District reserves the right to require a physician's statement authorizing the student's return to school.

The educational placement of a student who is medically diagnosed as having a life-threatening communicable disease shall be determined on an individual basis in accordance with this policy, Mandates from the Department of Health, and accompanying administrative procedures. Decisions about the proper educational placement shall be based on the student's behavior, neurological development, and physical condition; the expected type of interaction with others in school setting; and the susceptibility to other diseases and the likelihood of presenting risks to others will be taken into consideration. A regular review of the placement decision shall be conducted to assess changes in the student's physical condition, or based on new information or research that may warrant a change in a student's placement.

In the event a student with a life-threatening communicable disease qualifies for services as a disabled child under state and federal law, the procedures for determining the appropriate educational placement in the least restrictive environment shall be used in lieu of the procedures designated above.

Neither this policy nor the placement of a student in any particular program shall preclude the administration from taking any temporary actions including removal of a student from the classroom as deemed necessary to protect the health, safety, and welfare of the student, staff, and others.

In all proceedings related to this policy, the District shall respect the student's right to privacy. Only those persons with a direct need to know shall be informed of the specific nature of the student's condition. The determination of those who need to know shall be made by the Superintendent.

LEGAL REF.: M.G.L. 71:55

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JLCD: ADMINISTERING MEDICINES TO STUDENTS

Medication may not be administered to students while at school unless such medicine is given to them by the school nurse acting under specific written request of the parent or guardian and under the written directive of the student's personal physician (see below for exceptions) and/or school physician. If a student has been approved for self-administration by the student's physician, the student's parent, and the school nurse (who has final approval for self-administration) the student is deemed capable of self-administering their medication during the school day or during other specific times/activities beyond the school day (additional self-administration forms would be required for times beyond the school day. No one but the school nurse, and those others listed by school nurse, may give any medication to any student

### Exceptions:

- The school district shall, through the district nurse leader, register with the Dept. of Public Health and train personnel in the use of epinephrine auto-injectors.
- The school district may, in conjunction with the School Physician and the School Nurse Leader, stock nasal naloxone (Narcan) and trained medical personnel and first responders may administer nasal naloxone to individuals experiencing a life threatening opiate overdose in a school setting.
- If the school district wishes medical personnel to train non-medical staff in the administration of nasal naloxone, the School Committee shall vote to approve such training and the Superintendent shall ensure that medical personnel have a written protocol which complies with medical directives and regulations from the Dept. of Public Health.
- Following consultation with the school nurse, students who fall into the following exceptions may self-administer medications:
  1. Students with asthma or other respiratory diseases may possess and administer prescription inhalers.
  2. Students with cystic fibrosis may possess and administer prescription enzyme supplements.
  3. Students with diabetes may possess and administer glucose monitoring tests and insulin delivery systems.
  4. Students with life threatening allergies may possess and administer epinephrine.

LEGAL REF.: M.G.L. 71:54B  
Dept. of Public Health Regulations:105 CMR 210.00; 244 CMR 3.00

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

JLD: Guidance Program (Deleted)

## JP: Student Gifts and Solicitations (Deleted)

## JRA: STUDENT RECORDS

In order to provide students with appropriate instruction and educational services, it is necessary for the school system to maintain extensive and sometimes personal information about them and their families. It is essential that pertinent information in these records be readily available to appropriate school personnel, be accessible to the student's parents or legal guardian and/or the student in accordance with law, and yet be guarded as confidential information.

The Superintendent will provide for the proper administration of student records in keeping with state and federal requirements, and shall obtain a copy of the state student records regulations. The temporary record of each student will be destroyed no later than seven years after the student transfers, graduates or withdraws from the School District. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

The Committee wishes to make clear that all individual student records of the school system are confidential. This extends to giving out individual addresses and telephone numbers.

LEGAL REFS.:       FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974  
                          P.L 93-380, AMENDED;  
                          PL103-382, 1994  
                          M.G.L. 66:10, 71:34A; B; D; E; H  
                          603 CMR 23:00

**Adopted: June 19, 2017**

**Revised: February 27, 2024**

## JRD: STUDENT PHOTOGRAPHS

This policy of the Newburyport Public School District protects the rights of parents and guardians of our students to restrict the publication and public display of photographs and electronic images or video of their son/daughter in any media controlled by the NPSD, including school bulletin boards, school and PTO publications, school partner publications, and on the NPSD web site. It also protects against the release of student photographs, electronic images, or video to any media organization outside of the school system.

Students' addresses and phone numbers will not be included with any photos published in NPSD controlled media. The District recognizes the right of students eighteen years old or older to indicate their own wishes as to what restrictions are placed upon the publication or public display of photos of themselves. The school district shall take reasonable care to ensure that the school district and each school in the district complies with any written request to impose such a restriction that is received from the parent/guardian or eighteen-year-old student. If a photo does appear contrary to this policy, the school principal shall be immediately notified. The Principal and/or Superintendent of Schools will immediately make every reasonable effort to cease publication or withdraw the photo(s) from display.

At the beginning of each school year, all parents/guardians of students and all students who have reached the age of eighteen will be provided a form on which to indicate to the student's school any restriction on the publication of photos or images. Parents /Guardians must take a positive action by returning the form in order to request restriction. The Superintendent of Schools will determine the administrator(s) responsible for sending the notice(s) or shall ensure that such form is included in or with the Student/Parent Handbook published annually by each school and distributed to all parents and guardians. If any such form is not signed and returned by the parent/guardian of any student or by a student who is 18 years of age or older, then the schools will be free to use that student's photograph in school publications or release it to outside media organizations.

This policy does not apply to photos taken and published by media organizations outside the control of the Newburyport Public School District. In particular, photographs taken and published by local newspapers of any student participating in activities to which the general public is given open access, such as school sports, school plays, and school assemblies, is not restricted by this policy.

### Version Control

Action	Date
First Reading	6/5/2017
Second Reading	6/19/2017
Adopted	6/19/2017