

**SULLIVAN ELEMENTARY  
SCHOOL**

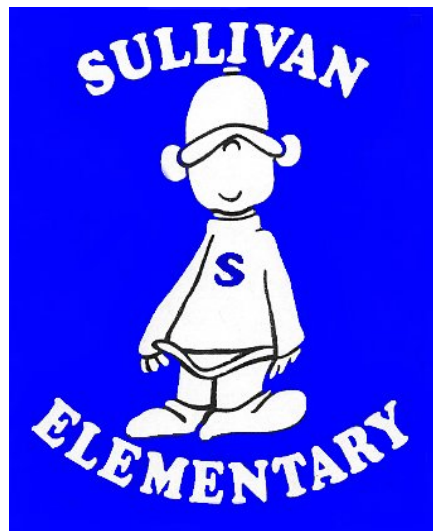
**STUDENT HANDBOOK**

151 Kemp Avenue  
North Adams, Massachusetts  
01247

662-3250

James E. Montepare  
Superintendent of Schools

Shelley L. Fachini  
Principal



## **Sullivan Elementary School Mission Statement**

Our mission is to grow together as a caring community which values respect, individuality and a love of learning.

### **Habits of Mind**

Respect

Accuracy and Quality

Persistence

Empathy

Curiosity

Evidence

### **Organization**

Sullivan School is an inclusive school. It provides for all students including those with significant disabilities. It provides equitable opportunities to receive an effective education with needed supplementary aids and support services in age appropriate classes to prepare students for productive lives as free members of society.

## **COMMUNITY INVOLVEMENT**

### **School Council**

Under the *Massachusetts Education Reform Act*, each school is required to have a school council. The council is made up of the principal, teachers, parents, and members of the community. The duties of the council are to assist the principal in adopting educational goals, identify education needs, and formulate a school improvement plan. Council meetings are held at least four times a year.

## **Parent Teacher Group (PTG)**

Sullivan School has an active PTG. The PTG provides information, communication, and through its fund-raising efforts, financial support for school activities and programs. PTG meetings are held monthly and notices are sent home prior to each meeting. Parents and teachers are encouraged to participate in these meetings.

## **LINCS**

Sullivan School has a Parent Partner working in conjunction with the LINCS center. The Parent Partner plans family events for the school, attends all LINC sponsored events and is available to families to assist with home to school connections.

## **GENERAL INFORMATION**

### **School Hours**

Students enter the building at 8:25 a.m. and are dismissed at 2:55 p.m. On early release days students are dismissed at 11:30 a.m. Since there is no before school supervision, parents are asked to not drop their children off at school before 8:25 a.m.

### **School Cancellations and Delays**

If school is cancelled or delayed, announcements will be made on local radio stations and on TV (channel 10). If it is necessary to dismiss students during the school day every attempt will be made to notify parents through announcements on the radio and/or by telephone.

### **Attendance**

Chapter 76, Section 2 of Massachusetts State Education Law states that “every person in control of a child...shall cause him to attend school as therein required, and if he fails to do so for seven day sessions or fourteen half-day sessions within any period of six months, he shall on complaint by a supervisor of attendance, be punished by a fine...” The only acceptable reasons for absence are illness, religious observance, death of a family member, hazardous weather, health treatment, legal business or significant personal reasons judged excusable by the parent(s)/guardian(s) and the administration.

If a student is going to be absent, parent(s)/guardian(s) are to call the school before 9:00 a.m. This procedure is to ensure the safety of the children. If a parent or guardian does not call the school will contact them at home or at work.

When a student returns to school after an absence, they must bring with them a note written by their parent/guardian indicating the reason for the absence.

If a student is to be dismissed during the school day, they must bring a note from their parent/guardian. If possible medical and dental appointments should be scheduled after school hours.

### **Entrance Requirements**

Students entering kindergarten must be five years old by August 31 of the year that they enter. Parents/Guardians of students entering kindergarten must provide evidence of a birth date, as well as a record of current immunizations, lead screening and physical.

### **Transfers**

Parents/Guardians of students transferring from other school systems will be asked to sign a record release form to enable Sullivan School to obtain the student's records.

### **Breakfast and Lunch**

Sullivan School has a breakfast and hot lunch program. Menus are planned by the district school lunch manager. Menus are published every Saturday in the North Adams Transcript and announced daily on the local radio station. The cost of breakfast is \$.75 and lunch is \$1.25. If a child wishes to bring a lunch from home he/she may purchase milk for \$.30. Glass containers and soda are not permitted however.

If you feel that your child may qualify for free or reduced breakfast and lunch, please request an application from the office at any time. Forms are sent home with all children at the beginning of each school year. The cost for reduced breakfast is \$.30 and reduced lunch is \$.40.

### **Recess**

When children have finished their lunch, weather permitting, they are allowed free time on the playground. Monitors supervise the playground activities. Please see that your child is dressed for outdoor play.

During lunch and on the playground children are expected to abide by the rules established for proper behavior. They are also expected to follow the directions of the staff supervising these activities. Continual misbehavior at lunch or on the playground could result in a suspension from school.

## **Walking to and From School**

Children who walk to school are expected to follow the school directed route to and from school unless special permission has been granted by the principal. Walkers are to use the appropriate Kemp Avenue entrance. If you wish your child to go some place other than home after school, it is required that you notify us in writing.

## **Bus Students**

Students are to obey the bus driver getting on, riding on, and getting off of the bus. Continual misbehavior on the bus could result in suspension from riding the bus.

Bus routes and bus stops are determined by the bus company. Prior to the start of the school year, the bus schedule is listed in the local newspaper. No one is allowed to ride on a bus to which they have not been assigned.

\*The school must be notified in writing if any changes in dismissal are needed.

## **Bicycles**

Due to the absence of a bicycle rack students are not permitted to ride bicycles to school.

## **Fire Drills**

Unannounced fire drills are routinely practiced throughout the year under the supervision of the North Adams Fire Department. During a fire drill everyone must leave the building.

## **Student Support Center**

Any student having difficulty following school rules will be sent to the Student Support Center. The center is staffed by a trained aide who helps the child understand the impact of their actions. The child is then taught through discussion how to best avoid that behavior. Parents will be notified when a student is sent to the Student Support Center.

## **Drug and Alcohol Policy**

It is a violation of state law and school rules, and a threat to the welfare of others at school, for anyone to possess, use, sell or distribute alcohol or drugs on school grounds or at school sponsored activities at any time. Violations will result in disciplinary action as well as attempts to offer the student assistance in identifying and treating alcohol and drug related problems.

Substance Abuse Evaluations are available by specialists at Mental Health and Substance Abuse Services of the Berkshires (MHSAB). Students participating in this service because of a violation of school policy are expected to sign a release of information from concerning treatment recommendations to the school adjustment counselor. These evaluations are scheduled promptly to allow re-entry to school. To request and evaluation, call 664-4541 and speak to the receptionist for the substance abuse department.

## **Drug and Alcohol Discipline Policy**

Category I: Selling, distributing, or possession of a controlled substance while under school jurisdiction.

1. As noted in the Education Reform Act, Chapter 71, Section 37H (See Appendix A); any student who is found on school premises or school related events, including athletic games, in possession of a controlled substance is subject to expulsion from the school or school district by the principal.
2. Notification of parent or guardian.
3. Notification of police.
4. Procedures contained in Massachusetts General Law, Chapter 71, Section 37H (Appendix A) will be followed.
5. If suspended, the student must participate in the Substance Abuse Evaluation and Readmission procedure described below.

Category II: Possessing alcohol or a look-alike drug while under school jurisdiction. A look-alike drug is a substance which simulates, appears like or is intended to be a drug. (Examples are spices in cigarette papers or over the counter medications like No-Doz.)

1. Notification of parent or guardian.
2. Notification of police.
3. Initiate appropriate discretionary action:
  - A. First offense: Up to 5 days suspension which may be reduced at the principal's discretion if the student completes the Substance Abuse Evaluation.
  - B. Second Offense: Up to 10 days suspension which may be reduced at the principal's discretion if the student completes the Substance Abuse Evaluation.
  - C. Third Offense: Up to 10 days suspension or initiation of action to expel the student from school.
4. Follow the Readmission Procedure.

Category III: Under the influence of alcohol, a drug, or a look-alike drug while under school jurisdiction.

1. When a staff member suspects a student is under the influence of alcohol, a drug or a look-alike drug, the staff member will immediately escort student to the health aide. If the student is uncooperative, the administration will immediately be contacted. The health aide will determine if the student is under the influence of any substance and will take whatever action is necessary to protect the student's health.
2. Notify the parent or guardian, and dismiss them into their physical custody.
3. Refer for examination by a physician.
4. Notify the police.
5. Initiate appropriate disciplinary action.
  - A. First Offense: Up to 5 days suspension which may be reduced at the principal's discretion if the student completes the Substance Abuse Evaluation.

- B. Second Offense: Up to 10 days suspension which may be reduced at the principal's discretion if the student completes the Substance Abuse Evaluation.
  - C. Third Offense: Up to 10 days suspension or initiation of action to expel the student from school.
6. Follow the Readmission Procedure.

### **Drug and Alcohol Policy-Readmission Procedure**

In all cases of violations of the Drug and Alcohol Policy, the student may be readmitted to classes when the following criteria have been met including the minimum days of suspension:

1. The student must meet with the adjustment counselor who will make the recommendations for further treatment, if indicated, which may include referral to community treatment programs.
2. A readmission conference, convened by the administration, and attended by the student, parent or guardian, school counselor, and involved school staff, will be satisfactorily concluded. This will include student and parent or guardian review and compliance with treatment recommendation.

## **HEALTH**

### **Health Aide**

A school health aide has been assigned to our school. She serves under the supervision of the Health Services Administrator. She is available to teachers, students and parents during school hours. Both the aide and the administrator are available to teachers and parents on a consulting basis in regard to the health or welfare of a student.

### **Immunizations**

Records of immunizations are reviewed by the aide to insure compliance with the Commonwealth's laws

### **Vision and Hearing**

Vision and hearing tests are given each year to all students. Appropriate referrals are made to parents if a child fails the test.

### **Postural Screening**

Postural screening is conducted on all children in grade five. If found positive appropriate referrals are made to the parents.

## **Medication**

If a child requires medication during school hours the following steps must be followed:

1. The parent must sign the permission slip provided by the school.
2. The medication must be in a properly labeled pharmaceutical container. It must be brought to the health aide by the parent. **Children should never be permitted to carry medication.**
3. A written, signed and dated request from the physician which indicates dosage, time and method of administration must be included.

## **Reportable Diseases**

If a student is absent from school from contacting measles, mumps, or chicken pox parents are to notify the school nurse. She is required to report these diseases to the Department of Health.

## **Contagious Diseases**

If a student is absent from school because of a contagious disease and under the care of a physician, a note from the physician is required before the student can return to school.

Parents will be notified if his/her child is found to have head lice or nits. Children will be readmitted into school after treatment and removal of all nits has been verified by the school nurse.

## **Illness or Accident**

If a child is not well enough to remain in school, the parent will be notified and expected to provide or arrange for the child to be transported home.

## **No Smoking Policy**

State law prohibits smoking in school buildings, on school grounds and on school buses.

## **School Adjustment Counselor**

A school adjustment counselor is available for individual or group counseling, for consultation with parents, teachers and for crisis intervention. A student may be referred to the counselor for an initial evaluation. If it is felt that the students would benefit from counseling, a permission form is sent to the student's parent/guardian for approval.

# **INSTRUCTION**

## **Curriculum**

All textbooks used in the elementary schools have been approved by the North Adams School Committee. Students are expected to participate in all school programs and activities unless excused because of physical or religious reasons. Parents should contact the principal or their child's teacher if they have reservations about their child participating in specific programs or activities.

## **Report Cards**

Report cards are issued four times a year, approximately every eight weeks. The first report card will be issued to you during a conference between yourself and your child's teacher.

## **Homework**

Teachers assign homework to provide drill and practice, to extend works being done in the classroom, and to build independent work habits.

## **Testing**

All students are tested in reading fluency using the DIBELS (Dynamic Indicators of Basic Early Literacy Skills) in Sept., Jan., and May. Further testing in this area is conducted on an as needed basis.

Students in grades 1-5 are tested in math using the Yearly Progress Pro program in Sept., Jan., and May. Progress monitoring in math is completed weekly.

The GRADE (Group Reading Assessment and Diagnostic Evaluation) will be administered to all students in September and in June. This test evaluates reading and listening comprehension.

Students in grades 3-5 are given the MCAS test each year. This is a state mandated test. The testing session occur in March, April and May. Students are tested in reading, writing, math, social studies and science and technology.

Data from all testing is analyzed and used to plan further instruction.

## **Promotion**

The North Adams Public Schools have a written promotion policy. Students must meet the criteria of this policy to be promoted. Parents will be notified on the third report card should their child be in danger of not being promoted.

## **Chapter 766**

For a child who has learning, social, emotional and/or physical disabilities, support services are available. Referrals for an evaluation of the child's disability may be made by the parents, physician, teacher, or principal.

Before a child is referred a permission form must be signed by the child's parent/guardian.

Once an evaluation has been completed, a team meeting is held to determine if support services are needed. If services are needed then an Individual Educational Plan is developed.

### **Title I Reading**

Presently Sullivan School qualifies for Title I, a federally funded program which provides reading reinforcement to students who qualify.

### **After School Program**

Sullivan School has an after school program that runs from 3:00 – 5:15 Monday through Thursday and from 3:00- 4:15 on Fridays. Students are provided with a snack each day. Program offerings are sent home at the beginning of each ten week session.

## **INFORMATION**

To update our files we request that you notify the school office when you change your address or telephone number. It is very important that you update your emergency contact information each year.

**IT IS THE POLICY OF THE NORTH ADAMS PUBLIC SCHOOLS THAT NO PERSON SHALL BE DISCRIMINATED AGAINST BECAUSE OF SEX, SEXUAL ORIENTATION, COLOR, RELIGION, NATIONAL ORIGIN, ETHIC ORIGIN, AGE, DISABILITY, OR STATUS AS A VIETNAM ERA VETERAN, AND OR IF THE STUDENT OR FAMILY IS HOMELESS.**

## **Home/School Compact**

North Adams Public Schools, North Adams Massachusetts

### **Community, Parents, Schools, and Students**

#### **Partners in Each Child's Education**

As a teacher, I \_\_\_\_\_, will strive to

- Believe that each child can learn;
- Respect and value the uniqueness of each child and his or her family;
- Provide an environment that promotes active learning;
- Provide resources to help all children be successful in their school experience;
- Continue efforts to develop professionally;
- Maintain open lines of communication with students and parents;
- Provide a safe, respectful classroom where conflicts are resolved in a positive manner;
- Assist students in the development of a sense of personal and civic responsibility;
- Encourage students and parents by providing information about student progress; and
- Seek ways to involve parents in school programs;

As a parent/guardian, I, \_\_\_\_\_, will strive to

- Believe my child can learn;
- Show respect and support for my child, the staff and the school;
- See that my child attends school regularly and is on time;
- Keep my child healthy by being sure he/she gets enough rest, exercise and eats regular meals;
- Provide a quiet place for my child to study at home;
- Encourage my child to complete all homework assignments;
- Attend parent-teacher conferences;
- Work with the school to encourage positive, non-violent behaviors in my child;
- Encourage my child to read at home and apply all learning to daily life;
- Talk with my child about his or her school activities each day: and
- Keep in regular contact with my child's teacher.

As a student, I, \_\_\_\_\_, will strive to

- Believe that I can learn;
- Show respect for myself, my school, and other people;
- Always try to do my best in my work and in my behavior;
- Cooperate with other students and teachers;
- Come to school prepared with my homework and supplies; and
- Accept responsibility for my own actions.

As a member of the North Adams educational community, together we are partners in your child's education as we uphold the intent of this compact.

As principal, I, \_\_\_\_\_, represent the school staff in affirming this contract.

APPENDIX A

**MASSACHUSETTS GENERAL LAWS, CHAPTER 71, SECTIONS 37H**

By State Law, the following procedure is followed in certain cases of serious student misconduct as specified below:

- (a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- (b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

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

- (d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the date of the expulsion in which to notify the superintendent of his/her appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.
- (e) When a student is expelled under the provisions of this section, no school or school district within the commonwealth shall be required to admit such student or to provide educational services to said student. If the student does apply for admission to another school or school district, the superintendent of the school district to which the application is made may request and shall receive from the superintendent of the school expelling said student a written statement of the reasons for said expulsion.

**MASSACHUSETTS GENERAL LAWS, CHAPTER 71, SECTIONS 37H1/2**

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect of the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his/her right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

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

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

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

principal or headmaster, including recommending an alternate educational program for student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the regional school district with regard to the expulsion.

Upon expulsion of such student, no school or school district shall be required to provide educational services to the student.

## **HAZING**

Massachusetts General Law, Chapter 269, Sections 17-19 strictly prohibits any type of hazing or initiation into any student organization which will endanger, either physical or mental, a student's person. The law specifically states:

**Section 17:** Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment. The term hazing as used in this section and in sections 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 person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this section.

**Section 18:** 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.

## **SEXUAL HARASSMENT POLICY/COMPLAINT PROCEDURE FOR STUDENTS**

### **PURPOSE**

To create for all North Adams Public Schools students a study environment free of sexual harassment.

The North Adams Public Schools is committed to safeguarding the right of all persons associated with the North Adams Public Schools, including students, employees, school committee members and volunteers to a work and educational environment that is free

from all forms of sexual harassment. Therefore, the North Adams Public Schools condemns and prohibits all sexual harassment on its premises.

All individuals associated with the School System, but not necessarily limited to the School Committee, the administration, the staff, students and members of the public while on campus, are expected to conduct themselves at all times so as to provide an atmosphere free from sexual harassment. Any person who engages in sexual harassment while acting as a member of the school community or while on school property will be in violation of this policy.

Appropriate disciplinary action, up to and including dismissal, will be taken in any instance where an employee violates this policy. Sexual harassment by a student will result in disciplinary action up to and including expulsion. Sexual harassment by others will result in their being excluded from school premises or if it is required that they enter the premises, they will be accompanied by a School System representative at all times.

If the sexual harassment is criminal in nature, the offense shall be reported to the police department as well as the Title IX Coordinator. If the sexual harassment requires the intervention of State Social Services or protective agencies, the proper authorities will be contacted. In these circumstances, the School's attorney will be immediately contacted to give advice and guidance on how to process these actions with the appropriate authorities.

Any student who believes that he or she has been subjected to sexual harassment should make a complaint to any administrator, the Title IX Coordinator, or directly to the Superintendent, so that appropriate action may be taken at once.

Management representatives are charged with the responsibility of discouraging any sexually harassing behaviors within or outside of their areas of supervision. This includes directly confronting the harasser when a management representative observes harassing behavior, and immediately reporting the activity to the Title IX Coordinator.

The Title IX Coordinator will investigate complaints promptly, and corrective action will be taken where appropriate. No person will suffer retaliation or intimidation as a result of using the internal complaint procedure.

A copy of this policy and its accompanying regulations are posted in appropriate places and made available to individuals upon request.

The Title IX Coordinators for the North Adams Public Schools are:

Deb Roselli  
Title IX Coordinator  
191 Main Street  
North Adams, Ma 01247  
(413) 662-3240 x1205

John Lev  
Title IX Coordinator  
191 Main Street  
North Adams, Ma 01247  
(413) 662-3232

Legal References: Title VIII, Section 703, Civil Rights Act 1964 as amended 45 Regulations 746776 issued by Chapter 622/EEOC Title IX of 1972 Education Amendments

## **SEXUAL HARASSMENT DEFINITION**

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is either explicitly made a term or condition of a student's education; or
2. Submission to or rejection of such conduct is used as a basis for education decisions affecting such student; or
3. Such conduct has the purpose or effect of substantially interfering with a student's educational performance, or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited to:

1. Assault, inappropriate touching, intentionally impeding movement, comments, gestures, or written communications of a suggestive or derogatory nature.
2. Continuing to express sexual interest after being informed that the interest is unwelcome. (Reciprocal attraction between peers is not considered sexual harassment.)
3. Implying or actually withholding grades earned or deserved, suggesting that a poor performance evaluation will be prepared, or suggesting that a scholarship recommendation or college application will be denied.
4. Coercive sexual behavior used to control, influence or affect the educational opportunities, grades and/or learning environment of a student.
5. Offering or granting favors or educational benefits, such as grades or recommendations, in exchange for sexual favors.

Other sexual harassing behavior directed towards students, whether committed by management, staff, or students, is also prohibited. Such conduct includes but is not limited to:

1. Unwelcome sexual flirtations, advances or propositions;
2. Sexually explicit language or gestures;
3. Touching that an individual interprets as sexual in nature;
4. Any unwelcome physical contact;
5. The presence of sexually provocative photographs, pictures or other material, and the telling of sexual stories or jokes;
6. Verbal or non-verbal behavior about an individual's body that is interpreted as sexual in nature.

## **COMPLAINT PROCEDURE INFORMAL PROCESS FOR STUDENTS**

In determining whether an alleged incident constitutes sexual harassment, the Title IX Coordinator will be vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedure outlined below, unless the Title IX Coordinator is the subject of the complaint.

1. Any student of the School System who believes that he/she has been subjected to sexual harassment is to report the incident(s) to any administrator, Title IX Coordinator, or directly to the Superintendent. The administrator and/or Superintendent are to immediately contact the Title IX Coordinator. A written record of the complaint will be made by the party receiving the complaint. A separate file system will be maintained, apart from the student's personal record, regarding these complaints and as to all matters relating to the complaints.
2. If the alleged harassment involves the Title IX Coordinator, the Superintendent of Schools will act as the Title IX Coordinator.
3. If the alleged harassment involves the Superintendent of Schools, the Secretary of the School Committee will act as the Title IX Coordinator.
4. The Superintendent and the Title IX Coordinator will look at the totality of the circumstances and the context in which the alleged incidents occurred. They will obtain a clear understanding of the facts. All matters involving sexual harassment complaints will remain confidential to the extent possible.
5. Students may be accompanied, at any phase of this process or subsequent hearing before the committee, by a parent, guardian or representative of their choosing. Parents will be immediately notified by the Title IX Coordinator of the existence of a student's report of sexual harassment.
6. The Title IX Coordinator will explain each phase of the Informal and Formal Complaint Process to a student who wishes to file a complaint and will assist the student in the processing of the complaint. In addition, the Title IX Coordinator will inform the student of additional forums for resolution of the complaint such as the Office of Civil Rights (O.C.R.) and the Massachusetts Commission Against Discrimination (M.C.A.D.).
7. Under normal circumstances, the Title IX Coordinator's investigation will be completed within five working days of the initial complaint. Upon completion of the investigation, the Title IX Coordinator shall issue his/her findings in writing to the student and the alleged harasser.

## **COMPLAINT PROCEDURE FORMAL PROCESS FOR STUDENTS**

1. A complainant may file a formal complaint immediately or may do so after the Superintendent and the Title IX Coordinator's efforts to reach a settlement under the informal process have proven unsuccessful.
2. The complaint will state clearly and concisely the complainant's description of the incident and it will also indicate any remedy sought. The complaint must be

signed by the complainant. The Superintendent's office will send the respondent a copy of the complaint within five working days after it is received. A separate file system shall be maintained as to all matters relating to the complaint. Confidentiality shall be maintained to the extent possible.

3. The respondent will have ten working days to respond in writing. This statement will contain full and specific references to each claim in the complaint, admitting, denying or explaining the complainant's allegations. The respondent must sign his or her statement which will then be appended to the original complaint. Within three working days, the Superintendent's office will forward both statements to the complainant and the respondent.
4. There will be two modes of resolution for formal complaints. A complaint may be settled through mediation or through a hearing. If the complainant and the respondent agree to pursue mediation, a date mutually acceptable to both parties will be set within ten working days. If the mediation results in a mutually acceptable agreement, copies of the agreement will be forwarded to both parties. If the mediation does not result in an agreement, the case will be forwarded to the Superintendent for a hearing unless the Superintendent is the alleged harasser in which case the hearing will be before the North Adams Public Schools School Committee.
5. When a hearing is requested, the Title IX Coordinator will inform the Superintendent or the School Committee, as the case may be, and the case will be heard at the next regularly scheduled meeting of the School Committee pursuant to the provisions of the Commonwealth's Open Meeting Law and/or before the Superintendent pursuant to M.G.L., c. 71, § 42.

## **FORMAL HEARING**

1. The purpose of the Superintendent or School Committee Hearing is to determine whether the school system's policy of sexual harassment has been violated, and, if so, to determine the appropriate consequences for the violation.
2. Both parties will be given a full and fair hearing. The proceeding, although formal, is not a court proceeding and the Superintendent of School Committee is not bound by the procedures and rules of evidence of a court of law. In most instances, complainants and respondents will be expected to speak for themselves, although, if desired, each party may be accompanied by counsel or an advocate.
3. The presiding officer of the hearing may have counsel present for purpose of assisting in the orderly conduct of the hearing and the questioning of witnesses. The complainant and the respondent will be asked to clarify the issues and to define the areas of disagreement. To encourage a fair and focused hearing, at the start of the proceedings the points of agreement and disagreement will be reviewed. The Superintendent or the Committee Policy on Sexual Harassment has been violated, and, if so, will recommend appropriate consequences.
4. The presiding officer will:
  - a. ensure an orderly presentation of all evidence;

- b. ensure that the proceedings are accurately recorded by means of a tape or stenographic recording; and
  - c. see that a decision is issued no later than ten working days after the conclusion of the hearing or, when written arguments are submitted, ten working days after the submission.
5. The Superintendent or the Committee, as the case may be, will:
- a. conduct a fair and impartial hearing which ensures the rights of all parties involved;
  - b. define issues of contention;
  - c. receive and consider all relevant evidence which reasonable people customarily rely upon in the conduct of serious business;
  - d. ask relevant questions of the complainant, respondent and any witnesses if needed to elicit information which may be of assistance in making a decision; and
  - e. ensure that the complainant and respondent have full opportunity to present their claims orally or in writing, and to present witnesses and evidence which may establish their claims.

#### **DECISIONS OF THE SUPERINTENDENT OR THE COMMITTEE**

1. After all the evidence, testimony, and written arguments have been presented, the committee will convene for deliberations to determine whether the school system's policy on sexual harassment has been violated. If the Committee finds after a roll call vote that the policy has not been violated, that fact will be registered in the records of the hearing, and the written decision will be forwarded to the complainant and the respondent no later than fifteen working days after completion of the hearing.

In hearings before the Superintendent, if the Superintendent finds that the policy has not been violated, the Superintendent will issue a written decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.

2. If the Committee finds after a roll call vote that the charge of violating the school system's policy of sexual harassment has been substantiated, the hearing Committee will prepare findings and will determine a penalty for the respondent and relief for the complainant. The Committee will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.

In hearings before the Superintendent, if the Superintendent finds that the charge of violating the school system's policy on sexual harassment has been substantiated, the Superintendent will prepare findings and will

determine a penalty for the respondent and relief for the complainant. The Superintendent will issue such decision to the complainant and the respondent no later than fifteen working days after the completion of the hearing.

The findings of fact as well as the penalty and relief will be based solely on the testimony and evidence presented at the hearing.

3. The penalty should reflect the severity of the harassment. The penalties may include, but will not be limited to, any one or combination of the following: verbal admonition, written warning placed in the respondent's personnel file or student record, probation, suspension without pay, dismissal, demotion, or removal from administrative duties within a department; students may be subject to suspension or expulsion proceedings following a finding that the policy has been violated. The Committee or Superintendent may also make appropriate recommendations, such as professional counseling, and may recommend relief for the complainant which reinstates and restores, as much as possible, the aggrieved party.

### **NOTICE OF NON-DISCRIMINATION**

The North Adams Public Schools reaffirms that it does not discriminate on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or exercise of civil rights in admission to, access to, treatment in or employment in its programs or activities. The North Adams Public Schools also affirms its commitment to maintain a school and work environment free of harassment based on race, color, religion, sex, national origin, age, disability, sexual orientation, or exercise of civil rights. Any harassment on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or exercise of civil rights will not be tolerated.

If you should have a complaint or concern that there has been discrimination, you may also utilize the following procedure:

1. Report the violation to the building principal. The building principal will meet with you and other persons who might have information about the issue promptly and will attempt to resolve the issue. Any additional investigation will be commenced within a reasonable period of time. The building principal will issue his/her decision in writing to you within ten (10) days of the conclusion of the investigation.
2. If the complaint is not resolved, it can then be appealed to the district's Equal Opportunity/Title IX/ Section 504/A.D.A. Coordinator. This appeal must be in writing, describe the circumstances, and the relief you seek. This appeal should be taken within one week after the receipt of the principal's decision.

3. The Equal Opportunity/Title IX/ Section 504/A.D.A. Coordinator will meet with you within a reasonable time. Following a review of the materials presented to the principal and any additional investigation which will be conducted promptly, the Coordinator will make a final determination on whether there has been a violation of the district's policy within ten (10) days after the conclusion of any additional investigation. If there has been a violation, the Coordinator will indicate the steps to be taken to correct it.

Inquires concerning the application of nondiscrimination policies may also be referred to the Regional Director, Office for Civil Rights, U.S. Department of Education, J.W. McCormack POCH, Room 222, Boston, MA 02109-4557

The School System's Equal Opportunity/Title IX/Section 504/A.D.A. Coordinators are John Lev, Director of Inclusion, and Deb Roselli, CSL and Project Specialist. They have been designated to respond to any questions about the district's policy, and are part of the review process for complaints or concerns about discrimination. John Lev can be reached at (413) 662-3232, and Deb Roselli can be reached at (413) 662-3204 x 1205. Their business address is 191 Main Street, North Adams, MA 01247.

## **PHYSICAL RESTRAINT POLICY**

The North Adams Public Schools complies with the Department of Education (D.O.E.) restraint regulations, 603 C.M.R. 46.00 et seq., as required by law. These regulations apply not only while attending school, but also at school-sponsored events and activities, whether or not on school property. Copies of this law are available at <http://www.doe.mass.edu/lawregs/603cmr46.html>, and in the office of the principal.

The North Adams Public Schools uses non-violent restraint such as redirection, escorts to quiet areas, talking to students and other such methods. Physical restraint is only used as a last resort.

## **LOCKERS**

Each student will be assigned a hall locker. They are for the individual use of students and should not be shared. All students must realize the importance of proper locker security. Because the locker is the property of the school and not the student, the administration has the right to open and examine the contents of a student's locker at any time. The use of the locker is entrusted to the student, and it is the obligation of each student to keep the locker neat, orderly, free of marks/writing and secure at all times.

Students are responsible to the locker assigned to them by the office. Students who insert objects into the locking mechanism causing the locker to remain unlocked are liable for any items removed or damaged done to the locking mechanism. Students should also plan their day so as to avoid delay at their lockers between classes.

## APPENDIX B

### Disciplining Students With Special Needs

On January 11, 1986 the Board of Education's policy relative to disciplining students with special needs was implemented. The policy was designed to give administrators the flexibility to set rules of discipline while protecting the rights of students with special needs.

In order to comply with the intent of this state statute, the following procedures will be followed whenever a student with special needs is suspended from school:

2. The administrator of special needs or a designee will be notified of the suspendable offense.
3. Records of the number of suspensions of students with special needs will be kept by school officials.
4. The I.E.P. for each student with special needs will indicate whether the student can be expected to meet the regular discipline code or if a modification is required. If a modified discipline code is required, it will be written into the I.E.P.
5. When it is known that the suspension(s) of a student with special needs will accumulate to ten (10) days in a school year, a review of the I.E.P., as provided in Section 333 of the C.766 regulations, will be held to determine the appropriateness of the student's placement or program.
6. If the TEAM concludes that the student's misconduct is related to the student's handicapping condition, is the result of an inappropriate special education placement, or is the result of an I.E.P. that was not fully implemented, and then the I.E.P. will be modified to reflect a new program designed to better meet the student's needs. Following parent/guardian approval, the student will be placed immediately in a new program.

If the TEAM concludes that the student's misconduct was not related to the student's handicapping condition, or the result of an inappropriate special education placement, and that the original I.E.P. was fully implemented:

1. An amendment to the I.E.P. will be developed and implemented to provide for the delivery of special education services to the student during the period of exclusion.
2. The original I.E.P. will be modified to reflect a long-term plan (including discipline code expectations) designed to assure the student's continued attendance in an educational program.

If suspension will result in an exclusion of more than ten (10) days in a school year, immediate written notification of the suspension and request for approval of the alternate plan must be made to the Division of Special Education through the appropriate education center, with a copy to the student's parent/guardian.