

# Arthur T. Cummings Elementary School



## Student Handbook

Interim Principal: Norah Grimes

2018-19

## **WINTHROP PUBLIC SCHOOL MISSION STATEMENT**

The mission of the Winthrop Public Schools is to promote and support student-learning Pre-K-12 by teaching students in a challenging yet nurturing learning environment. We will prepare our students to be productive citizens who will contribute to their community and to the global community of the 21<sup>st</sup> century.

## **A.T. CUMMINGS ELEMENTARY SCHOOL MISSION STATEMENT**

At the A. T. Cummings School, we work to educate, prepare and inspire all students to achieve their full potential as lifelong learners, thinkers and productive contributors to our global society. Together, we will act with integrity and be accountable to ourselves, the school and the community, and nurturing a safe and positive environment.

### **ACCESS TO A FULL RANGE OF EDUCATIONAL PROGRAMS**

All students, regardless of race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness, have equal access to the general education program and the full range of any occupational/vocational education programs offered by the district.

Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(a),(b); EEOA: 20 U.S.C. 1703(f); Title IX: 20 U.S.C. 1681; 34 CFR 106.31, 106.34, 106.35; Section 504: 29 U.S.C. 794; 34 CFR 104.4; Title II: 42 U.S.C. 12132; 28 CFR 35.130; IDEA 2004: 20 U.S.C. 1400; 34 CFR 300.110; NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Secs. 721, 722(g)(4); Mass. Const. amend. art. 114; M.G.L. c. 71A, s. 7; c. 76, s. 5; 603 CMR 26.03 as amended by Chapter 199 of the Acts of 2011.

### **ABSENCES, TARDINESS AND DISMISSALS**

When a child is absent from school parents must notify the school using the Cummings' School Hotline (617-846-5543, Option 2). Upon returning to school after an absence, and in cases of requests for early dismissal, pupils must present a parent-signed acknowledgment indicating the date(s) and the cause of the absence or dismissal.

When the need arises to dismiss a student during the school day, the following procedures will be followed:

1. The parent, guardian or any person who arrives to pick up a child will be requested to report to and identify himself/herself to the office personnel.
2. Whenever a question arises about a student dismissal, school personnel should attempt to verify the dismissal by contacting the parent, guardian or questioning the child.
3. Parents are encouraged to send a note when having a child dismissed.

Under G.L. c. 76, section 1, necessary absences by a student may not exceed 7 days in any 6 month period.

**\* Dismissed students will not be allowed to walk home alone.**

Promptness to school is very important. Students reporting to school after the homeroom bell (8:35) are considered tardy. Repeated tardiness may result in disciplinary action. **See Tardy under Discipline Section.**

### **ADMISSION/ATTENDANCE POLICIES**

Parents/Guardians should report to the Registration Office located at the Gorman Fort Banks School at 101 Kennedy Drive to register students and pick up registration packet.

Parents, or a guardian, registering a child for the first time, must present written evidence of the following:

1. A Birth Certificate

2. A Medical Form signed by a physician
  3. Proof of Winthrop, MA residency
- See **immunization requirements under Health**

### **ARRIVAL ON SCHOOL GROUNDS**

- Students should not arrive at school until 8:15 AM, unless they are participating in a before school activity or buying breakfast. Please make every effort to adhere to this time frame.
- Students cannot enter the building until 8:20 A. M.

### **BULLYING**

In order to address the damaging effects of bullying on children, which can leave permanent scars on the confidence and self-esteem of a child as well as meet the mandates of Chapter 92 of the Acts of 2010, “An Act Relative to Bullying in Schools” (§ 2323), Winthrop Public Schools has developed a district wide Anti-Bullying Policy and Procedures with protocols for recognizing and reporting bullying as well as a Bullying Prevention Action Plan. Please refer to the comprehensive Bullying Policy and procedures outlined in the appendix of this document and on the Winthrop Public Schools district website.

### **CALENDAR**

At the beginning of each month, a school calendar and newsletter is sent home with each child. Also, the calendar is posted on our website. This procedure serves as an effective school-home communication tool.

### **COMPLAINT PROCEDURES**

- Each school building shall have a Complaint Manager who shall be responsible for assisting students seeking guidance or support in addressing matters relating to sexual harassment or inappropriate behavior of a sexual nature. The Complaint Manager for the Cummings School is the Principal or Assistant Principal.
- Any student who believes that he or she has been subjected to sexual harassment has the right to file a complaint with the Complaint Manager or a teacher. The complaint will be put in writing and a full investigation and review will be conducted.
- A complete statement of the Harassment Policy and the investigation procedure is available from the Cummings School Office.

### **HOME-SCHOOL COMMUNICATION**

- If at any time you wish to have a conference with school personnel, please call the school for an appointment. Do not hesitate to contact the school concerning your child.
- There are designated half days throughout the year for parent teacher conferences.

### **CONDUCT/DISCIPLINE**

- Pupils are expected to conduct themselves in a manner reflecting a sense of responsibility, good citizenship and consideration for the rights of others. The school will not tolerate rudeness or violence in any form.
- Pupils are expected to observe basic rules of hygiene and to be inoffensive in their appearance.
- Prerequisites to effective instruction are preparation, organization, order and discipline.
- We believe in the disciplined caring of our students. Therefore, there exists a set of reasonable school and classroom regulations by which all students are expected to abide.
- Every student has a right to feel safe and happy in school. Every student should respect others' property and personal space. Every student has the right to learn unhindered by the behavior and/or actions of other students.

Our teachers are knowledgeable with regard to behavior that can reasonably be expected from children, considering age. Consequences will be suitable to the type of inappropriate behavior displayed.

Most discipline problems are handled by the classroom teacher in concert with the parents. When necessary, positive alternatives are employed to bring about improvement in student behavior.

Involvement of the Adjustment Counselor may be recommended.

The principal and assistant principal are responsible for establishing or approving general school and classroom rules and regulations. He/she serves as a resource person to both teachers and parents in improving student behavior. In instances where the teacher and/or parent has been unable to effect a positive change, the principal or assistant principal will become more directly involved in the disciplinary process.

**PRINCIPALS AND ASSISTANT PRINCIPALS HAVE THE AUTHORITY TO SUSPEND AND ASSIGN DETENTIONS.** Parents will be notified of detentions 24 hours in advance.

\*Disruptive Behavior - any action that impedes the teacher's ability to conduct the lesson, interrupts the learning of other students or in any way impacts the decorum in the building.

\*\*Detention - a period of time scheduled for restitution, no longer than 30 minutes.  
(example, time spent in the office)

The Cummings School utilizes a "progressive discipline" approach, modifies undesirable behavior through a range of disciplinary consequences that are applied sequentially based upon the nature and history of the particular student's misconduct. *See Discipline Rubric in Appendix A.*

#### EXAMPLES OF PUNISHABLE OFFENSES

##### **OFFENSIVE CONDUCT**

Bus Misconduct

##### **DISPOSITION**

May result in sessions, suspension, and/revocation of bus privileges.

Cheating or Plagiarizing	Subject to failure and/or detention and/or suspension.
Dishonest Behavior	See Honor Code Policy
*Disruptive Behavior	<b>First Offense</b> resulting in Administrative Action-loss of privilege, recess, or preferred activity  <b>Second Offense-</b> Parent conference and additional loss of privileges  <b>Third Offense-</b> May result in suspension
False Alarm/Bomb Threat	Suspension and notification to Winthrop Police Department. May be referred for further disciplinary action up to and including expulsion.
Fighting/Physical Altercation	Suspension and possible notification to Winthrop Police Department.
Forgery	May warrant detention and/or suspension
Harassment	See Anti-Harassment Policy
Insubordination/Disrespect/ Inappropriate actions	May warrant suspension
**Missing Detentions	<b>First Offense</b> - 1 detention  <b>Second offense</b> - 2 additional detentions and parental conference.  <b>Continued offenses</b> - may result in suspension.
Possession, suspicion/use, being under the influence or being in the presence of someone using or possessing alcohol or other drugs.	May result in suspension/expulsion. May contact the Winthrop Police Department.
Possession or use of any noxious substance that may cause physical harm to staff and/or students.	Confiscation. May warrant suspension/expulsion. May contact Winthrop Police Department.

Using/wearing iPods, MP3 players, cell phones, or any other communication or music related devices during school hours. **NOTE:** Cell phones and all other telecommunication devices must be shut off at all times.

Inappropriate use of any of these devices will result in confiscation, parent conference, or may result in more serious disciplinary action.

Possession of and/or in the presence of, or the use of cigarettes, lighters, matches, etc.

Confiscation. May warrant suspension and notification to Winthrop Police Department.

Possession of weapons or mock weapons or any article or instrument that may be used as a weapon.

May result in suspension and/or expulsion and notification to Winthrop Police Department.

Tardy to School-after Homeroom period

After 7 times - recess detention

Theft

May warrant detention and/or suspension.  
Restitution will be made.

Threat of physical harm-verbally or electronically

May warrant suspension and/or expulsion.  
May warrant notification to Winthrop Police Department.

Throwing snowballs, rocks, or any other missiles.

May warrant detention and/or suspension.

Vandalism

May result in detention and/or suspension and notification to the Winthrop Police Department.

**NOTE:**

- The above is **not** a complete listing of every type of possible misconduct. In the event that a student engages in a type of misconduct that does not technically fall within any of the above categories, the administration will issue a disposition that it feels is appropriate for the offense.
- The school reserves the right to hold confiscated items until retrieved by parent/guardian.

- The school cannot be responsible for any confiscated items left unclaimed by the end of the current school year.
- The student has right to due process

**STUDENT DUE PROCESS RIGHTS**

In administering discipline, school officials will be careful to observe the right to due process under the law for each student. The nature of the violation determines the due process that school officials follow. A comprehensive Disciplinary Due Process Policy and procedures are outlined in the appendix of this document and on the Winthrop Public Schools district website.

**CURRICULUM**

The goal for students at the Cummings School is to receive the following allotment of minutes in each subject area:

English Language Arts (reading/writing)	120 minutes/ day
Mathematics	90 minutes/ day
Science	45 minutes/ day
Social Studies	90 minutes/ week

In addition to the basic curriculum in each grade, all students also participate in the following curricula during the five day educational cycle:

Art	45 minutes/ 5 day cycle
Computer/ Library Education	45 minutes/ 5 day cycle
Physical Education.	45 minutes/ 5 day cycle
Music Education	45 minutes/ 5 day cycle
*Pods	45 minutes/ 5 day cycle

\*(SEL Curriculum)

**CUSTODIAL/GUARDIANSHIP**

If there are legal guardianship and/or custodial implications of which the school should be made aware, please be sure a copy of the legal document is made available to the school for your child’s protection.

**DRESS CODE**

Appropriate attire is important to the learning environment at the Cummings Elementary School. The following are examples of inappropriate dress:

- All pants, shorts, and skirts worn below waist level and/or which allow undergarments to be visible at any time.



- Pajamas or sleepwear, slippers (unless it is a special occasion).
- Headgear of any sort, including hats, sweatbands, bandanas, kerchiefs, hoods, headphones/radios, etc.
- Shirts with obscene, distracting or inappropriate (as deemed by administration) symbols or language.
- Bare-midriff shirts, sheer fabric shirts, strapless shirts, low-cut blouses, backless dresses, spaghetti strap tank tops, and other shirts deemed by the administration to be too revealing. (Religious exemption are honored.)
- Mini-skirts, bikini shorts, short-shorts (shorts/skirts should be longer than the fingertips of the arms down at the student's sides).
- Footwear that can be considered a safety hazard to the student or students in general (e.g. flip flops, slides, Heelys).
- Shoes/sneakers that have laces that are neither tied nor tucked in.

It is important to note that the above are guidelines and if a student's dress is not deemed inappropriate there will be no action taken. If a dress code violation is noted the student will be escorted to either the nurse or adjustment counselor. The student will be reminded of the dress code and offered an opportunity to either call a parent for an alternate outfit or access clothing items that are provided by the school (e.g., school t-shirt). It is recognized that many students do not purposefully violate the dress code and teachers/administrators will take precautions to ensure a student does not feel targeted in this situation.

**Final judgment on the appropriateness of a student's attire belongs to the school administration.**

### **EMERGENCY FORMS**

A properly completed and updated emergency form for each student should be on file in the school office. In order to be prepared to respond promptly to student related emergencies, the school must be notified immediately of any new address, phone number or other changes which should be reflected on the emergency form.

### **EVACUATION**

In the event of an emergency requiring students and staff to evacuate the premises, students will be moved to an alternate site. Whenever possible, parents will be notified by using the Winthrop Public Schools communication system.

### **FIELD TRIPS**

Field trips are planned educational experiences correlating closely with grade level curricula. Since these lessons occur away from the school grounds, permission slips signed by parents are a prerequisite for students' participation. *Field trips are for educational purposes, thus visits to gift shops are not permitted.* Eating and drinking on the bus are also not allowed. Students who do not participate in field trips are given course-oriented assignments under the supervision of other instructional personnel.

### **HARASSMENT POLICY SUMMARY**

It is the policy of the Winthrop Public Schools to provide a safe and secure learning and work environment for all students and employees without distinction, where all school community members treat each other with respect. All programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, ethnicity, sexual orientation, gender identity, homelessness, age and/or disability.

## **HAZING**

Hazing as described by Massachusetts General Law, Chapter 269, Sections 17, 18 and 19 is prohibited. Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same as follows: Chapter 269 of the General Laws is hereby amended by adding the following three sections:

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 the house of correction for not more than one (1) year, or by both such fine and imprisonment. The term “hazing” as used in this section and in sections 18 and 19, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect their physical health or safety of any such student or other person, or which subjects such student or other person, to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18: Whoever knows that another person is the victim of hazing as defined in Section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger of peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practical. A fine of not more than one thousand dollars shall punish whoever fails to report such crime.

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

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to reach of its members, plebes, pledges or applicants for membership. It

shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgment stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its member, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

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

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

#### THE HAZING TEST \*

The following questions are intended to help student leaders to think about issues of hazing when planning activities for their organizations.

1. Would you have any reservations describing the activity to your parents, a teacher, or a school administrator?
2. Would you object to the activity being photographed for the school newspaper or local TV news?
3. Is there a risk of injury or a question of safety?
4. Is this a team or group activity in which members are encouraged or expected to attend and where minors are consuming alcohol?
5. Will current members refuse to participate with the new members?
6. Does the activity risk emotional or physical abuse?

#### **HEALTH PERSONNEL AND POLICIES**

The Cummings School has the services of a full time nurse.

#### POLICIES

The Massachusetts Department of Public Health under Massachusetts General Laws, Chapter 76, Section 15, mandates that the school superintendent take steps to assure that all children K-12

under their jurisdiction are properly immunized and in attendance according to the School Immunization Law, Chapter 76, Section 15. A report on the immunization status of all children must be submitted to the Division of Communicable Diseases in October. Any child identified as not immunized must be excluded from school until he/she is in compliance with the law.

Student immunizations need to be up to date. Physician’s certificates must be submitted to the nurse. We expect all students K-12 to meet the recommended immunization schedule. If you have questions regarding this matter, please contact your school nurse, 617-846-5543.

IMMUNIZATION SCHEDULE

<u>AGE</u>	<u>VACCINES</u>		
Birth	Hep.B		
2 Months	D.P.T. TOPV	HIB	Hep.B
4 Months	D.P.T. TOPV	HIB	
6 Months	D.P.T. TOPV	HIB	
15 Months	Mumps, Measles, Rubella	HIB	Hep. B
18 Months	D.P.T. TOPV		
Pre-School/Kindergarten	Varicella (Chicken Pox)		
5 Years	Mumps, Measles, Rubella		
4-6 Years	D.P.T. TOPV		
Entering grade 7	Mumps, Measles, Rubella, Hep. B (3 doses) Varicella, if have not had chicken pox		

**D.P.T.** - Diphtheria, Tetanus and Pertussis;

**HIB** - Meningitis & Flu

**T.D.** - Tetanus, Diphtheria

**Hep. B** - Hepatitis

**TOPV** - Trivalent Oral Polio Vaccine

**TB test** – new students entering from outside U. S.

PHYSICALS

Children are required to have physicals every four years. Physicals should be performed by your own personal physician. Children are screened each year for defects in hearing and vision by trained personnel. In summary, the school expects your child:

- a. To be clean in body and clothing

- b. To present a written excuse from his/her physician when unable to participate in physical activities
- c. To be kept from school if he/she has a communicable disease
- d. To have sufficient sleep
- e. To have a good breakfast
- f. To have a controlled type of snack: fruit, raw vegetables, plain cookies, or a small sandwich is suggested.

### CONTAGIOUS ILLNESS

It is requested that you notify the school nurse of any communicable disease. The school nurse will address any of your concerns.

#### **Guidelines for Contagious Illness**

Please read carefully and use the following guidelines if your child becomes ill with a contagious disease.

**Chicken Pox:** Exclusion from school for one week after the appearance of the first eruption. A card must be obtained from the Board of Health and given to the school nurse before re-admittance to school.

**German Measles:** Exclusion from school for four days from the appearance of the rash. Reportable to the Board of Health by the physician.

**Measles:** Exclusion from school for four days from the appearance of the rash. Reportable to the Board of Health by the physician.

**Mumps:** Exclusion from school for one week from the onset of the disease, or until all swelling has subsided, whichever is sooner. Reportable to the Board of Health by the physician.

**Scarlet Fever:** Exclusion from school for 24 hours after medication has started. Reportable to the Board of Health by the physician.

**Strep Throat:** Same as scarlet fever. Reportable to the Board of Health by the physician.

**Impetigo:** Exclusion from school until the lesions are healed unless under treatment and the doctor gives permission to attend school.

**Conjunctivitis:** Exclusion from school for 24 hours after the medication has begun.

**Pediculosis (aka: lice):** Exclusion from school until the student is completely free of head lice. The nurse will be available to check the child at 8:15 A.M. or by prior arrangement between the nurse and parent.

**Pertussis:** Once pertussis (whooping cough) is diagnosed by the physician, it must be reported to the School Nurse and Board of Health. A five (5) day treatment of antibiotics is required prior to

returning to school. For more information regarding the pertussis protocol, please call the school nurse at (617) 846-5543.

**Fifth's Disease:** No need for exclusion; by the time diagnosis is made, the child is no longer contagious. Expectant mothers who are exposed to Fifth's disease, should contact their obstetrician.

## HEALTH

1. We recommend that children do not come to school if they appear to be ill. It is advisable to keep the child home if he/she has a sore throat, severe cold, rash or fever. The close proximity of seating in classrooms accelerates the spread of communicable diseases.
2. The school nurse is responsible for attending only to illness and injury that occur during school hours. She has the authority to exclude any child who appears to have an infectious condition. If illness occurs during the day, children will be dismissed only after a parent or other designated adult is notified.
3. When a student is absent, a note indicating the reason should be brought in upon return to school.
4. If a child is absent because of illness but is able to do some schoolwork, please do not hesitate to call the school office. We will be very happy to provide work in order to help your child "keep up". Please do not expect the teacher to talk with you or to prepare work during the school day, for that time belongs to the class.
5. No student will be excused from gym or recess unless a directive is received from the child's physician to the effect that due to recent illness or injury the student should not participate.
6. Because of the increasing number of students who must take oral medicine during school hours, parents must adhere to the following guidelines for the protection and safety of the child.
  - Parents must sign a consent form and medication administration form available from the school nurse for any **prescription and nonprescription medications. A physician must sign the form for prescription and nonprescription medications to be given.**
  - Only the school nurse or building administrator assists in the administration of medication. **Children are not permitted to have medicine in the classroom or on their person.** Parents or the child (if reliable) should take the medication to the nurse's office where it is kept in a secure place. **ALL medication should be sent in a closed container, marked with prescription label and the child's name.**

## WELLNESS POLICY

### **Snacks**

We recommend that you send your child to school with a healthy snack such as fruit or vegetables. You will be notified if your child is in a classroom where no nuts or peanut butter may be eaten. Only water is allowed in classrooms (i.e. no fruit drinks, milk, soda, Gatorade, etc.). GLASS containers are not allowed.

### **Parties**

The Winthrop Public Schools has a food-free party policy. That means no food is to be brought into the classrooms from outside sources for celebrations/parties. There are other ways to celebrate, including giving the classroom or students a book, pencils, stickers, coupons, etc. Under special circumstances the principal may waive this policy to allow certain foods from authorized sources if the event is a school sponsored event.

### **HOMEWORK POLICY**

Homework is carefully examined and constructed as a meaningful part of learning. It can be another step in the direction of bringing the school, the student, and the community closer together in a common quest for quality education.

The following recommendations demonstrate a gradual increase in frequency and time allocations for homework assignments. The rationale behind this is to provide regularity and continuity to homework while maintaining a degree of flexibility.

Grade 3	45 minutes/day, 4X/week	Math, Reading, Spelling, Lang. Arts, Science, Social Studies
Grade 4	60 minutes/day, 4X/week	Math, Reading, Spelling, Lang. Arts, Science, Social Studies
Grade 5	60 minutes/ day, 4X/week	Math, Reading, Spelling, Lang. Arts, Science, Social Studies

A successful educational experience for a child is dependent upon the teacher, parent, and child sharing and meeting common goals. For a homework policy to be successful, all participants must understand and accept not only their own, but each other's roles.

#### **The role of the teacher is to:**

- Design homework assignments that are an extension or reinforcement of class work and which are based upon the individual needs of students.
- Assure that each assignment is explained and, if appropriate, started in school under the teacher's direction.
- Ascertain that assignments are reasonable, yet not of such magnitude as to create negative reactions.
- Examine and record each completed homework assignment the day that it is due
- Notify parent or guardian of a student's failure to fulfill his/her assignment appropriately.

#### **The role of the parent is to:**

- Provide their child with a suitable environment for study.
- Encourage a positive attitude toward homework.
- Show interest in their child's assignments and foster independent work habits.
- Render praise upon the successful completion of an assignment.
- Discuss any questions or concerns relating to homework with the teacher.

#### **The role of the student is to:**

- Make every effort to understand completely the homework assigned before he/she leaves school.
- Maintain a notebook to record assignments.
- Establish a regular time and place to study that is well-lighted and free from noise and distractions.
- Plan his/her time with provision for the unhurried completion of all assignments.
- Submit on time a neat, accurate and well-executed assignment.

### **INCLEMENT WEATHER POLICIES**

It is expected that schools will be in session every day as scheduled in the school calendar. The parent may, if weather conditions warrant, keep the child at home. When the parent exercises this option: (1) all the regulations for absence apply and (2) the child should remain at home and not around the town or school building.

When extreme weather or emergency conditions develop, the Superintendent may decide to cancel school. When schools are closed in the morning, they will remain closed all day. If this should occur, the Superintendent will send an automated phone call to families that have a phone number on record. In addition, the “No School” announcement will be made beginning at 6:30 A.M. over the radio and TV stations as follows:

**WBUR-FM 90.9 WRKO-AM 680 WEZE-AM 1260**

**WBZ-TV 4 WCVB-TV 5 WHDH-TV 7 WCAT-TV 15 (local access)**

**DO NOT CALL** the Fire, Police or School Departments or the home of any school personnel as this delays making announcements and ties up the telephone.

**Under normal circumstances once school is in session there will not be any early dismissals.**

This is to protect those students whose parents are not at home. However, parents should have some arrangement, by which a child can be supervised if conditions become such that children and teachers must be dismissed. Any parent may, when conditions are bad, come to school and have a child dismissed.

### **DELAYED OPENING OF SCHOOL**

Policy allows for either a 1 hour or 2 hour delay of the opening of schools because of inclement weather; the same procedure of notification will be followed as in the case of school cancellation.

### **INTERNET ACCEPTABLE USE POLICY**

The Winthrop Public Schools technology program recognizes the use of the Internet as a valuable research tool. Before using this tool students need to understand how to use it in an acceptable manner.

- The primary use of the Internet is for educational purposes
- Being able to use the Internet is a privilege, and your teachers and principal are the decision makers when it comes to whether you use it. If your behavior on the Internet is not appropriate, you may be suspended from its use.



- All Winthrop Public Schools have a filter installed on the server to prevent students from entering inappropriate sites (obscene, child pornography, harmful to minors) however, this software is not foolproof. Take responsibility for your own actions. If you find yourself at an inappropriate website, you must minimize the browser window and notify the teacher immediately. Do not download, copy or tell any other students the location of any inappropriate material you may happen to find.
- You may not copy material and say that you wrote it yourself. Remember if you didn't write it you must identify where you found it.
- Any damage to the computers, how they are set up, or files that belong to others, will result in the loss of your privilege to use the Internet, and perhaps the computers themselves. *Parents will be held responsible for deliberate damage to technology caused by their students. See vandalism under discipline section.*
- You may not give anyone your password. Don't let anyone use your computer account for Internet activity unless you are working with them.
- You may not go to chat rooms or use email

**The above are examples of inappropriate use. Since there can never be an all inclusive list, we fully expect that students do only those things necessary to complete their assignment. If a student is in doubt about something they want to do, they must first ask a teacher. Violations of this agreement also subject the student to additional school discipline as determined by the principal.**

The Winthrop Public School System, along with the other organizations sponsoring this Internet link-up, will not be liable for the actions of anyone connecting to Internet through this hook-up. In addition, the Winthrop Public School System takes no responsibility for any information or materials that are transferred through Internet. Winthrop Public Schools makes no guarantee of reliability of the Internet connection, nor is it responsible for any loss or corruption of data while using this Internet connection. Winthrop Public Schools shall monitor use of the Internet and data stored in the machines to be sure that these rules are not being broken. Winthrop Public Schools can change these rules without immediate notice.

#### **STUDENT**

I understand and promise to follow Winthrop Public School Acceptable Use Policy. I have read (or had read to me) the agreement in the student handbook. My teacher explained the rules of the agreement and I understand them. I understand that it is very important to follow all the rules of the agreement and not to go to inappropriate web sites. I will accept full responsibility and liability for the results of my actions. If I do not follow the rules I might lose the privilege of using the computer and/or the Internet, and be subject to additional punishment by the school.

Print Student's Name

Student's Signature

**PARENT/GUARDIAN**

As the parent or guardian of this student, I have read the Internet Use Agreement. I understand that this access is designed for educational purposes. I understand that the Winthrop Public Schools will take all reasonable measures for the supervision of Internet access by my child. I understand that should my child misuse and/or abuse the Internet I will not hold the Winthrop Public Schools responsible for their actions.

Violations of this policy by my child will result in appropriate school discipline. I hereby give permission to allow my child Internet access.

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Parent/Guardian's Name

Signature

Date: \_\_\_\_\_

**INSTRUCTIONAL MATERIALS**

1. Textbooks and essential materials are loaned to students without charge.
2. Students are held responsible for the loss of textbooks or for damages beyond normal wear.
3. Students are held liable for loss of classroom or school library materials charged to them and for damage beyond normal wear.
4. Report Cards will be held in the event of unreturned or unpaid textbooks.

**LUNCH/MILK PROGRAM**

A nutritious lunch is available for purchase each school day for \$2.75. Free or reduced lunch tickets are available to those with limited income. Forms for this are sent home annually. Milk and snacks may be purchased in the lunchroom during the lunch period.

A breakfast program is available each morning, including early release days, beginning at 7:50AM. Breakfast may also be purchased for \$1.50. Free and reduced tickets are available for breakfast.

A bag lunch is also available on half days.

**PARENT CONCERNS**

In cases of discipline problems or other school related issues, parents shall first discuss the issue with the teacher involved. If the issue is not satisfactorily resolved at this level, the parent may make an appointment with the assistant principal or principal.

**PARENT CONFERENCES**

- Parent conferences will be held in conjunction with the first and second marking periods.
- A parent/teacher conference for a student in any grade level may be held at any time upon request by either parent or school.

### **PHYSICAL EDUCATION**

Physical Education is a regular part of the school curriculum and, as such, the following requirements are brought to your attention.

- **Clothing: sneakers for safety and appropriate clothing** are advised.
- **Excuses: no child will be excused from a physical education class unless he/she has a medical excuse.** He/she must be seen by the school nurse, or, if a prolonged illness, have a written excuse from a doctor.

### **PROPERTY OF STUDENTS**

- Each year we have boxes of unclaimed, unlabeled sweaters, jackets, coats, gloves, hats, lunch boxes, etc. **Please label all student belongings** so that they can be returned to your children.
- If the articles are not claimed within a reasonable period of time, it will be up to the school personnel to discard the materials as they see fit.
- Parents are invited to come in and look through the lost and found articles any time during regular school hours. The Lost and Found is located in the cafeteria.

### **PUPIL SERVICES**

The Winthrop School District offers a variety of diagnostic/remedial services for pupils who evidence learning problems that cannot be remediated within the general classroom.

### **RECESS**

- Recess is a part of the elementary school program. It is a time set aside for children to develop social skills in a semi-structured setting.
- Whenever possible, the children go outside for all or a portion of their recess time. Recess offers them a change of pace from cerebral to physical activity. Factors such as temperature, wind chill, and the condition of the playground are considered when making a decision about indoor or outdoor recess. Students must be dressed appropriately for coping with the elements.

### **REPORT CARDS**

#### **Grades 3 through 5**

In grades 3 through 5 report cards are issued three times per year (December, March and the last day of school). Individual parent conferences are to further evaluate your child's progress.

Appointment slips will be sent home at the appropriate times.

### **REPORTING CHILD ABUSE/NEGLECT - MANDATORY**

Massachusetts Law requires that any school person who has reason to suspect that a child has been **abused or neglected** must report the case. **School personnel are mandated reporters.**

### **SAFETY**

- Students walking or riding in automobiles should not arrive at school earlier than ten minutes before the start of the school day unless the student is participating in a before-school program. Supervision is not provided prior to that time.
- **When dropping off or picking up students, do not park in restricted areas. Students should enter or leave the vehicle on the passenger side of the car, use crosswalks and follow the directions of the crossing guards. Please drive slowly and carefully in the school zone. Idling in the drop off area is prohibited and is against the law.**
- **Please note: The circular driveway on Pauline Street is for bus pick up/drop-off only.**
- Students arriving on school grounds by bicycle **must** be wearing helmets and **must** immediately park/secure their bicycle.

### **SAFETY PROCEDURES AND RULES FOR BUS RIDERS**

The following procedures will enable all of us to experience a safer and more desirable school transportation program:

1. Bus students should stay quietly in their seats until the bus trip is over and the bus comes to a complete stop.
2. Save snacks and homework for later.

### **SCHOOL COUNCIL**

The Cummings School Council is formed in accordance with Massachusetts General Law, Section 59C of the Education Reform Act of 1993. The School Council will be made up of the principal, parents of students attending the school and teachers who teach at the school. The School Council meets regularly with the building principal to assist in the identification of the educational needs of the students attending the school, to assist in the review of the annual school budget and in the formulation of a school improvement plan.

### **SCHOOL PARENT/TEACHER ASSOCIATION (PTO)**

The Cummings School has an active parent/teacher organization. This organization plays an important role to staff and students. All parents and staff are encouraged to become active members in this organization. **Monthly meetings are held in the Cafetorium.**

### **SCHOOL PRIDE**

How a student treats school property is a reflection of the student's respect for society. Each student has the responsibility of protecting his/her share of the privileges of the public education handed down through our forefathers. Among those privileges is the use of tax-supported school buildings. Students are expected to demonstrate respect by not littering school grounds or in any way defacing school property.

## **STUDENT RECORDS**

Records of school progress, test data and health issues are maintained for each student. Parents are at liberty to review these records, at any time, and may do so by making an appointment with the school principal or classroom teacher. **Non-custodial parents must request to the Principal in writing to review these records. The custodial parent's permission is necessary.**

## **TEACHER-PARENT-SCHOOL RELATIONSHIP**

- Get acquainted with your child's teacher at school.
- Feel free to communicate with the teacher at school concerning your child's progress and welfare. Make an appointment for a conference simply by calling the school or writing a note.
- Show interest in your child's daily work. If you are interested, your child will be.
- Work closely with the teacher. Misunderstandings can be avoided when all the facts are known.
- Problems at home can cause problems at school. The teacher has a better opportunity to help your child overcome difficulties if he/she is aware of home problems that are stressful for the youngster.
- Please check with the teacher or administrator if your youngster reports any school incident that you find disturbing.
- Since reading is a very important function in our curriculum, every effort should be made to provide the student with a "positive reading atmosphere" at home.

## **TESTING**

- Students will participate in benchmark and standardized testing multiple times a year.
- The standardized tests are the following:
  - **MCAS (Massachusetts Comprehensive Assessment System)**
  - Please check the Massachusetts Department of Education website for the current year's schedule of testing grades and dates. Go to [www.doe.mass.edu/mcas/cal.html](http://www.doe.mass.edu/mcas/cal.html).
  - Please check the Massachusetts Department of Education website for the current year's schedule of testing grades and dates.
  - Three times a year all students will be administered benchmark testing in the areas of reading and will participate in a common math assessment.
  - If your child is involved in a special program, appropriate tests are administered within the framework of that program.

## **TIME OF SCHOOL DAY**

**8:25 A.M. Students line up to enter school.**

**8:30 A.M. School begins.**

## **2:45 P.M. Student dismissal**

**All students will be dismissed at 12:00 A.M. on scheduled early release days. Bag lunches are available on early release days.** A schedule of early release days will be available early in the school year.

### **TITLE VI**

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Education.

### **APPOINTMENTS**

Teachers will not be able to answer your questions during school hours. Appointments may be coordinated for before or after school times. To make an appointment, call the office or write a note.

### **Visiting**

When visiting the school, please be prepared to provide a photo ID. Office staff will ask you the reason for your visit. **Upon entry visitors must wear a Visitor's Badge provided by the office.**

### **VOLUNTEERS**

Parents are encouraged to become volunteers at the school. Help is needed in a variety of tasks, such as assisting in the library, assisting in classroom activities, and chaperoning field trips.

If you are interested in volunteering, please contact the school. All volunteers must first submit to a CORI check and be cleared by the School Department as a volunteer.

### **WITHDRAWALS**

Pupils transferring out of the school should notify the office and the classroom teacher as soon as possible. School records must be prepared prior to a student's final school day.

***\*All policies are subject to interpretation and exemptions by the Principal and Superintendent of Schools on an individual basis.***

## APPENDIX

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II.	Disciplinary Due Process	Page 33
III.	Discriminatory, Sexual Harassment and Misconduct & Complaint/Grievance Procedure	Page 42

## **Bullying Prevention Policy**

### **I. RATIONALE and EXPECTATIONS**

The Winthrop Public Schools is committed to keeping our schools a safe and caring place for all students. We expect students to conduct themselves in keeping with their levels of development, maturity and demonstrated capabilities with an appropriate regard for the rights and welfare of other students and school staff, and the educational purpose underlying all school activities. All students deserve the opportunity to work and learn in an environment of mutual respect. In order to create and maintain such an environment, students must treat each other with courtesy, consideration and an appreciation of the rich diversity in our schools.

Bullying creates an atmosphere of fear for all members of the school community. It can also create unnecessary and unwarranted anxiety that affects the ability of a student to attend school, learn in school, feel safe in all areas in the school building and grounds, participate in or attend special or extra-curricular activities or travel to and from school. Bullying behaviors that are not addressed can lead to devastating consequences for young people including depression, drops in school performance and attendance. The failure to address bullying behaviors also gives other students the message that it is permissible to engage in negative behaviors.

**Bullying of students occurring in schools is prohibited by law** and members of the Winthrop School community refuse to tolerate bullying in any form. Winthrop Public Schools also will not tolerate retaliation against persons who take action consistent with this policy including those who report bullying, who provide information during an investigation of bullying, or who is a witness to or has reliable information about bullying. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this policy.

If it is determined that inappropriate conduct has occurred, Winthrop Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary. Corrective actions may range from requiring the perpetrator to work with school personnel on improved behavior, recommending the provision of counseling or other therapeutic services and/or disciplinary action where appropriate, up to and including suspension, expulsion and/or court involvement.

### **II. SCOPE: PROHIBITION AGAINST BULLYING AND RETALIATION**

Acts of bullying, which include cyberbullying, are prohibited:

- on school grounds and property immediately adjacent to school grounds
- at a school-sponsored or school-related activity, function, or program whether on or off school grounds
- at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school



- district or school
- or through the use of technology or an electronic device owned, leased, or used by a school district or school, and
- at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

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

### III. DEFINITIONS

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

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

Bullying is characterized by an imbalance of physical, psychological or emotional power. Bullying may include but is not limited to: acts of intimidation such as taunting, name calling, verbal and non-verbal conduct that a reasonable person would find intimidating, humiliating and offensive, social isolation such as shunning/spreading rumors or false accusations; physically aggressive behaviors including interfering with the movement of another, stealing or damaging property. Bullying shall include cyber-bullying.

**Aggressor** is a student or a member of a school staff who engages in bullying, cyberbullying, or retaliation towards a student.

**Target** is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

**Bystander:** person(s) who is witness to a bullying event.

**Criminal harassment:** "Willful and malicious engagement in a pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and

would cause a reasonable person to suffer substantial emotional distress” (General Law Ch. 265). Conduct includes but is not limited to electronic communications.

**Criminal stalking:** “Willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress and makes a threat with the intent to place the person in imminent fear of death or bodily injury” (General Law Ch. 265). Conduct includes but is not limited to electronic communications.

**Cyber-bullying:** Bullying through the use of technology or any electronic communication which includes but is not limited to telephone calls, voice mails, instant messages, text messages, camera/video phones, 3 and 4 way conversations, profiles, secret taping of conversations, internet or facsimile communications, creation of a web page or blog in which the creator assumes the identity of another person, the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the conditions contained in the definition of bullying. Cyber-bullying also includes the electronic distribution 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 conditions contained within the definition of bullying.

**Hostile Environment:** A situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter conditions of the student’s education. Prohibited conduct including bullying, which involves unwelcome and offensive behaviors and commentary related to an individual status in a protected class, including but not limited to race, age, religion, national origin, ancestry, color, genetics, military status, gender, sexual orientation/identity, and/or disability may also violate the School’s Discriminatory and Sexual Harassment Policy.

**Retaliation:** Bullying directed against a person who reports bullying, provides information during an investigation of bullying, is a witness or has reliable information about bullying.

**Confidentiality:** Reports of bullying and retaliation shall be handled with the highest level of sensitivity by School Personnel. To the extent practicable, reports of bullying and retaliation will be kept confidential involving as few people as possible with the goal of protecting the target and stopping the behavior

#### **IV. Reporting bullying or retaliation.**

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. Oral reports made by or to a staff member shall be recorded in writing. A school or district staff member is required to report immediately to the principal or designee or to the superintendent or designee when the principal or assistant principal is the alleged aggressor or to the school committee or designee when the superintendent is the alleged aggressor, any instance of bullying or retaliation the staff member becomes aware of or witnesses. Reports made by students, parents or guardians, or other individuals who are not

school or district staff members, may be made anonymously. The school or district will make a variety of reporting resources available to the school community including, but not limited to, an Incident Reporting Form,<sup>1</sup> a voicemail box, a dedicated mailing address, and an email address.

**Use of an Incident Reporting Form is not required as a condition of making a report.** The Winthrop Public Schools shall:

- include a copy of the Incident Reporting Form in the beginning of the year packets for students and parents or guardians;
- make it available in the school's main office, the counseling office, the school nurse's office, and other locations determined by the principal or designee; and
- post it on the school's website.

The Incident Reporting Form will be made available in the most prevalent language(s) of origin of students and parents or guardians.

At the beginning of each school year, the school or district will provide the school community, including, but not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or guardians, with written notice of its policies for reporting acts of bullying and retaliation, including a description of the reporting procedures and resources, the name(s) and contact information of the Superintendent, and complaint managers for each School within the District, and the superintendent or designee when the principal or the assistant principal is the alleged aggressor. All information will be incorporated in student and staff handbooks, on the school or district website, and in information about the Plan that is made available to parents or guardians.

### **Reporting by Staff**

A staff member will report immediately to the principal or designee, or to the superintendent or designee when the principal or the assistant principal is the alleged aggressor, or to the school committee or designee when the superintendent is the alleged aggressor when he/she witnesses or becomes aware of conduct that may be bullying or retaliation. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school or district policies and procedures for behavior management and discipline.

### **Reporting by Students, Parents or Guardians, and Others**

The District expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student to report it to the principal or designee, or superintendent or designee when the principal or assistant principal is the

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alleged aggressor. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor.

**V. Responding to a report of bullying or retaliation – Allegations of Bullying by a Student.**

**Safety**

Before fully investigating the allegations of bullying or retaliation, the Superintendent or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The Superintendent or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Superintendent or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

**Obligations to Notify Others**

- a. Notice to parents or guardians. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the student aggressor of this, and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.
- b. Notice to Another School or District. If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

- c. Notice to Law Enforcement. At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal will notify the local law enforcement agency. Notice will be consistent with the requirements of 603 CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor.

In making this determination, the principal will, consistent with the Plan and with applicable school or district policies and procedures, consult with the school resource officer, if any, and other individuals the principal or designee deems appropriate.

**Investigation.** The Superintendent or designee will investigate promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. Investigations will be conducted promptly, and in most circumstances, no later than 24-48 hours after an initial complaint. Depending upon the extent and nature of the complaint, the District shall make every attempt to conclude the investigation within 30 days of the initial complaint.

During the investigation the principal or designee will, among other things, interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee (or whoever is conducting the investigation) will remind the alleged student aggressor, target, and witnesses of the importance of the investigation, their obligation to be truthful and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

Interviews may be conducted by the principal or designee, other staff members as determined by the principal or designee, and in consultation with the school counselor, as appropriate. To the extent practicable, and given his/her obligation to investigate and address the matter, the principal or designee will maintain confidentiality during the investigative process. The principal or designee will maintain a written record of the investigation.

**Determinations.** The Superintendent or designee will make a determination based upon all of the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the principal or designee will take steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or in benefiting from school activities. The principal or designee will: 1) determine what remedial action is required, if any, and 2) determine what responsive actions and/or disciplinary action is necessary.

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

The Superintendent or designee will promptly notify the parents or guardians of the target and the aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. The principal or designee shall inform the parent or guardian of the target about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination.

## **VI. ACCESS TO RESOURCES AND SERVICES**

The Winthrop Public Schools is committed to ensuring all students, staff and personnel involved in incidents of bullying and retaliation receive comprehensive services, referrals and supports. This includes services for targets, student aggressors, and their families. In coordination with parents, school personnel, and targets of bullying and retaliation, the School shall promptly identify and refer impacted individuals to available resources including but not limited to:

- a. Counseling and other services. Culturally and linguistically appropriate resources within the school and district including linkages with community based organizations, including Community Service Agencies (CSAs) for Medicaid eligible students. In addition, the Plan should identify staff and service providers who assist schools in developing safety plans for students who have been targets of bullying or retaliation, providing social skills programs to prevent bullying, and offering education and/or intervention services for students exhibiting bullying behaviors. Schools may consider current tools including, but not limited to, behavioral intervention plans, social skills groups, and individually focused curricula.
- b. Students with disabilities. As required by M.G.L. c. 71B, § 3, as amended by Chapter 92 of the Acts of 2010, when the IEP Team determines the student has a disability that affects social skills development or the student may participate in or is vulnerable to bullying, harassment, or teasing because of his/her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing.
- c. Referral to outside services. Schools and districts should establish a referral protocol for referring students and families to outside services. Clear protocols will help students and families access appropriate and timely services. Referrals must comply with relevant laws and policies. Current local referral protocols should be evaluated to assess their relevance to the Plan, and revised as needed.

## **VII. TRAINING and EDUCATION**

The Winthrop Public Schools will endeavor to provide age appropriate instruction/curriculum on bullying prevention in each level.

The Winthrop Public Schools will develop and update a bullying prevention and intervention plan in consultation with teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, behavioral health specialists, local law enforcement agencies, students, parents and guardians. The consultation will include a public comment period. The bullying prevention and intervention plan will be updated biennially.

The bullying prevention and intervention plan shall include:

- Definitions and examples of bullying, cyber-bullying and retaliation including the similarities and differences between bullying and discriminatory/sexual harassment, and sexual violence
- Establish clear procedures for students, staff, parents, guardians, and others to report incidents of bullying or retaliation
- Include a provision that reports of bullying or retaliation may be made anonymously, provided that no disciplinary action shall be taken against a student solely on the basis of an anonymous report
- Establish clear procedures for promptly responding to and investigating reports of bullying or retaliation
- Identify the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation
- Establish clear procedures for restoring a sense of safety for a victim and assessing that student's needs for protection
- Establish strategies for protecting from bullying or retaliation 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
- Establish procedures consistent with state and federal law for promptly notifying the parents or guardians of a victim and a perpetrator, provided that the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying; and provided further that said procedures must provide for immediate notification to the local law enforcement agency where criminal charges may be pursued against the perpetrator
- Include a provision that a student who knowingly makes a false accusation of bullying shall be subject to disciplinary action; and

- Include a strategy for providing counseling or referral to appropriate services for perpetrators and victims and for appropriate family members of said students.

The bullying prevention and intervention plan will afford all students the same protection regardless of their status under the law.

**Professional Development:** The bullying prevention and intervention plan will include ongoing professional development to build the skills of all members of school staff to prevent, identify and respond to bullying. The content of such professional development will include, but not be limited to:

- Developmentally appropriate strategies to prevent bullying incidents
- Developmentally appropriate strategies for immediate, effective interventions to stop bullying incidents
- Information regarding the complex interaction and power differential that can take place between and among the bully, the target, and any witnesses to the bullying
- Research findings on bullying
- Information on the incidence and nature of bullying
- Internet safety issues as they relate to cyber-bullying;

The bullying prevention and intervention plan will include provisions for educating parents and guardians about the bullying prevention curriculum of the Winthrop Public Schools, how they can reinforce said curriculum at home, how they can support the Winthrop Public Schools' prevention and intervention plan, the dynamics of bullying, and online safety and cyber-bullying.

All staff, in collaboration with parents, students and community members will integrate strategies for student recognition through positive reinforcement for good conduct, self discipline, good citizenship, and academic success.

Whenever the evaluation of the Individualized Education Program team indicates that the child has a disability that affects social skills development or that the child is vulnerable to bullying, harassment or teasing because of the child's disability, the Individualized Education Program shall address the skills and proficiencies needed to avoid and respond to bullying, harassment or teasing

## VIII. NOTICE

The Winthrop Public Schools will provide to students and their parents or guardians, in age appropriate terms and in the most prevalent languages of the students, parents or guardians, annual written notice of the relevant sections of the bullying prevention and intervention policy.



The Winthrop Public Schools will provide to all school staff annual written notice of the bullying prevention and intervention policy. The faculty and staff at each school shall be trained annually on the bullying prevention and intervention plan.

Relevant sections of the bullying prevention and intervention plan shall be included in any Winthrop Public Schools employee handbook.

The bullying prevention and intervention plan shall be posted on the Winthrop Public Schools website

**WINTHROP PUBLIC SCHOOLS  
COMPLAINT/INCIDENT REPORT FORM**

Name of Complainant:

Complainant's School and Class/Job Title:

Address:

Email Address:

Phone Number(s):

Name(s) of Parent/Legal Guardian (if applicable):

Address:

Email Address:

Phone Number(s):

Nature or Complaint: This may include but is not limited to incidents of discriminatory and sexual harassment, retaliation, sexual misconduct/assault and bullying.

Dates of Alleged Incident(s):

Names of the person(s) you are reporting:

Please describe in detail the incidents of alleged misconduct; including where and when the incidents occurred. Please name any witnesses that may have information regarding the alleged misconduct. Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint. Attach additional page(s) if needed.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

Signature of Complainant

\_Date

Complaint Received By:

\_Date

### **Disciplinary Due Process**

A student will not be excluded from school without being afforded appropriate due process as set forth below. If, however, a student's continued presence in school poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the administrator's, judgment there is no alternative available to alleviate the danger or disruption, a student who is charged with a disciplinary offense may be removed temporarily from school before receiving due process pursuant to an Emergency Removal (see below for more information).

### **I. In-School Suspension.**

An in-school suspension is a removal of a student from regular classroom activities, but not from the school premises. The procedure for an in-school suspension of no more than (10) school days (consecutive or cumulatively for multiple infractions during the school year) will be as follows:

1. The administrator will inform the student of the disciplinary offense charged, the basis for the charge, and provide the student an opportunity to respond. If the administrator determines that the student committed the disciplinary offense, the administrator will inform the student of the length of the student's in-school suspension, which may not exceed 10 days, cumulatively or consecutively, in a school year.
2. On the same day as the in-school suspension decision, the administrator will 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. The administrator will 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 will be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the administrator is unable to reach the parent after making and documenting at least (2) attempts to do so, such attempts will constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.
3. The administrator will send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the principal for the purpose set forth above, if such meeting has not already occurred. The administrator will deliver such notice on the day of the

suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the administrator and the parent.

An in-school suspension of more than 10 cumulative days in a school year will be subject to the procedures for long-term suspension

The Principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to such due process procedures.

## **II. Short Term, Out-of-School Suspension.**

Except in the case of an Emergency Removal (see below), prior to imposing a short term out-of-school suspension (10 days or less in a school year) for conduct not covered by M.G.L. c. 71, §37H and 37H ½, an administrator will provide the student and his/her parent oral and written notice and an opportunity to participate in an informal hearing.

**1. Notice:** The written notice to the student and the parent will be in English and in the primary language of the home if other than English, or other means of communication where appropriate and will include the following:

- a) the disciplinary offense;
- b) the basis for the charge;
- c) the potential consequences, including the potential length of the student's suspension;
- d) the opportunity for the student to have a hearing with the administrator 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) 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;

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 school and parent.

**2. Efforts to Involve Parent:** The administrator will make reasonable efforts to notify the parent of the opportunity to attend the hearing. To conduct a hearing without the parent present, the administrator must be able to document reasonable efforts to include the parent. The administrator is presumed to have made reasonable efforts if the administrator 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.

**3. Format of Hearing:** The administrator will discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also will have an opportunity to present information, including mitigating fact, that the administrator should consider in determining

whether other remedies and consequences may be appropriate. The administrator will provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the administrator should consider in determining consequences for the student.

**4. Decision:** The administrator will provide written notice to the student and parent of his/her determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The notice of determination may be in the form of an update to the original written notice of hearing.

### **III. Long Term Suspension**

Except in the case of an Emergency Removal provided on page [ ], prior to imposing a long-term suspension (more than 10 days of suspension, whether in-school or out-of-school, whether consecutive or cumulative for multiple offenses during a school year), an administrator will follow the procedures for short-term suspension plus additional procedures as follows:

**1. Notice:** The notice will include all of the components for a short-term suspension in Section C above, plus the following:

- a) In advance of the hearing, the opportunity to review the student's record and the documents upon which the administrator may rely in making a determination to suspend the student or not;
- b) the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
- c) 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;
- d) the right to cross-examine witnesses presented by the school district;
- e) the right to request that the hearing be recorded by the administrator, and a copy of the audio recording provided to the student or parent upon request; and
- f) the right to appeal administrator's decision to impose long-term suspension to the superintendent.

**2. Format of Hearing:** The Hearing will afford the rights set forth in the notice above. The administrator will also provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the administrator should consider in determining consequences for the student.

**3. Decision:** Based on the evidence, the administrator will determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to long-term suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The administrator will 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 school and the parent. If the administrator decides to suspend the student on a long-term basis, the written determination will:

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;
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 (if more than 10 cumulative days);
5. Inform the student of the right to appeal the administrator's decision to the superintendent or designee. Notice of the right of appeal will be in English and the primary language of the home if other than English, or other means of communication where appropriate, and will 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
  - b) the long-term suspension will remain in effect unless and until the superintendent decides to reverse the administrator's determination on appeal.

No long-term suspension will extend beyond the end of the school year in which such suspension is imposed.

#### **IV. Exception for Emergency Removal**

Notwithstanding the provisions for short or long-term suspension set forth above, a student who is charged with a disciplinary offense may be removed temporarily from school if 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 administrator's judgment, there is no alternative available to alleviate the danger or disruption.

The administrator will immediately notify the superintendent in writing of the removal and the reason for it, and describe the danger [or disruption] by the student.

The temporary removal will not exceed two (2) school days following the day of the emergency removal, during which time the administrator will provide the following, as applicable to the length of suspension:

- 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, and other applicable matters;
- Provide written notice to the student and parent as provided in Section C or D above, as applicable;
- Provide the student an opportunity for a hearing with the administrator, 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 administrator, student, and parent.
- Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

An administrator may 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.

#### **V. Appeal to the Superintendent**

If a decision by an administrator, following the parent meeting, results in suspension of a student for more than 10 cumulative school days for the school year, the student may appeal the decision to the superintendent. In order to do so the student or parent must file a notice of appeal with the superintendent within five (5) calendar days with a seven (7) day postponement option. The superintendent must 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. If the appeal is not filed within this time frame, the superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The following apply:

- The superintendent will make a good faith effort to include the parent in the hearing. The superintendent will 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 will send written notice to the parent of the date, time, and location of the hearing.
- The superintendent will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence will be. The superintendent will arrange for an audio recording of the hearing, a copy of which will be provided to the student or parent upon request. The superintendent will 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.

- The student will have all the rights afforded the student at the administrator’s hearing for long-term suspension as described in Section D above.
- The superintendent will issue a written decision within five (5) calendar days of the hearing which meets the requirements for a long-term suspension as described in Section D above. If the superintendent determines that the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than the administrator, but will not impose a suspension greater than that imposed by the administrator’s decision.

The decision of the superintendent constitutes the final decision of the school district.

**VI. Suspension under MGL c. 71 s. 37H for Dangerous Weapons, Controlled Substances & Assaults on Educational Staff**

**Massachusetts General Laws Chapter 71, section 37H requires that all student handbooks contain the following provisions:**

(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 a 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 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 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) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to the school or provide educational services to the student in an education service plan, under section 21 of chapter 76.

Students should note that the definition of “assault” includes not only harmful or offensive contact, but also threatening such contact.

Additionally, students should be aware that the federal Gun Free Schools Act mandates that any student who brings a firearm to school be expelled for a minimum of one year, with exceptions granted only by the Superintendent. Under this Act, a firearm includes not only a gun but also an explosive device.

### **VII. Suspensions under MGL c. 71 s. 37H ½ for Felony Complaints or Convictions**

**Massachusetts General Laws Chapter 71, section 37H 1/2 provides that:**

**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 on 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 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 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 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 city, town or regional school district with regard to the suspension.

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 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 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 expulsion. At the



hearing, the student shall have the right to present oral and written testimony on his 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 city, town or regional school district with regard to the expulsion.

Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to the school or provide educational services to the student in an education service plan, under section 21 of chapter 76.

### **VII. Procedures Applicable To Conduct Covered By M.G.L. C. 71, §37H And 37H ½**

When considering the exclusion of a student from school for possession of a dangerous weapon, possession of a controlled substance (such as marijuana, cocaine, or prescription drugs not authorized by the school nurse), or assault on teachers, an administrator may place a student on short term suspension (ten days or less) based upon an informal hearing, to be followed by a formal hearing before the Principal within that period of suspension to determine whether to take additional disciplinary action, up to and including expulsion from school.

1. The informal hearing will be in the form of a conference between the student and the principal or designee. At this conference, the student (1) shall be informed of the reason for the conference, (2) shall be given the opportunity to present his or her side of the story, and (3) shall be given a decision on the suspension. If the administrator deems delay of the hearing necessary to avoid danger or substantial disruption, this process may occur immediately after, rather than before, the suspension.
2. Prior to putting a suspension into effect, the principal or designee shall make a reasonable effort to telephone and inform the student's parent or guardian of the impending suspension; this shall include attempts to contact the parents or guardian at home and at work. Parents may contact the school for additional information regarding the suspension.
3. A letter will be mailed to the parent/guardian of the suspended student stating:
  - a) The reason for the suspension
  - b) A statement of the effective date and duration of the suspension
  - c) A statement regarding whether or not the Principal will schedule a formal hearing to consider further discipline, up to and including expulsion from school in accordance with M.G.L. c. 71, §37H

When considering a suspension/expulsion of a student charged with/convicted of felony, the Principal will use the standards and procedures set forth in M.G.L. c.71, §37H1/2. In addition, prior to initiating such procedures, the Principal may meet informally with the student and/or his parents to review the charge and the applicable standards if the Principal deems appropriate

### **Education Services and Academic Progress under Sections 37H, 37H1/2, and 37H3/4**

1. 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/designee shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.
2. 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.
3. The principal/designee shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten(10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under G.L. c 69, §§

### **Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.**

1. The principal/designee 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, 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.
2. For each student expelled or suspended from school for more than ten (10) consecutive days, whether in- school or out-of-school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

### **Students with Disabilities:**

Students who have been identified as students with disabilities in accordance with the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act or who the school has reason to believe might be eligible for special education services are entitled to additional procedural protections when a disciplinary exclusion is considered. Prior to the imposition of any disciplinary sanction that would result in a change in placement; the student's Team will meet to determine whether the student's conduct was a manifestation of the student's disability. If the Team determines that the conduct was a manifestation of the student's disability shall review any existing behavior plan or, if no such behavior plan exists, conduct a functional behavioral assessment. In many cases, a student with a disability will be entitled to services identified by the student's Team as necessary to provide the student with a free appropriate public education during periods of disciplinary exclusion exceeding ten (10) school days in a given year. For additional information regarding the rights of students with disabilities in the context of school discipline please contact the Winthrop Public Schools' Director of Pupil Personnel Services or the building principal/designe

## **Discriminatory, Sexual Harassment and Misconduct & Complaint/Grievance Procedure**

### **I. BACKGROUND OF POLICY**

The Winthrop Public Schools is committed to maintaining a school environment free of any harassment based on, but not limited to, race, color, national origin, sex, disability, age, genetics, ancestry, sexual orientation, gender identity/expression, criminal record, or active military status. Such harassment in the workplace or school environment is unlawful and is absolutely prohibited. This includes harassment by administrators, certified and support personnel, students, vendors, and other individuals in school or at school-related events. Further, any retaliation against an individual who has complained about harassment or against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

### **II. PURPOSE AND SCOPE**

Discriminatory harassment is defined as any communication or conduct that is sufficiently serious to limit or deny the ability of a student to participate in or benefit from the educational program or the ability of a staff member to perform his/her duties. It includes, but is not limited to, any communication, written, spoken or otherwise, such as jokes, comments, innuendoes, notes; material placed on the internet or other electronic media such as email, web page, and voice mail; writing placed on school property, the display of pictures or symbols, graffiti, gestures, or other conduct that offends or shows disrespect to others based upon race, color, national origin, sex, disability, age, genetics, ancestry, sexual orientation, gender identity/expression, criminal record, or active military status.

Law views the particular communication or conduct from the perspective of a reasonable person with the characteristic on which the harassment is based. Another person may reasonably view what one person may consider acceptable behavior as harassment; therefore, individuals should consider how other individuals might view their words and actions.

It should be noted that, while this policy sets forth the goal of the Winthrop Public Schools to maintain a work and educational environment that is free of harassment based upon race, color, national origin, sex, disability, age, genetics, ancestry, sexual orientation, gender identity/expression, criminal record, or active military status the policy is not designed or intended to limit the authority of school officials to discipline or take remedial action for conduct which is deemed unacceptable, whether or not that conduct satisfies the definition of harassment.

This policy may apply to forms of discriminatory harassment that occurs between co-workers between students, and between students and school personnel that takes place outside the school environment (including, but not limited to, online conduct or conduct utilizing the internet or other electronic media). When the conduct complained of occurs outside of the workplace, the school may consider the following and other factors in assessing whether the conduct constitutes conduct in violation of this policy

- whether the event at which the conduct occurred is linked to the School in any way,

such as at a School-sponsored function;

- whether the conduct occurred during work/school hours;
- the severity of the alleged outside-of-school conduct;
  - the work/school relationship of the complainant and alleged harasser, which includes whether the alleged harasser is a supervisor/faculty and whether the alleged harasser and complainant come into contact with one another on the job or in the School environment;
  - whether the conduct adversely affected the terms and conditions of the complainant's employment or education or impacted the complainant's work/school environment

### **III . Examples of Prohibited Conduct**

It is not possible to list all the circumstances that may constitute discriminatory harassment in violation of this policy. Discrimination may take many forms, including both verbal and nonverbal behaviors. Prohibited behavior includes, but is not limited to, the following behaviors connected to someone's membership in one or more groups protected by law as noted in the first paragraph above: slurs or other derogatory comments; sharing demeaning pictures, cartoons, or jokes; demeaning gestures, and; any conduct constituting sexual harassment

### **IV. While all types of discriminatory harassment are prohibited, sexual harassment requires particular attention. Sexual harassment includes sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:**

1. Acceptance of or submission to such conduct is made either explicitly or implicitly a term or condition of employment or education, or
2. The individual's response to such conduct is used as a basis for employment decisions affecting an employee or as a basis for educational, disciplinary, or other decisions affecting a student, or
3. Such conduct interferes with an individual's job duties, education, or participation in extracurricular activities, or
4. The conduct creates an intimidating, hostile or offensive work or school environment. The legal definition of sexual harassment is broad. In addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work or educational environment that is hostile, offensive, intimidating or humiliating to individuals of either gender may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

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

The victim or complainant as well as the harasser may be male or female. The victim or complainant does not have to be of the opposite sex. The complainant does not have to be a person directly harassed, but may be someone affected by the offensive conduct.

**All employees and students should take special note that, retaliation against an individual who has complained about sexual and or discriminatory harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.**

- Sexual violence is a form of sex discrimination and is prohibited. It is generally defined as contact of a sexual nature that occurs without the **effective consent** of an individual involved.
- Effective consent cannot be given by minors, those who are incapacitated as a result of alcohol or other drug consumption, or those who are otherwise incapacitated or unconscious.
- Consent as a result of coercion, intimidation, threat of force or force is not effective consent.
- An individual may also be unable to give consent due to an intellectual or other disability. In the state of Massachusetts, **consent can never be given by a minor under the age of 16.**

Examples of sexual violence include, but are not limited to:

- acts of rape (stranger and acquaintance);
- having sexual contact with someone who is incapacitated (e.g., from alcohol or drug usage) such that their decision making ability is compromised and they are unable to consent;
- continuing a sexual act after either party has made it clear, either verbally or by conduct, that they do not wish to continue physical contact, and other forms of coerced sexual activity, including unwanted touching, fondling or other forms of sexual conduct.

The School also prohibits other forms of sexual misconduct, including:

- obscene or indecent behavior, such as the exposure of one's sexual organs or the display of offensive sexual behavior,
- deliberate observation of others for sexual purposes without their consent,
- taking or posting of photographs, videos or images of a sexual nature without consent,
- and possession or distribution of illegal pornography.

In addition to the above, specific examples of sexual misconduct constituting violations of this Policy include:

- Sexual Assault - Penetration, no matter how slight, of a vagina or anus with a sex organ or object, or oral penetration by a sex organ of another person, without the consent of the victim, or non-consensual touching of a sexual nature of another person with or without force.
- Domestic Violence - violent misdemeanor and felony offenses committed by a victim's current or former spouse, current or former cohabitant, person with whom a victim shares a child, or individuals engaged in a substantive dating relationship as defined by M.G.L. Chapter 20A.
- Dating Violence - Violence by a person who has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined by (a) its length, (b) its type, and (c) frequency of interaction of persons involved in the relationship.
- Stalking – an intentional course of repeated conduct or behavior over a period of time directed at a specific person that would cause a reasonable person to (a) fear for her, his or other's safety, or (b) to suffer substantial emotional distress.

Anyone who has been subject to any sexual violence, misconduct or domestic violence is encouraged to report the incident to the Winthrop Police Department, the Title IX Coordinator, or Deputy Title IX Coordinators listed within this policy.

## **V. REPORTING**

The Winthrop Public Schools strongly urges all individuals in the school community to bring any complaint of discriminatory harassment, sexual harassment and/or sexual misconduct including sexual violence to the attention of school personnel so that they can resolve the issue. Complaints may be made orally and/or in writing. The Winthrop Public Schools will promptly review every complaint, take necessary action to eliminate the conduct and work to ensure the safety of the complainant and any/all witnesses.

In response to incidents of sexual misconduct and or violence, individuals including students and if applicable, their parents or guardians may simultaneously contact law enforcement and/or file a criminal complaint.

Students are also encouraged to report any incident to Superintendent Lisa A. Howard, and/or the Complaint Manager. **In response to reports of sexual violence, discriminatory and sexual harassment, students should understand that not all personnel are allowed to maintain strict confidentiality.**

Local resources are that are obligated by law to maintain confidentiality include:

- Boston Area Rape Crisis Center (24 hour hotline): (800) 841-8371
- SAFE-LINK DOMESTIC VIOLENCE HOTLINE- 1-877-285-2020

If an individual requests that a report of sexual misconduct remain confidential, the District will make all reasonable efforts to preserve the confidentiality of and prevent the disclosure of the identities of the parties involved in a sexual misconduct matter. However, information regarding alleged sexual misconduct must be handled in accordance with applicable state and federal laws. Individuals should understand, for example, that under conditions of potential imminent harm to the community, the School may be required by law to inform law enforcement.

### **Employee Complaints:**

An employee who believes that he/she is the victim of sexual and/or discriminatory harassment or sexual misconduct should contact:

**Jen O'Connell**  
(617)329-3605  
[joconnell@winthrop.k12.ma.us](mailto:joconnell@winthrop.k12.ma.us)



If an employee does not wish to discuss the issue with the persons listed within this policy or feels that he/she is not addressing the problem in an effective manner, the employee should contact the Superintendent of Schools Lisa A. Howard, 1 Metcalf Square, Winthrop, MA 02152, 617-846-5500.

**Student Complaints:**

A student who believes that he/she is the victim of sexual, discriminatory harassment and /or sexual assault or misconduct should promptly report the matter to a teacher, counselor, or administrator who in turn shall notify in writing a complaint manager in the school. As an alternative, a student may report directly to a complaint manager. Notice of each school’s complaint managers will be posted in a prominent location in the school.

All employees of the Winthrop Public Schools must respond to complaints by students of harassment by notifying the building principal or an appointed complaint manager verbally and in writing regarding the alleged policy violation. Employees are required to take every report of harassment seriously. A student may also file a complaint by contacting:

**Title IX Coordinator:        Jen O’Connell**  
(617)329-3605  
[joconnell@winthrop.k12.ma.us](mailto:joconnell@winthrop.k12.ma.us)

**LIST OF COMPLAINT MANAGERS FOR EACH SCHOOL**

**William P. Gorman Fort Banks School**

Ilene Pearson, Principal            617-846-5509        [ipearson@winthrop.k12.ma.us](mailto:ipearson@winthrop.k12.ma.us)

**Arthur T. Cummings School**

Norah Grimes, Interim Principal 617-846-5543        [ngrimes@winthrop.k12.ma.us](mailto:ngrimes@winthrop.k12.ma.us)

**Winthrop Middle School**

Brian Curley, Principal            617-846-5575        [bcurley@winthrop.k12.ma.us](mailto:bcurley@winthrop.k12.ma.us)

**Winthrop High School**

Matt Crombie, Principal            617-846-5505        [mcrombie@winthrop.k12.ma.us](mailto:mcrombie@winthrop.k12.ma.us)

**Central Office**

Stacy DiChara, HR Director    617-846-1852 x1075    [sdichara@winthrop.k12.ma.us](mailto:sdichara@winthrop.k12.ma.us)

The persons and Superintendent as listed above are also available to provide information about this policy and the Winthrop Public Schools' complaint process.

If a student does not wish to discuss the issue with a teacher, counselor, administrator, complaint manager, or the Director of Student Services, or if the student feels that the aforementioned people do not address the problem in an effective manner, the student should contact the Superintendent of Schools Lisa Howard, 617-846-5500, lhoward@winthrop.k12.ma.us

Informal and Formal Grievance Procedures have been established to meet the requirements of Title IX, the ADA, the ADAAA and Section 504 of the Rehabilitation Act of 1973. Any person who wishes to file a complaint alleging discrimination on the basis of disability or sex in the provision of services, activities, programs or benefits by the Winthrop Public Schools (WPS) may use the grievance procedures.

The Informal Procedure to resolve the allegations of a complainant may be requested by the complainant in consultation with the Title IX Coordinator and Superintendent. In these cases, the Title IX Coordinator in consultation with the Superintendent shall determine whether or not alternative informal resolution measures are appropriate based on the nature of the complaint. Informal Procedures to resolve complaints may include a meeting of the parties, or other means to resolve the allegations with the assistance of a counselor, teacher, or other school or WPS staff. The informal procedure may be abandoned at any time in favor of the initiation of formal procedures and shall not hinder or prohibit the School from initiating and conducting an investigation.

#### **IV. INVESTIGATION AND COMPLAINT RESOLUTION**

The Winthrop Public Schools will promptly review every complaint, take necessary action to eliminate the conduct and work to ensure the safety of the complainant and any/all witnesses.

The Winthrop Public Schools shall promptly initiate an investigation into allegations of sexual and discriminatory harassment including sexual assault and misconduct while observing all relevant state and federal laws and regulations and school system policies and procedures, as well as applicable contractual requirements. During the investigation and prior to a final determination, the Title IX Coordinator and/or appropriate administrator will take appropriate interim measures to protect the complainant. During an investigation the complainant and accused may present witnesses and other evidence. Victims of sexual/discriminatory harassment, and /or sexual assault will not be required to mediate allegations of harassment with their alleged perpetrators without appropriate involvement by the District, and further, any mediation process can be terminated by the victim at any time. Both the complainant and the accused individuals shall be notified by the School District of the outcome of any investigation.

The Title IX Coordinator in consultation with the School's Complaint Manager/and or Superintendent will coordinate the investigation. Typical steps in an investigation include separate interviews with those involved, putting statements from each party in writing, identifying and questioning witnesses, and other appropriate actions. The District will conduct

the investigation with as much confidentiality and privacy for the parties as possible without compromising the thoroughness of the investigation. The District will caution all participants in the investigation to limit discussions to those staff directly involved in the investigation and to treat the matter as confidential as practicable. Individuals are expected to cooperate fully in any investigation. Failure to do so may result in disciplinary action up to and including termination/expulsion.

The District will endeavor to complete the investigation within thirty (30) school days of receiving the complaint, unless the nature of the investigation or exigent circumstances dictate otherwise, in which case the investigation will be completed as promptly as practicable. Also, if the respondent is subject to a collective bargaining agreement that sets forth a specific time line for notice and/or investigation of a complaint, such time line will be followed. During Title IX investigations, the District will use the preponderance of the evidence standard in determining whether or not District Policies have been violated in relation to sexual violence, and discriminatory and sexual harassment complaints.

Upon completion of the investigation, the Compliance Officer will issue a written report to the Superintendent. The Superintendent will issue a decision within ten (10) school days of receiving the Compliance Officer's report. If the complainant or the accused is not satisfied with the Superintendent's decision, an appeal may be filed with the Superintendent by either the complainant and/or the accused or by their guardian(s) within five (5) calendar days of receiving the decision. Within thirty (30) days of receiving the record, the Superintendent will render a final decision in writing.

If the District determines that the Policy Prohibiting Discriminatory Harassment, Sexual Harassment and Misconduct has been violated, the District will take appropriate action promptly to stop the offending conduct and ensure that it is not repeated. Depending on the severity of the incident (s), such corrective action may include counseling, training, a verbal or written warning, suspension, or termination/expulsion. Following substantiated instances of discriminatory and sexual harassment, including sexual misconduct and violence, the District will take reasonable steps to address the effects of the conduct including but not limited to supporting victims' access to the District's programs, services and activities.

In certain cases, harassment of a student, and in particular, sexual harassment of a student, may constitute child abuse under Massachusetts laws. Verbal sexual harassment of any child by anyone, including school district employees/volunteers, is recognized as a form of child abuse and a warning sign of actual physical or sexual abuse. Such abuse must be reported immediately to the Department of Social Services in accordance with the requirements of M.G.L. c. I 19, s. 51A. A matter reported under this section shall be screened to determine whether an investigation is pursuant to the Child Abuse and Neglect Policy, the Sexual Harassment Policy, or both. The Winthrop Public Schools will comply with all legal requirements governing the reporting of suspected cases of child abuse.

## **V. PENALTIES:**

**Persons who engage in discriminatory, sexual harassment, sexual misconduct and assault including retaliation may be subject to suspension, termination/expulsion or other sanctions, subject to applicable school system policies and procedures, as well as applicable contractual requirements.**

An individual determined to have violated the District's policies related to discriminatory/sexual harassment, and/or sexual misconduct may be subject to the following sanctions or a combination thereof:

**All Students**

- a. Mediation involving a third party; remedial training
- b. Reprimand either verbal or written
- c. Suspension in-house or out of school
- d. Expulsion

**All Staff**

- a. Mediation involving a third party; remedial training
- b. Reprimand either verbal or written
- c. Suspension with or without pay
- d. Dismissal

**VI. TRAINING AND EDUCATION**

The Winthrop Public Schools remains committed to ensuring all faculty, school administrators, students and school personnel, guidance counselors and paraprofessionals complete mandatory training to include but not limited to:

- What constitutes sexual and discriminatory harassment including sexual violence under Title IX
- The differences and similarities between harassment and bullying
- The responsibility of staff to report incidents of discriminatory and sexual harassment, including sexual violence of which they have knowledge
- The District's obligation to respond to notice of discrimination or possible discrimination under Title IX
- The District's approved complaint and grievance procedures
- Appropriate and effective complaint response and interventions

The Winthrop Public Schools will ensure mandatory training is provided to all investigator staff including building and Title IX Coordinators, and/all staff responsible for conducting Title IX investigations on how to conduct thorough, prompt, impartial and reliable investigations pursuant to Title IX to include but not limited to:

- The definition and scope of hostile work environment, discriminatory and sexual harassment including sexual violence
- The differences and similarities between harassment and bullying
- Appropriate remedial actions and remedies in response to complaints of sexual and discriminatory harassment
- The District's obligation to inform both the complainant and accused of the outcome of an investigation
- Best practices for tracking patterns, incidents, systemic problems, climates and trends
- Effective complaint response, interview skills and investigation report writing
- Effective complaint resolution and appropriate resources for victims and accused.

The Winthrop Public Schools will facilitate training for all students to include but not limited to:

- A thorough overview of what constitutes discriminatory and sexual harassment, including sexual misconduct
- The importance of reporting incidents including a review of all reporting avenues
- The District's obligation to respond to and resolve complaints; including a thorough review of the District's grievance policies.
- Student confidential and non-confidential reporting options

## **V. CONTACT AND REFERRAL INFORMATION**

State agencies that enforce laws prohibiting harassment or receive complaints thereunder include:

### **Massachusetts Commission Against Discrimination (MCAD)**

Boston Office:

Worcester Office:

One Ashburton Place,  
Rm. 601  
Boston, MA 02108  
(617) 994-6000

455 Main Street  
Room 100  
Worcester, MA 01608  
(508) 799-8010

Springfield Office:  
424 Dwight Street  
Rm. 220  
Springfield, MA 01103  
(413) 739-2145

New Bedford Office:  
800 Purchase Street  
Room 501  
New Bedford, MA 02740

**Massachusetts Department of Elementary and Secondary Education**

75 Pleasant Street  
Malden, MA 02148  
(781) 338-3300.

Federal agencies responsible for enforcing federal laws prohibiting harassment include:

**United States Equal Employment Opportunity Commission (EEOC)**

John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
(800)-669-4000

U.S. Department of Education, Office for Civil Rights (OCR),  
J.F. Kennedy Federal Building - Room 1875  
Boston, MA 02203  
(800) 368-1019

**VI. LEGAL REFERENCES**

Mass. Gen. Laws. Ch. 151B  
Mass. Gen. Laws Ch. 76, s. 5/Chapter 622  
Title VI of the Civil Rights Act of 1964  
Title VII of the Civil Rights Act of 1964  
Title IX of the Education Amendments of 1972  
Age Discrimination in Employment Act of 1967  
Americans with Disabilities Act of 1990  
Section 504 of the Rehabilitation Act of 1973

**WINTHROP PUBLIC SCHOOLS  
COMPLAINT/INCIDENT REPORT FORM**

Name of Complainant:

Complainant's School and Class/Job Title:

Address:

Email Address:

Phone Number(s):

Name(s) of Parent/Legal Guardian (if applicable):

Address:

Email Address:

Phone Number(s):

Nature or Complaint: This may include but is not limited to incidents of discriminatory and sexual harassment, retaliation, sexual misconduct/assault and bullying.

Dates of Alleged Incident(s):

Names of the person(s) you are reporting:

Please describe in detail the incidents of alleged misconduct; including where and when the incidents occurred. Please name any witnesses that may have information regarding the alleged misconduct. Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint. Attach additional page(s) if needed.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

Signature of Complainant

\_Date

Complaint Received By:

\_Date

Compliance Officer

