



BILLERICA MEMORIAL HIGH SCHOOL 2025-2026 Student Handbook

This handbook sets forth Billerica Memorial High School's policies in the areas of general policies, academics, attendance, behavior, and participation in co-curricular activities. It lists and describes the school's administration and student services, and provides specific information on policies, bell schedules, school hours, and phone numbers.

Students and parents are required to read this publication carefully and keep it throughout the year for reference. Students and parents will be held accountable to these policies.

Updated August 1, 2025

POLICY OF NONDISCRIMINATION

State law provides the following:

Every child shall have a right to attend the public schools of the town where he/she actually resides. No child shall be excluded from or discriminated against in admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex, religion, national origin or sexual orientation. M.G.L. ch.76, section 5.

Federal law provides the following:

The Billerica Public Schools is committed to maintaining a work and educational environment free from all forms of harassing conduct. Harassment based on race, religion, national origin, gender, sexual orientation or disability will not be tolerated in the Billerica Public Schools (Title IX). The Billerica Public School District does not discriminate on the basis of disability with regards to admission, access to services, treatment, or employment in its programs or activities (Sect. 504).

Any person who believes that s/he has been discriminated against (grievant) because of his/her race, color, national origin, disability, sex, sexual orientation, or age in admission to, access to, treatment in, or employment in Billerica Memorial High School services, programs, or activities may file a complaint with:

Mr. Thomas R. Murphy, Principal
Billerica Memorial High School
(978) 528-8709

Inquiries concerning the application of Billerica Public Schools' nondiscrimination policies also may be referred to:

U.S. Department of Education
Office of Civil Rights (OCR)
33 Arch Street
Ninth Floor
Boston, Massachusetts 02110
Telephone: (617) 289-0111 Fax: (617) 289-0150

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SECTION 1 : GENERAL INFORMATION

1.1 Mission Statement

Billerica Memorial High School is a community dedicated to preparing students for life in the 21st Century. We believe in the shared responsibility of students, parents, staff, and the Billerica community in developing lifelong learners. As such, we value individuality and recognize strength in unity to ensure an environment of respect and acceptance. Ultimately, we define success as maximizing the intellectual, emotional, physical, social, and civic development of each member of our school.

Together - We are BMHS!

1.2 Schoolwide Learning Expectations

- 1. Analyze and Interpret Data
- 2. Obtain, Evaluate, and Communicate Information
- 3. Plan and Carry Out Investigations

1.3 Billerica Public Schools School Committee

Mr. John Kleschinsky	Chairperson
Ms. Annette Famolare	Vice Chairperson
Mr. Michael Domina	Secretary
Mr. Mark Efstratiou	Member
Ms. Marion Depierro	Member

1.4 Billerica Public Schools Administration

Dr. Kerry Clery	Superintendent
Ms. Lori McDermott	Assistant Superintendent - Curriculum and Instruction
Mr. Michael Bergeron	Interim Director of Finance and Operations
Dr. Bob Bergeron	Director of Special Education
Ms. Debra Vartanian	Director of Human Resources
Mr. Mark Bishop	Director of Technology

Billerica Public Schools Central Office
365 Boston Road
Billerica, MA 01821
(978) 528-7900 (phone) | (978) 436-9595 (fax)
www.billericak12.com
<https://www.billericak12.com/district/school-committee>

1.5 Billerica Memorial High School Administration

Mr. Thomas Murphy	Principal
Mr. Steven Bottari	Assistant Principal - Gr. 8 & 9, Last Names A-K
Ms. Tinamarie Piscatelli	Assistant Principal - Gr. 8 & 9, Last Names L-Z
Mr. Matthew Flood	Assistant Principal - Gr. 10, 11, & 12, Last Names A-K
Mr. Christopher Lordan	Assistant Principal - Gr. 10, 11, & 12, Last Names L-Z
Mr. John Magliozzi	Athletic Director
Ms. Melinda Cripps	Director of School Counseling
Mr. Christopher Dearbeck	Director of Visual and Performing Arts & Family and Consumer Science
Ms. Marian Dyer	Humanities Coordinator
	STEMB Coordinator
Mr. Bernie McCann	Coordinator of Health Services and Wellness

Billerica Memorial High School
35 River St.
Billerica, MA 01821
(978) 528-8700 (phone) | (978) 528-8719 (fax)

1.6 Billerica Public Schools District Calendar

BILLERICA PUBLIC SCHOOLS 2024 - 2025

(1 T Day)

August 2024						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

(1 T - 19 S Days)

September 2024						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

(22 Days)

October 2024						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

(17 S - 18 T Days)

November 2024						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

(15 Days)

December 2024						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



www.billericak12.com

Dutile Elementary	978-528-8530
Ditson Elementary	978-528-8510
Hajjar Elementary	978-528-8550
Kennedy Elementary	978-528-8570
Parker Elementary	978-528-8610
Project Support	978-528-8597
Locke Middle School	978-528-8650
Marshall Middle School	978-528-8670
Billerica Memorial High School	978-528-8710

START/END DATES	
Aug 29 & Sep 3	Teachers Return - PD Days
Sep 4	First Day for Grades 1 - 12
Sep 5	First Day - Kindergarten
Sep 9	First day - Project Support
Jun 6	Graduation**
Jun 13	Last Day for Project Support**
Jun 20	If 5 Snow Days Used - PS
Jun 18 (1/2 Day)	Last Day for Grades K - 12**
Jun 26 (1/2 Day)	If 5 Snow Days Used K - 12

**NO SCHOOL - HOLIDAYS, VACATIONS, AND
FULL DAY STAFF PROFESSIONAL DEVELOPMENT**

Sep 2	Labor Day
Sep 3	MA Primary - Teacher PD Day
Oct 14	Columbus Day
Nov 5	Election Day - Teacher PD Day
November 11	Veterans Day
Nov 27 (1/2 Day)	Thanksgiving break begins
Nov 28 - 29	Thanksgiving Break
Dec 20 (1/2 Day)	Winter Break Begins
Dec 23 - Jan 1	Winter Break
January 20	Martin Luther King, Jr. Day
Feb 17 - 21	February Break
Apr 18	Good Friday
Apr 21 - 25	April Break
May 26	Memorial Day
June 19	Juneteenth
May 29	New Kindergarten Orientation
	No School for Kindergarten
EARLY RELEASE DAYS - ALL SCHOOLS	
Sep 17	Mar 4
Feb 4	May 20

EARLY RELEASE DAYS - ELEMENTARY ONLY	
Oct 23	Feb 12
Nov 7	Mar 12
Dec 9	Mar 27
Jan 23	June 2

EARLY RELEASE DAY - HIGH SCHOOL ONLY

Oct 9	
-------	--

**Subject to change due to inclement weather

(21 Days)

January 2025						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

(15 Days)

February 2025						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

(21 Days)

March 2025						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

(16 Days)

April 2025						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

(21 Days)

May 2025						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

(14 Days)


June 2025						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

1.7 Billerica Memorial High School Bell Schedule

BILLERICA MEMORIAL HIGH SCHOOL				
MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1 [7:25 - 8:55]	1 [7:25 - 8:55]	1 [7:25 - 8:45]	1 [7:25 - 8:45]	1 [7:25 - 8:55]
2 [9:00 - 10:25]	2 [9:00 - 10:25]	ADV. [8:50 - 9:10]	ADV. [8:50 - 9:10]	2 [9:00 - 10:25]
3 [LUNCH] [10:30 - 12:25]	3 [LUNCH] [10:30 - 12:25]	2 [9:15 - 10:35]	2 [9:15 - 10:35]	3 [LUNCH] [10:30 - 12:25]
4 [12:30 - 2:02]	4 [12:30 - 2:02]	3 [LUNCH] [10:40 - 12:35]	3 [LUNCH] [10:40 - 12:35]	4 [12:30 - 2:02]
LUNCH SCHEDULE [MON, TUE, FRI]				
A [10:30 - 10:55]	B [11:00 - 11:25]	C [11:30 - 11:55]	D [12:00 - 12:25]	
LUNCH SCHEDULE [WED, THUR]				
A [10:40 - 11:05]	B [11:10 - 11:35]	C [11:40 - 12:05]	D [12:10 - 12:35]	

Doors open at 7:10 AM

1.8 Billerica Memorial High School Special Bell Schedules

<div>SPECIAL BELL SCHEDULES 2024-2025</div> <div></div>	EARLY RELEASE	2HR DELAY	EXT. ADV.
	1 [7:25 - 8:25]		1 [7:25 - 8:40]
	2 [8:30 - 9:25]	1 [9:25 - 10:20]	ADV [8:45 - 9:25]
	4 [9:30 - 10:25]	2 [10:25 - 11:20]	2 [9:30 - 10:45]
	3 [10:30 - 12:05] [LUNCH]	3 [11:25 - 1:00]	3 [10:50 - 12:45]
		4 [1:05 - 2:02]	4 [12:50 - 2:02]
	A [10:30 - 10:50]	A [11:25 - 11:45]	A [10:50 - 11:15]
	B [10:55 - 11:15]	B [11:50 - 12:10]	B [11:20 - 11:45]
	C [11:20 - 11:40]	C [12:15 - 12:35]	C [11:50 - 12:15]
	D [11:45 - 12:05]	D [12:40 - 1:00]	D [12:20 - 12:45]

SECTION 2 : ACADEMICS

2.1 Academic Integrity

Academic integrity is a responsibility for students to perform honestly through the production of their own work. Absent this, our academic, civic, and/or social Expectations for Student Learning are not being met.

Each high school course presents specific responsibilities for students to act honestly. Teachers will review with students their policies on homework, student group projects, acceptable sources, formats for crediting sources, and issues of academic honesty including plagiarism, cheating, and improper use of technology.

2.2 Assessments

Students and parents will encounter the terms “formative” and “summative” assessments at times during the school year. These terms refer to the two distinct types of assessments used in contemporary education. Formative assessments are smaller, more frequent, activities and tasks administered to students to measure effective instruction – how well it is being received and how well it is being delivered. Formative assessments are ideal to help teachers make adjustments in their delivery of course content. Homework, quizzes, small projects, and short writing exercises are only a few examples of formative assessments.

At the end of a unit or course, students are provided with summative assessments to measure all that they were exposed to in that unit or course. Summative assessments are these larger and less frequent efforts, such as exams, term papers, major projects, and even state assessments. Many courses use common summative assessments, which are prepared and given by multiple teachers and may be implemented multiple times, allowing teachers to assess student performance in order to inform instructional practices or aid in curriculum development. These assessments are not retained by students following the in-class review. Parents wishing to view these assessment tools at the high school must receive permission from the Principal.

2.3 Class Rank

The formula used to determine your rank in class is: $\text{GPA} / \text{Number of Credits} = \text{Rank-in-Class}$
A student must have earned at least 12 credits at BMHS to be eligible for Rank-in-Class

Academic Performance and Recognition Grade Point Average (GPA)

Letter Grade	Range	College & Career Ready	Honors	AP
A+	97-100	4.00	4.33	4.67
A	94-96	3.67	4.00	4.33
A-	90-93	3.33	3.67	4.00
B+	87-89	3.00	3.33	3.67
B	84-86	2.67	3.00	3.33
B-	80-83	2.33	2.67	3.00
C+	77-79	2.00	2.33	2.67
C	74-76	1.67	2.00	2.33
C-	70-73	1.33	1.67	2.00

D+	68-69	1.00	1.33	1.67
D	65-67	0.67	1.00	1.33
F	0-64	0.00	0.00	0.00

Grade Point Average (GPA) is calculated by converting numerical grades to points based on the table. These points are added and then divided by the total number of credits attempted during a marking period. Billerica Memorial High School calculates GPA on a 4.0 weighted scale. Please see the section titled Course Change Procedure to learn how the integrity of the GPA is upheld when students change class levels during the academic year.

2.4 Course Change Procedure

Once the master schedule is completed, course changes are very limited. If a change is warranted, students must follow the procedure below. If all of the steps are not completed, the change will not be allowed.

1. Course changes can be requested for full year courses within ten calendar days of the beginning of the school year, or for semester courses, within five calendar days of the start of the semester. These changes can often be done directly through the student's school counselor.
2. Course changes (including level changes) beyond these time frames will be considered when there are special circumstances and students must complete the Course Change Form.
3. Students must obtain ALL necessary signatures and provide all requested information (including the reason for the request and comment from a parent/guardian) and return the completed form to their counselor, who will seek Coordinator approval for the course change.
4. Students must remain in the original course until they receive notification that the course change has been approved. Most course changes will take effect at the start of a term rather than in the middle of a term.
5. For courses that are dropped after the first quarter (for a semester 1 or full year course) or dropped after the third quarter (for a semester 2 course), a W (P) or W (F) will appear on the student's transcript. If a student is changing levels of the same course, a W will appear on the student's transcript. Additionally, when a student changes levels, all transcript grades from the sending course will be applied to the receiving course at the same GPA value as the sending course. The highest numerical score in the range of numerical grade values for the corresponding transcript grades will be transferred to the new course. By doing this, the integrity of the GPA is maintained.

For example, a student in the Class of 2025 moves from an Honors course (where she earned a term 1 grade of 86%/B) to a Level 1 course. When her sending course's transcript grades are applied to the Level 1 class, the grade will be recorded as an 89%/B+. Through this adjustment, the GPA of 3.0 is preserved.

Conversely, if a student moves up a level, the letter grade and corresponding numerical score will be adjusted to preserve the integrity of the GPA.

2.5 Course Levels

Advanced Placement (AP) Program

The Advanced Placement (AP) Program is a cooperative, educational endeavor of secondary schools and colleges. The College Board Advanced Placement courses give students the opportunity to take college level courses while still enrolled in high school. The rigorous course material, classroom discussions, and demanding assignments allow students to develop the content mastery and critical thinking skills expected of college students. Many students report that they enjoy the challenge of advanced placement study, high school faculty find that AP courses greatly enhance students' confidence and academic interest, and college faculty find that these students are far better prepared for serious academic work. Advanced Placement exams are an essential part of the AP experience and provide students and colleges with a standardized measure of mastery and achievement. Administered nationally in May, the exams are recognized by nearly 2,900 United States and foreign colleges and universities, which may grant credit, advanced placement, or both to students who have performed satisfactorily on AP examinations. Additionally, students may earn advanced standing depending upon the number of AP exams taken, performance on AP exam testing, and in accordance with the policies of each individual college. Students who choose to enroll in an AP course at Billerica Memorial High School are required to take the AP exam, and students and their families are responsible for the cost of the exam. If this is a financial hardship, please see your teacher or school counselor at the start of the course. For additional information, please see the College Board website: apstudent.collegeboard.org

Honors Courses

Honors courses are more rigorous, in depth courses designed for students who want a challenge. Students are expected to be self-directed learners and comprehend complex material. Honors courses require students to complete considerable work outside the classroom.

College and Career Ready Courses

Aligned with descriptions accepted by the Massachusetts Department of Higher Education, these courses at Billerica Memorial High School "require well-developed reading, writing, verbal, conceptual, mathematical, and study abilities, as well as substantial outside preparation" to prepare students for future success in college or a career.

2.6 Credit Recovery

When a student exceeds an absence limit in a class and loses credit for a term, he or she will be directed to make an appointment to see his or her school counselor. The school counselor will discuss the three options to recover the credit. Students will declare their intentions on a Credit Recovery Form and submit the form to their school counselor.

The following credit recovery options will be offered to students:

-
1. During the school year: Students are required to attend the Learning Commons, during the next academic quarter, for a designated number of sessions. This is based on the number of unexcused absences over the limit. Students with eleven or more unexcused absences will be required to complete additional coursework to ensure competency in the academic standards of the course. Students must complete this course work during the next academic quarter and must achieve a score of 65 or better to receive credit. Students will have two days to complete the required modules for every absence for which they are referred.
 - a. Example: A student is referred for 5 absences in a class, the student will have 10 school days to complete the assigned modules.
(If a student receives unexcused absences in the fourth quarter, they must complete the work in summer school).
 2. During the summer: Enroll in BHMS online, a web-based instructional program that aligns with our curriculum. Students must complete this on-line work during summer school and must achieve a score of 65 or better to receive credit for his or her work.
 3. Retake the course, or take an equivalent course: Complete the course again next school year, or if applicable, take an equivalent course.

If a student fails a course (55-64 average) and exceeds the absence limit in two quarters or more (without completing credit recovery) in the course, Summer School coursework will not be an option.

2.7 Extended Learning Opportunities

Opportunities for learning beyond the traditional classroom environment, driven by students' interests, talents, and development, are expressly permitted by Billerica School District *policy JCA*. ELO credits may be available for independent study, private instruction, team sports, performing groups, internships, community service not otherwise required by the school, and work study. Other learning experiences, not identified herein, will also be considered on an individual basis. Students should see their school counselor for more information on ELOs.

2.8 Extra Help

Students may always seek extra help from their teachers. Arrange a conference with your teachers before or after school, or at a time convenient to both of you during the day. A teacher will sometimes ask you to stay after school if it is apparent that you are having difficulty with your work. Whenever you need to stay for extra help, your coaches or advisors will not penalize you, as long as you inform her/him of your intention to remain for help prior to the event or practice and bring a signed pass from the teacher.

2.9 Final Exams

- All examinations and projects are counted as 10% of your 4th quarter average.

-
- You must arrive promptly for your exam. Failure to arrive on time for the exam may result in a scheduled make-up examination.
 - Make-ups should be arranged with your teacher during the make-up time.
 - The cafeteria will be open before the first exam and in between the exams for students. If you arrive early for your exam you need to report to the cafeteria. You may not be in the halls, gymnasiums, or offices.
 - No student may be in the halls once an examination begins; nor are you permitted to leave the test session before the end of the examination.
 - No make-ups of examinations will be permitted if you are absent from the examination unless your Assistant Principal regards the absence as exceptional. Your parent should call the Assistant Principal's office by 8AM on the day of the exam.
 - No students are permitted in the locker rooms or in the gyms during these test sessions.
 - Buses will run at the normal time in the morning followed by an 11:30 AM departure.
 - Any misbehavior in the exam may result in the forfeiture of the exam.

2.10 Grading Policy

P = Passing

W = Withdrawal during the first 15 calendar days of the start of the school year and 5 calendar days for the second semester

WP = Withdrawal from a course with a passing average

WF = Withdrawal from a course with a failing average due to grades

No notation of withdrawal will be made for withdrawals that occur within the first fifteen calendar days of a course.

2.11 Graduation

Source: BPS Policy IKF

In order to obtain a diploma from Billerica Memorial High School, the following subjects must be successfully completed through a passing grade and through acceptable attendance in accordance with the school's Attendance Policy.

Four full-year English courses (4 credits)

Three full-year Mathematics courses (3 credits)

Three full-year Science courses (3 credits)

One full-year in a STEM course (1 credit)

Three full-year courses in U.S. and World History (3 credits)

Two full-year World Language courses of the same language (2 credits)

1 Wellness course in each of the four years, including wellness I and II (1.5 credits)

One year of Fine and Practical Arts (1 credit)

One half-year course in Digital Literacy (.5 credit)

One half-year course in Business Financial Literacy (.5 credit)

Students who have not met the 24 credits or who have not successfully completed the courses listed above will be ineligible to participate in the Graduation Exercises. Graduation

requirements will be aligned with those of the Massachusetts High School Core Program of Studies.

2.12 Homework

Source: BPS Policy IKB

Every study of successful students reveals that homework plays a critical role. Please think of homework as more than just written assignments. Homework also involves reading and reflecting upon what you are learning. With this in mind, you should plan your day so that at least two hours of homework time is available every night. It is the responsibility of the student to be aware of homework assigned, and to request missed homework assignments in the event of any absences.

2.13 The Incomplete Grade

This grade is issued to students if they have not made up their work prior to the completion of the marking term. If the "incomplete" is still not made up by the midpoint of the next marking term, an "F" will result for the missing work. An incomplete grade at the end of the 4th quarter without advance make-up arrangements will result in a grade of "F" for the missing work.

2.14 Learning Competencies

In all classes, student achievement is assessed on progress toward the core competencies necessary for the BMHS graduate. Teacher Gradebooks in Aspen for each course will have an assignment category labeled for each competency and each will be assessed at least once each quarter. While the particular activities for each competency are different in the content areas, the basic skills are described below.

Planning and Carrying Out Investigations (PCOI)

Students become skilled at developing research questions and conducting research to answer those questions. Students refine questions to ensure they are following an effective line of inquiry and then engage in investigations to answer those questions. Such investigations might take the form of formal or informal research, experimentation, or observation.

Analyze and Interpret Data (AID)

Students become skilled at reading data presented in various formats. Data may include tables, charts, lists, descriptive evidence, or observations. Students make inferences and draw conclusions based on this data.

Obtain, Evaluate, and Communicate Information (OECI)

Students become skilled at accessing the vast amount of information at their fingertips each day. Students learn to locate resources for information and decide whether that information is valid, reliable, and useful. Students practice communicating that information in their writing and speaking.

Please note that individual teachers may use grading categories in addition to these competencies to assess student achievement in particular courses.

2.15 Loss of Credit

All unexcused absences will count towards the unexcused absence limit per term. Any time a student is not physically present in class, the student will be considered absent unexcused per the school attendance policy. When a student has exceeded the unexcused absence limit during any quarter, the Assistant Principal will send written notice to the parents as notification of loss of credit and an opportunity to appeal for that course for the quarter. At this time the parent will be informed of the appeal process noted below.

Unexcused Absences Per Quarter	Loss of Credit (per quarter)
5-6	0.08325 (1/3)
7-8	0.167 (2/3)
9-10	0.2
11+	0.25 (maximum per quarter)

Loss of Credit Appeal Process

1. Once the student exceeds the unexcused absence limit in a particular class, the student/parent will receive a notice of opportunity to recover loss of credit and will have 7 days from the receipt of the letter to start the appeal process.
2. If you wish to appeal erroneous absences, you will have 3 school days from the date of receipt of the letter to start the appeal process. Failure to do so within the 3 school days will deem closed the matter. All appeals must be made in writing to the Assistant Principal.
3. Students and/or parents may appeal an unexcused absence to the Assistant Principal.
4. After hearing the appeal and reviewing attendance records, the Assistant Principal will render his/her decision. The students and/or parents may appeal the decision of the Assistant Principal to the Principal.
5. After hearing the appeal and reviewing attendance records, the Principal may extend the absence limit if he/she is satisfied that an unusual circumstance existed with an absence (s), tardy (s), or dismissal (s).
6. If the appeal is denied, the Principal will send an official Loss of Credit Notification to those students who exceeded the absence limit without documentation and/or approved justification.
7. The Loss of Credit letter will include information about Credit Recovery.

2.16 Make-up Work

Students will be allowed two school days to make up missing formative homework/classwork for each day of excused absence. Students should consult online resources to learn of their assignments, when possible. Students who may be out for longer periods (more than three days of school) should contact their teachers for additional information about their missing work.

2.17 Minimum Passing Grade Requirement

Students must earn a minimum of a 65% in a course to earn credit in the course.

2.18 Parent - Teacher Communication

If you would like to schedule a conference with a teacher at any time during the year, please write a note, send an email, or call the school ahead of time to request a conference, and one will be arranged at the earliest convenience for everyone.

2.19 Planned Extended Absences During Final Exams

The Assistant Principal, in consultation with the student/parents/guardians will review:

- The nature of the absence—academic or personal
- The length of the absence

Students beginning their extended absence prior to that time will be required to take their exams during the summer. Exams taken after the conclusion of the school year will be taken at a mutually agreeable time in the school counseling office or front office of the high school. Exams must be completed within two weeks of the student's return from their absence, and no later than one week prior to the first day of the following school year. If an exam is administered after a teacher's contracted term, grading may be delayed until the teacher returns to school.

A report card will be generated at the end of the regular school year with grades of 0 listed for final exams and final course grades. Grades will be re-calculated and an adjusted/final report card issued when all exams have been taken and graded.

2.20 Promotion Credit Requirements

In order to attain the necessary credits to progress toward graduation, students must earn a minimum number of credits by the end of each academic year:

At the completion of 8th grade and to be considered a freshman:	Pass core subjects (<i>Math, English, Science, Civics</i>)
At the completion of 9th grade and to be considered a sophomore:	6 credits
At the completion of 10th grade and considered to be a junior:	12 credits
At the completion of 11th grade and to be considered a senior:	18 credits
At the completion of 12th grade and to be considered a BMHS Graduate:	24 credits

2.21 Report Cards

The main purpose of a report card is to communicate to parents and others regarding student achievement and responsibility. Report cards also serve to provide incentives and feedback to enhance student learning, to identify or select students for certain educational courses or programs, and may be used to evaluate the effectiveness of instructional programs.

2.22 Student Records

NOTICE REGARDING STUDENT RECORDS AND DIRECTORY INFORMATION

The Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Student Records regulations (603 CMR 23.00) provide parents and eligible students certain rights with respect to a student's education records. A general overview of those rights is provided below. Parents and eligible students may obtain a complete copy of their rights by contacting Melinda Cripps, Director of School Counseling, at mcripps@billericak12.com.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. These rights are:

- (1) The right to inspect and review the student's education records within forty-five (45) calendar days of the day the School receives a request for access.
- (2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.
- (3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the School District to comply with the requirements of FERPA. The name and address of the Office that administers FERPA are:

Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-5920

Massachusetts regulations related to student records (603 CMR 23.00) ensure a student's (and their parents') rights of inspection, amendment, destruction, and confidentiality related to their records.

Under 603 CMR 23.01, the rights related to student records belong to the student's parent if the student is under the age of fourteen (14) and has not started the ninth grade. Upon reaching the age of fourteen (14) or upon starting the ninth grade (whichever occurs first), both the student and their parent retain the rights

related to student records. Either the student or the parent can exercise these rights independently. Once the student reaches the age of eighteen (18), the student exclusively retains the rights related to student records and only they can exercise such rights if they expressly limit the rights of their parent, exclusive of the right to inspect. If a student wishes to limit the rights which are held by their parent, they must make the request to the building principal or superintendent in writing. A parent always maintains the right to inspect the student record.

The student record consists of the transcript and the temporary record, including all information on recording and computer tapes, microfilm, microfiche, or any other materials regardless of physical form or characteristics concerning a student that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth as defined under state law. The regulations divide the record into two sections, the transcript and the temporary record. The transcript includes only the minimum information necessary to reflect the student's educational progress. This information includes the name, address, contact information, birthdate, course titles, grades, credits, and grade levels completed. The transcript is kept by the school system for at least sixty years after the student leaves the system.

Inspection of Record - A parent, or a student who has entered the ninth grade or is at least fourteen (14) years old, has the right to inspect all portions of the student record upon request. The record must be made available to the parent or student within ten (10) days of the request, unless the parent or student consents to a delay. In the event the parent/student requests copies of a student record, the district may charge the parent/student for said copies at the district rate. The parent and/or eligible student may request to meet with professional qualified school personnel to have any of the contents of the record interpreted. Parents and eligible students should submit their request for access/inspection to the building Principal.

With a few exceptions, no individual or organization other than the parent, student, and authorized school personnel are allowed to have access to information in the student record without the specific, informed, written consent of the parent or the eligible student. Billerica Public Schools protects the confidentiality of personally identifiable information of students in accordance with state and federal law.

Amendment of Record - The parent and eligible student have the right to add relevant comments, information, or other written materials to the student record. In addition, the parent and eligible student have the right to request in writing that information in the student record be amended or deleted, except information inserted by an individual education program (IeP Team, unless the IEP has been accepted or, if rejected, the special education appeal process has been completed. If the student or parent believes that adding information to the student record is not sufficient, the student or parent shall present their objection in writing and/or conference with the principal or her/his designee to make their objections known. Within a week after the conference or receipt of objection, the principal or their designee must render a decision on such a request in writing. If the parent and/or eligible student are not satisfied with the decision, the regulations contain provisions through which the decision may be appealed to higher authorities in the school.

Directory Information - Federal law requires that Billerica School District release the names, addresses, and telephone listings of students to military recruiters and institutions of higher education upon request for recruitment and scholarship purposes without prior consent. In addition, the school may release the following directory information about a student without prior consent: a student's name, address, telephone number, date/place of birth, major fields of study, dates of attendance, weight and height of

members of athletic teams, class participation in officially recognized activities and sports, honors and awards, post-high school plans. However, in all instances, parents may request that such directory information not be released without prior consent by notifying the building principal in writing by the end of September of each school year.

Destruction of Records - The regulations require that certain parts of the student record, such as the temporary record, be destroyed a certain period of time after the student leaves the school. School authorities are also allowed to destroy misleading, outdated, or irrelevant information in the record from time to time while the student is enrolled in the school. Before any such information may be destroyed, the parent and student must be notified, and have an opportunity to receive a copy of any of the information before its destruction.

Transfer of Records - In accordance with 603 CMR 23.07(4)(g), it is the practice of Billerica Public Schools to forward the student record of any student who seeks or intends to enroll, or already has enrolled, in another public school, if the disclosure is for the purpose of the student's enrollment or transfer. The parent or eligible student has the right to receive a copy of the school record that is forwarded to the new school.

Non-Custodial Parents - Unless there is a court order to the contrary, a non-custodial parent (parent without physical custody of the student) of any public school student has the right, subject to certain procedures, to receive information regarding the student's achievements, involvement, behavior, etc. A non-custodial parent who wishes to have this information shall submit a written request to the building principal. Upon receipt of such a request, the building principal shall send written notification to the custodial parent by certified and first-class mail that the records and information will be provided to the non-custodial parent in twenty-one (21) calendar days unless the custodial parent provides documentation of the non-custodial parent's ineligibility to access such information. In all cases where school records are provided to a non-custodial parent, the electronic and postal address and other contact information for the custodial parent shall be removed from the records provided. Any such records provided to the non-custodial parent shall be marked to indicate that they may not be used to enroll the student in another school. Upon receipt of a court order that prohibits the distribution of information pursuant to M.G.L. c. 71, §34H, the school will notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent. M.G.L. c. 71, §34H; 603 CMR 23.07.

Third Party Access - Authorized school personnel and school officials with a legitimate educational interest, including: (a) school administrators, teachers, counselors, and other professionals who are employed by the school committee or who are providing services to the student under an agreement between the school committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling, and/or diagnostic capacity; (b) administrative office staff and clerical personnel, employed by the school committee or under a school committee service contract, and whose duties require them to have access to student records for purposes of processing information for the student record; and (c) the evaluation team which evaluates a student, shall have access to the student record of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the parent or eligible student shall not be necessary.

Complaints - A parent or eligible student has a right to file a complaint with the Student Privacy Policy Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-8520, 1-855-249-3072 or with the Massachusetts Department of Elementary and Secondary Education, 135 Santilli Highway, Everett, MA 02149, 781-338-3300. If you have any questions regarding this notice, or would like more information and/or a copy of the Massachusetts Department of Elementary and Secondary

2.23 Summer School

A student must meet the following requirements to repeat a subject in an approved Summer School program or with an approved tutor: The student must have taken the subject to be repeated for an entire year.

The student must earn a minimal final average of 55% to be eligible for Summer School.

Students may make up the failed course only during the summer of the year in which the course was failed, unless prior approval is obtained from the Director of School Counseling and the subject's Coordinator.

Students attending summer school must obtain a grade of 65% or better in the summer school course, in order to receive credit and a passing grade.

Billerica Memorial High School currently offers summer school opportunities through the Summer Learning Program, in conjunction with Educere, a state-of-the-art web based platform. A certified teacher in the content area is available to students to assist with their instructional needs and questions that they may have, and courses can be taken for credit recovery or enrichment. Students seeking summer school opportunities are required to take courses through the Billerica Memorial High School Summer Learning Program. Students may take summer school courses through other institutions, if the Summer Learning Program is full or the course is not offered through this program, and with prior approval of the subject's Coordinator.

2.24 Tutoring

The School Counseling Department will maintain supervision of school-arranged or district-paid tutoring. This would include bedside instruction for students judged by a doctor to be too ill to attend the regular day school. Teachers may not tutor students during school time. Teachers may not tutor students from their own classes without the approval of the School Counseling Director.

2.25 Valedictorian and Salutatorian

The Valedictorian and Salutatorian of the graduating class will be determined by calculating the cumulative GPA of all seniors at the conclusion of the 3rd quarter of senior year. The senior with the highest cumulative GPA in the graduating class will be named Valedictorian. The senior with the second highest cumulative GPA in the graduating class will be named Salutatorian. Calculation will be done to the ten-thousandth place.

To be eligible for the distinction of Valedictorian or Salutatorian, a student must be enrolled at Billerica Memorial High School for the four consecutive semesters immediately preceding graduation. Alternative credit opportunities are not factored into a student's GPA.

SECTION 3 : GENERAL POLICIES

Much of what follows is based on Billerica Public School (BPS) policies. As appropriate, these are noted by section. Text below that is underlined> is taken directly from district policy word-for-word. Other text is adapted based on BMHS procedures or for the purpose of brevity. District policies are available via the Billerica Public School District website:

<https://sites.google.com/a/billericak12.com/bps/district/school-committee>

3.1 Blackboard Communication System

The Billerica Public School District utilizes Blackboard, an automated phone / e-mail system, to communicate emergencies, cancellations, events and, at times, information of general interest to parents and students. Students and parents are requested to ensure that contact information is continually up to date in order to ensure timely contact. If contact information changes, please contact the School Counseling Office at BMHS at 978-528-8760.

3.2 Dances

Only Billerica Memorial High School students will be allowed to attend school dances held at the high school, with the exception of semi-formal. Students inappropriately dressed will not be admitted. Students will not be admitted more than one hour after the start of the dance, unless previously approved by the administration. Students requesting to leave the dance before its conclusion, must be dismissed by a parent/guardian in person or over the phone. Students are expected to enter the building as soon as they arrive and must leave school grounds immediately after the conclusion of the dance. Responsible behavior is expected from all students. All school rules regarding student discipline, decorum and behavior that are applicable to normal school days apply at dances.

3.3 Delayed Opening / No School / Early Dismissal Announcements

School cancellation and delayed opening decisions are communicated via local broadcast media and via the Blackboard system. These decisions are generally not made until 5:45am. Delayed opening of school will be for 2 hours, with school starting at Billerica Memorial High School at 9:15am. The bell schedule for days with a 2 hour delay is above. In the event of an emergency or weather situation necessitating the early, unscheduled dismissal of students, decisions will be communicated in similar fashion. Billerica Memorial High School students will be released first, followed by those at Billerica Middle Schools and then the Elementary schools at approximately 40-minute intervals.

Broadcast stations receiving notification of Billerica School District delayed opening, no school and early dismissal:

WHDH-TV: Ch.7
(www.whdh.com)

WCVB-TV: Ch. 5
(www.thebostonchannel.com)

WBZ-TV: Ch. 4
(www.cbsnews.com/boston)

3.4 Field Trips

All students going on a field trip/class trip must complete a field trip permission form. This form requires a parent/guardian's signature of permission, in addition to the teachers of classes to be missed. However, if a teacher denies permission for you to attend, you will be unable to attend the field trip. This form must be submitted to the teacher/advisor prior to departure. It is the student's responsibility to follow the rules established by the chaperone (s) and bus driver. All Billerica Memorial High School and Billerica School District policies and procedures are in effect during field trips. The principal or designee may deny a student the privilege of a field trip for violations of the Student/Parent handbook rules.

3.5 Fundraising

All fundraising at Billerica Memorial High School on behalf of its clubs, activities, teams, or organizations groups who seek to raise funds and considers the cumulative impact of fundraising on the Billerica community. Such fundraising shall adhere to established procedures and conditions as to purposes, records, and duration of the fundraising activity.

3.6 Junior and Senior Privilege

Members of the Senior and Junior Classes that are in good academic standing (academically eligible) and maintain BMHS' expectations for respect and responsibility (PRIDE Points no lower than 6 at any time in a term) may be eligible for late arrival or early dismissal to or from school provided they have a first or last block study hall. Parental permission is required and students must maintain all eligibility requirements: no detentions owed (including previous school year), no cut classes (per term), academic eligibility per Student Handbook. Students arriving late must enter through the Main Entrance and sign in at the Main Office before the start of second period or Advisory (depending on the day). Students leaving early must sign out at the Main Office and exit through the Main Entrance at the end of third period.

3.7 Learning Commons

The Learning Commons is a resource for the entire school and its effective functioning is the responsibility of each of us. Resources for students and staff include a knowledgeable and helpful library/media specialist, research materials, books for pleasure reading, and study space. Printers and a copier may also be available for responsible student use. Students have the responsibility to conduct themselves in a manner that is respectful to the needs of all library users.

To ensure fair use of the resources, students must check materials out of the library and reminder notices will be sent when materials are overdue. Students are expected to pay the cost of any

material that is not returned for any reason or is damaged.

Teachers may use the Learning Commons space for their classes on occasion. Student access to the Learning Commons, depending on available space, is allowed before and after school when the Learning Commons is supervised and during the school day when students sign up from study hall periods or come with a pass from a teacher. Specific methods for this sign-up and detailed expectations will be communicated to students during the first days of school.

3.8 Military / College Recruitment

The Every Student Succeeds Act requires that Billerica Memorial High School provide the names, addresses, and telephone numbers of all secondary school students to those military recruiters and institutions of higher learning who request this information. However, the law also allows the student or parent/guardian to request that this information not be released and requires BMHS to comply with such a request. Written requests to not release such information should be sent to the high school's school counseling office.

3.9 PRIDE Points

We believe Respect and Responsibility reflect the PRIDE we have for our school and community and will allow us to recognize all of you for the positive influence you demonstrate in school on a daily basis. We believe the importance of the Respect and Responsibility grade on the report card will accurately reflect your commitment to making our school the model for others to emulate.

The *Respect* grade will be determined by the specific "Action" you receive from your assistant principal for a specific conduct that violates our Code of Conduct. At the end of the term if you have no "actions" you would receive a 4 for the term. A student requiring a "warning" would receive a 3, while a student that received an Office Detention would warrant a 2, a Saturday Detention would receive a 1 and a suspension would receive a 0.

The *Responsibility* grade will be determined based upon absences and tardies for each term. Each category will earn a point value, the two will be added together and divided by 2, which will represent the final grade on the Report Card.

<u>Tardies</u>		<u>Absences</u>	
<u>Total</u>	<u>Points</u>	<u>Total</u>	<u>Points</u>
0-2	4	0-2	4
3-5	3	3-5	3
6-8	2	6-8	2
9-10	1	9-10	1
11+	0	11+	0

3.10 Printed Matter or Posters

Source: BPS Police JICE

Posters or other printed matter having the intention to be displayed within Billerica Memorial High School, must be approved by the school administration and be posted in the designated areas. It is the responsibility of the organization that posts material to remove it in a timely manner. All posters or other printed material must be hung so as to not damage the walls or other parts of the high school. Printed matter or posters must relate to Billerica High School events or activities. Similarly, such materials bound for publication or promotion outside of school grounds or through any media source will also require authorization by the Administration. Students, groups, or agents seeking authorization should allow for ample time so that proper review and authorization may be obtained.

3.11 Proms

The Proms are formal events at an off-site location. Students are required to follow the expected attire of such an event. Students must arrive within the first 30 minutes of the prom, and may not leave early except with pre-approval of BMHS administration or with a parent/guardian phone call. Guests are permitted to attend the prom, but must be under 22 years of age, and pre-approved by administration using the Prom Guest Approval form, which requires the signature of an administrator from the school the guest is currently attending, and the parent/guardian of the BMHS student who is bringing the guest. Guests are required to adhere to all rules and expectations of the BMHS student handbook. Students may be held accountable for the behavior of their guests.

3.12 School Lockers

- Students must apply for a locker in order to be assigned one.
- Only one student is allowed to occupy each assigned locker.
- Students should not swap lockers.
- No personal locks are allowed on lockers.
- Since all lockers are the property of the Billerica School Department, students must ensure that their lockers are kept clean and properly maintained.
- Lockers must be cleaned out at the end of the school year. Any items left behind will be discarded and will not be the responsibility of the school department.
- All lockers are subject to a search at any time by school officials.

3.13 School Property

All computers, books, lockers, and other materials or equipment issued to students are the property of the Billerica Public School District. The student or parent/guardian must pay for any lost or damaged school property. Outstanding obligations from non-payment of goods, books, and official documents could result in the loss of certain student privileges and/or administrative holds on student records (i.e., diploma).

3.14 Student Identification Cards

Each year, you will be issued a student identification card which will be used for the following purposes:

1. Identification
2. Attendance/Tardy
3. Accessing Learning Commons Resources
4. School Sponsored Events
5. Cafe purchases

Your student identification card is also available via the BMHS app.

3.15 Student Parking and Use of Vehicles

It must be clearly understood that driving and parking a motor vehicle, including a motorcycle, on the school grounds is a privilege granted to eligible juniors and seniors that can be lost if abused. Permission must be specifically granted to you, subject to the procedures, regulations, and penalties specified below. A driving and parking privilege will immediately be revoked if you abuse the conditions of this agreement.

1. *Priority Ranking for Parking:* Parking spaces will be issued through a lottery system. Seniors and Juniors will have the opportunity to apply for parking spaces. Seniors will have the first option for any parking spaces. The lottery will be extended to Juniors to apply for the remaining open slots (excluding a fixed # of slots reserved for late-applying Seniors).
2. *Getting a Sticker:* Students parking on the school grounds must have authorized parking stickers for the current school year. These are obtained from Mr. Flood's office. Only one sticker will be issued to a student, unless you are registering a second vehicle. The cost of each sticker is \$5.00. Stickers must be placed in the bottom right-hand corner of the driver's side passenger (backseat) window. If you change vehicles during the school year, you must register the new car with the Assistant Principal's office. The number of stickers in circulation will not exceed the number of available spaces, so if you stop parking during the year, you are asked to inform the Assistant Principal's office so another sticker can be issued to a different applicant. Lost stickers may be replaced once only, for \$5.00.
3. *Where to Park:* Student parking is divided behind BMHS Stadium and the Hallenborg Ice Rink as well as behind the New Colony Baptist Church, located across the street from BMHS. You are not permitted to go to the parking lot or into an automobile while school is in session, without the permission of an administrator.
4. *Unauthorized Parking:* Students may not park without a sticker in the student lot, and may not park in the teachers' parking areas, Town Hall, Police Station, Fire Station lots, or the elderly housing lot. As indicated in the Code of Conduct, illegal parking in the student lot will result in at least three office detentions. Where parking is strictly prohibited and creates a hazard (in front of a dumpster, fire hydrant, or access lane) immediate towing may be necessary. "Illegal parking" stickers may be placed on side windows of an illegally parked car that cannot be identified and/or the car may be towed.
5. *Misuse of a vehicle:* Owners of cars in which students leave the school grounds without

permission will lose parking privileges for a period determined as appropriate by your Assistant Principal. Students who use cars in other ways to violate school rules will also be subject to loss of parking privileges. Appropriate driving for a well- populated parking lot is expected. Any driving deemed inappropriate by the Assistant Principal may cause the loss of parking privileges.

6. *Mandatory Use of Seat Belts:* Chapter 90: Section 13A of the Massachusetts General Laws state that "no person shall operate a private passenger motor vehicle or ride in a private passenger motor vehicle, a vanpool vehicle or truck under eighteen thousand pounds on any way unless such person is wearing a safety belt which is properly adjusted and fastened..." As such, all students driving to school, and any passengers accompanying a student driver are required to use seat belts."
7. *Search of Student Vehicles:* Any student operated vehicle parked on school property may be subject to search by administration if there is a reasonable suspicion of a violation of the Student Code of Conduct. (BPS Policy JIH).

3.16 Visitors to the School

Source: BPS Policy KI

There are no visitors during school hours and are strictly prohibited, without an appointment. All visitors must sign in and out at the front desk in the main office and indicate the purpose of their visit. Adult visitors, including graduated students (Alumni), will be issued identification badges to be displayed at all times while in the school. When arriving at Billerica Memorial High School, all visitors must present the Front Office staff or security officer with a state issued ID for use with the district adopted Raptor system. This program creates a visitor badge and a recording of all visitors on campus. Student visitors are not permitted at Billerica Memorial High School during school hours unless an exception has been granted by an Administrator in a timely scenario so as to not disrupt the learning environment. Any guest who fails to comply with student regulations will be asked to leave the school building and grounds immediately.

3.17 Working Papers

Students under the age of 18 who wish to obtain working papers can obtain an application and all necessary information from the Main Office or House Office. The employer must complete the form and the student must bring the form to the office of the school with an original/copy of the student's birth certificate.

SECTION 4 : ATTENDANCE

Attendance shall be required of all students enrolled in the District during the days and hours that school is in session.

4.1 Attendance Policy

If you are going to be absent from school, parents must call the school prior to school starting or

within 30 minutes after school starts. If a phone call is not received by 8:00 am, the school department will call the household, informing the parent of the student's absence. In order for absences to be considered excused, proper documentation must be provided.

Absences from school may be necessary at times. If a student is absent from school and a parent/guardian has not informed the school of the basis for the student's absence within three (3) calendar days of the absence, the parent/guardian will be contacted by the school.

The Principal or designee will notify a student's parents/guardians when the student has accumulated five (5) or more unexcused absences in the school year or has missed two (2) or more classes over five (5) cumulative school days in the school year due to unexcused tardies. Under such circumstances, the Principal may meet with the student and the student's parents/guardians to develop action steps to improve the student attendance. The parties may also seek input from other relevant school staff and/or officials from relevant public safety, health and human services, housing, and nonprofit agencies.

In the event that a student is absent without valid excuse in excess of ten (10) consecutive school days, the student will be subject to disenrollment from the District. Prior to a student's disenrollment, an Exit Interview Meeting will be conducted with the student and parents/guardians in accordance with the requirements of Massachusetts law. M.G.L. c. 76, § 18.

Students must be present for one-half of the school day (10:30 AM) to be eligible for any athletic or extra-curricular activities that day, or any activities over the weekend if he/she is absent on Friday. For purposes of attendance, students must be present for one-half of a class to be considered present, as determined by the faculty member.

4.2 Communicating Absences

Communicating absences to school should be done using the High School Attendance Office number: 978-528-8710. Parents should call the high school attendance line before 7:00 AM on the morning of the absence and state their name, the student's name, date of absence, and the reason for the absence. (The reason for the school absence is important in that certain absences are excused absences and allow a student to make-up work for credit.) Parents should contact the school within twenty-four hours of a student's absence if contact the morning of the absence is not possible. The telephone message will ensure that a student's absence is properly recorded. Absences due to illness, bereavement, family emergency, etc. shall be recorded as excused, and students may make up missed work. Absences without parental contact to the school shall be recorded as unexcused and may trigger administrative action. Notes or telephone calls after this date do not excuse absences.

4.3 Dismissals

To prevent interruption of classes and the disruption of learning, students are dismissed from school via parental notes and written passes. Dismissal notes should be submitted to the Main Office before the start of school. Notes must contain the reason for the dismissal and the expected time of return, if applicable. Students/parents must sign out in the Main Office. Parents are requested to plan all student dismissals in this manner; emergencies are an exception. A parent or

guardian must pick the student up at their Main Office. If a student drives to school and will be leaving by car, this information must be conveyed in the parental note, indicating that the parent gives the student permission to leave school grounds of his/her own accord. The student must check into the Main Office prior to leaving the school. Any deviation from the detailed procedure outlined above, can only be made in writing at the time of dismissal by the student's parent/guardian.

- All early dismissals shall be regarded as absences for each class that is missed. Students who are dismissed before 10:30 AM will be considered as absent for the day, and will be considered ineligible or unable to attend school sponsored events.
- All dismissals due to illness are to be arranged through the nurses' office. Students are not to call parents via their cell phones before seeing the nurse.

4.4 Tardiness

Consistent and prompt attendance is a lifelong skill attributed to dependability and valued by our society. It is also a skill expected by employers. You are expected to be on time to school each day and for each class. Students late to class may be assigned teacher-level disciplinary consequences with possible referral for further administrative action. Students who arrive at their first block class after the start of school—normally at the 7:25 bell—will be recorded as “tardy-unexcused” by their first block teacher. Tardiness to school may be excused in instances where the reason is in line with those identified as excused or exempt above—these students must first stop in the main office for a pass.

Attending school and arriving on time are important to your child's education as well as learning the skill of punctuality. To this end, disciplinary action will be taken should a student reach the below tardy benchmarks.

4 tardies	Office detention and letter home
7 tardies	Saturday detention and in-person family meeting
10 tardies	Loss of privileges (e.g. Junior/Senior, parking)/co-curricular activities for one week or Saturday detention (should student not be eligible for privileges or take part in co-curricular activities)
11+ tardies	Referral to Community Outreach Social Worker

If you are more than fifteen minutes late for a class, or are missing from class for more than fifteen minutes, you shall be considered by the teacher as absent from the class unless you have official school business with a teacher, counselor or Administrator substantiated with an official pass. Three incidents of tardiness to class shall be considered as one unexcused absence from the class.

4.5 Types of Absences

District policy recognizes two types of absences from school: excused and unexcused. The following are excused absences with documentation:

-
1. Illness or injury as documented in writing by a physician
 2. School sponsored or mandated absence
 3. Required court attendance
 4. Medical and dental appointments with appropriate documentation
 5. Death in the immediate family
 6. Observation or celebration of a religious holiday
 7. Planned college visits maximum 3 per year with documentation during junior or senior year

Post-secondary planning purposes (i.e., college visits and assessments, military recruitment interviews/assessments, etc.) are prime examples of excused absences. Verification through documentation is to be provided by the college or cooperating agency. Extended Learning Opportunities (ELO) in some cases will validate the exempt status for attendance purposes. Students are directed to the Assistant Principal for guidance regarding ELO matters pertaining to attendance.

Examples of unexcused absences:

1. Truancy
2. Tardy to class
3. Skipping class
4. Illness absence without documentation from a physician's office
5. Family vacations, trips, obligations, etc.

SECTION 5 : BEHAVIOR POLICIES

Students are expected to conduct themselves in a way that contributes to a productive learning climate. Individual rights are to be honored and protected in all instances; however, the rights of one individual shall not take precedence over those of another individual or of the group itself, and all students shall have equal rights and equal responsibilities in the classroom or at any school-sponsored activity.

Students who fail to abide by Billerica School District policies and procedures may be disciplined. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion. Students will be afforded all due process rights contained in M.G.L. c. 71, s. 37H, 37H1/2 and/or 37H3/4. Due process shall be afforded to any student involved in a proceeding that may result in suspension or expulsion. Pupils expelled under the provisions of the Gun-Free Schools Act of 1994 shall not be eligible to enroll in the District for the period of their expulsion.

Certain incidents are required to be reported to the Billerica Police Department based on the requirements of the Memorandum of Understanding. Examples of incidents that must be reported include: homicide, assault, possession of firearm or other dangerous weapon, arson, theft, possession/sale of drugs/alcohol, threatening, bullying and solicitation, dissemination, and possession of child pornography.

More information on the above may be found in BPS Policies JI, JIC

Students who do not abide by the expectations outlined below will experience administrative action that is intended to alter and/or dissuade similar behaviors. To this end, all available resources, including a series

of progressive administrative responses may be utilized, as outlined below in descriptive and matrix form. When not dictated specifically by Billerica School District policy, consequences or combinations thereof are assigned at the Administration's discretion. The absence of a particular infraction described in this handbook does not preclude the Administration from using professional judgment when matters develop that disrupt the educational process.

5.1 Administrative Response Matrix

Consequences for all infractions rest with the BMHS Administration. The matrix below is only a guideline of typical – not exclusive – responses to disciplinary referrals. Repeat offenders may incur additional penalties and/or other supports as a method to dissuade certain behaviors and/or enable accountability. School Administrators shall have the latitude to determine who is at fault and prescribe penalties accordingly.

Infraction	Conference / Warning	Teacher Detention	Office Detention	Saturday/ Suspension
Accessory to / Inciting a Physical Conflict				X
Building Security Violations				X
Bullying/ Hazing/ Harassment*				X
Cheating/Plagiarism	X	X		X
Class Cut(s)	X		X Up to 3 Days	X
Conduct Unbecoming	X	X	X	X
Cut Office Detention			X Up to 3 Days	X
Disruptive Behavior/ Removal from Class	X	X	X	X
Dress code	X			
Drugs/Alcohol/ Weapons*				X
Electronic Devices	X	X	X	X
Failure to Comply/Insubordination	X	X	X	X

Fighting/Assault*				X Up to 5 Days
Forgery		X		X
Gambling			X	X
Leaving Building Without Permission				X
Loitering in Halls/Common spaces/Unauthorized Areas	X		X	X
Misconduct on Bus			X	X
Pornography (Dissemination, Possession, Solicitation)*	X		X	X
Profanity/ Obscene gesture directed @ Staff		X		X
Profanity/ Obscene gestures	X	X	X	X
Smoking/Vaping				X
Tardiness	X	X	X	
Theft*				X
Threats*				X
Truancy				X
Unauthorized Video/Photography			X	X
Vandalism*				X

*Certain offenses require notification of the Billerica Police Department per the requirements of our Memorandum of Understanding.

5.2 Audio or Video Recording

The recording of either audio or video of another person, without their consent is a direct violation of Massachusetts State Law, the policies of the Billerica Public School system and BMHS. Massachusetts is a dual consent state requiring permission of both parties to mutually agree upon the use of their image or likeness. Violation of this policy will result in a minimum of a Saturday detention.

5.3 Billerica Memorial High School Anti-Bullying Policy

A safe learning environment is one in which every student develops emotionally, academically, and physically in a caring and supportive atmosphere free of intimidation and abuse. Bullying of any type has no place in a school setting. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process. The Billerica School Committee and all of the Billerica Public Schools shall not tolerate bullying.

We understand that members of certain student groups, such as students with disabilities, students with a different sexual orientation, and homeless students may be more vulnerable to becoming targets of bullying, harassment, or teasing. The school district will address the important task of creating a safe, supportive environment for vulnerable populations in the school community, and address the provision to all students of the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

The Billerica Public Schools will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will promptly investigate all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action with a purpose to ending such behavior and restoring the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Billerica Public Schools Bullying Prevention and Intervention Plan is a comprehensive approach to addressing bullying and cyberbullying. The school district is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. In consultation with these constituencies, we have established a plan aimed at preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principal is responsible for the implementation and oversight of the plan and may assign certain tasks in the implementation and oversight of such tasks as necessary and reasonable.

The intervention plan contains the required elements for bullying prevention and intervention as described in M.G.L. Ch. 71, Section 370, which include the following:

- Definitions of bullying, cyberbullying, and retaliation;
- Clear procedures for students, staff, parents, guardians, and others to report bullying or retaliation;
- A provision for the anonymous reporting of bullying;
- Clear procedures for promptly responding to and investigating reports of bullying or retaliation;
- The definition of a range of disciplinary actions that may be taken against an aggressor found to be in violation of the bullying policy (these disciplinary actions are intended to balance the need for accountability with the need to teach appropriate behavior);
- Procedures for restoring a sense of safety for a target;
- Strategies for protecting from bullying or retaliation a person who reports

bullying, provides information during an investigation of bullying, or witnesses or has reliable information about an act of bullying;

- Procedures consistent with state and federal law for promptly notifying the parents or guardians of a target and an aggressor, including action to prevent further acts of bullying or retaliation;
- Procedures for immediate notification by the principal to local law enforcement when criminal charges may be pursued against an aggressor;
- A provision that a student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action;
- A strategy for providing counseling or referral to appropriate services for perpetrators and targets and for appropriate family members of said students;
- A statement indicating that the plan will afford all students the same protection regardless of their status under the law. Adopted 11/22/2010

The following is a summary of the student-specific portions of the District's Bullying Prevention and Intervention Plan:

COMPLAINT PROCEDURES: Anyone who has been bullied, as defined above, may bring their complaint to the attention of any school employee or volunteer. Any student, or other person, who believes that the bullying of a student has occurred may inform any school employee or volunteer. Complaints may be made orally or in writing, including notification that is web-based or text-based. If a staff member or volunteer is informed, she/he is required to report the complaint to the Principal or designee. Then, either a Principal or designee will investigate the claims of bullying or cyberbullying. Every effort will be made to insure confidentiality in any investigation. Where appropriate, efforts will also be made to resolve the issue informally by mutual agreement before invoking the more formal procedures as set forth below. Any student involved in the process, whether as complainant or as the person charged (i.e., the alleged aggressor) may be accompanied by an advisor throughout the process.

Complaints of bullying or retaliation may be made anonymously; however no disciplinary action shall be taken against a student solely on the basis of an anonymous report.

False Accusations: Any student who knowingly makes a false accusation of bullying or retaliation will be subject to disciplinary action. Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, or other sanctions as determined by the school administration. An educational component will be part of the actions taken.

RESPONSE/INVESTIGATION OF REPORTS OF BULLYING

Complaints Made by Students Involving Harassment or Bullying

Upon receiving a complaint, the Principal or designee will confer with the complainant to gain an understanding and statement of the alleged facts. If the principal or designee determines that such facts, if true, would constitute bullying, as defined above, the principal or designee will take appropriate steps to fully investigate and/or resolve the complaint. If it is felt that no bullying has occurred, documentation to that effect will be written on the Bullying Incident Reporting Form as no further action needed or the claim was unfounded.

Informal Procedure

Following an initial investigation, it may be possible to resolve a complaint through a voluntary conversation between a complaining party and the alleged aggressor which would be facilitated by the principal or designee. If both the complaining party and the alleged aggressor feel that a resolution has been achieved, then the conversation may remain confidential and no further action need be taken. The results of an informal investigation shall be reported to the Principal. Consistent with state and federal law (FERPA), parents or guardians of the students involved will be notified of the incident and whether or not a resolution had been reached. If the complaining party, the alleged aggressor or the principal or designee chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, she/he may proceed to the formal procedure. The formal procedure is available for all complaints.

Formal Procedure

Step 1

The principal or designee shall fill out a Bullying Incident Complaint Form based on the written or verbal allegations of the complaining party. This Bullying Incident Complaint Form shall be kept in a centralized and secure location. The complaint form shall detail the facts and circumstances of the incident or pattern of behavior.

Parent Notification: If the school Principal or designee determines that bullying or retaliation has occurred, the school Principal or designee shall notify the parents or guardians of a perpetrator and notify the parents or guardians of the victim, and to the extent consistent with state and federal law, notify them of action taken to prevent any further act of bullying or

retaliation. All specific disciplinary actions will remain confidential in accordance with the law.

Step 2

The investigation may consist of personal interviews with the complaining party, the alleged aggressor and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether alleged conduct constitutes a violation of this policy, the principal or designee should consider the surrounding circumstances, any relevant documents or electronic communications, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between

the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, school officials may take immediate steps, at their discretion, to protect the complaining party, alleged aggressor, and/or witnesses pending completion of an investigation of alleged bullying and may make any suitable referrals for assistance to appropriate persons or agencies.

Safety: The Principal 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 Principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

The Principal 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.

The investigation will be completed within fifteen (15) school days, whenever practicable, from the complaint or report. The Principal or designee shall complete a report upon completion of the investigation. The report shall include a determination as to whether the allegations have been substantiated as factual and whether or not they appear to be violations of the Billerica Public Schools' policy. Summary of Action Steps:

- The report/complaint is received by the Principal or designee;
- A determination of jurisdiction is made (on campus, off campus, off campus but with an impact or an potential impact on campus);
- The reporter of the alleged bullying is interviewed by the Principal or designee
- If the reporter is someone other than the alleged victim, the alleged victim is interviewed;
- A determination is made regarding witnesses; those persons believed to be witnesses are interviewed;
- A determination is made regarding the information about the complaint which leads to the interview of the alleged aggressor;
- The plausibility and merit of the entire complaint is taken into consideration;
- Specific elements of the situation are determined; these elements may initiate disciplinary actions along with an educational component.

Step 3

Following the investigation, the Principal shall take what action if any, is required. As soon as practicable, but no later than 5 school days from receiving the findings of the investigation, the school shall take appropriate action in all cases where the principal or designee concludes that this policy has been violated. As stated earlier, students who engage in bullying will be subject to a range of action. Students and/or appropriate family members of the involved students may be recommended for counseling or referral to appropriate services including guidance, academic intervention and protection to students, both targets and perpetrators affected by bullying, as necessary.

Students may also be subject to discipline including, but not limited to reprimand, detention, suspension, expulsion or other sanctions as determined by the school administration. Action taken for violation of this policy shall be consistent with the requirements of state and federal law, including but not limited to the due process protections for students with disabilities.

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.

Step 4

The Principal or designee shall maintain the written report of the investigation and results in his/her office. The complaining party and the alleged aggressor shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a

violation of the policy, and whether disciplinary action was or will be taken within 5 school days following the completion of the investigation.

Appeals

If either the complaining party or the individual against whom the complaint was made is dissatisfied with the outcome of the investigation, that person may request, in writing, a reopening of the investigation. The written request shall state the reasons for requesting a reopening and shall be delivered to the Superintendent, at Billerica Public Schools, 365 Boston Rd. Billerica, MA 01821 (978) 528-7908 within seven school days of receiving the results of the investigation. The Superintendent shall decide whether or not to reopen the investigation and, within ten school days of receiving the request to reopen the investigation, shall provide written notification of the determination to reopen or not to reopen to the complaining party, and to the individual against whom the complaint was made. If the investigation is reopened, the Superintendent shall require the repetition, as appropriate, of steps 2, 3, and 4 of the formal procedure. The timeline prescribed by step 3 will apply to any reopening under the appeal process.

Problem Resolution System: Any parent wishing to file a claim/concern or seeking assistance outside of the district may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to compliance@doe.mass.edu or individuals can call 781-338-3700. Hard copies of this information are also available at the Superintendent's office.

Billerica Memorial High School Staff/Faculty

To reach a BMHS staff or faculty go to website:

<https://www.billericak12.com/schools/billerica-memorial-high-school>

Billerica Public Schools—Policies

To see all policies go to website:

<https://z2policy.ctrpublish.com/masc/browse/billericaset/welcome/root>

5.4 Billerica Memorial High School Anti-Harassment Policy

General Statement of Policy

Billerica Memorial High School is committed to providing all students with a safe and supportive school environment. Members of the school community are expected to treat each other with mutual respect and to accept the rich diversity which makes up the community. Disrespect among members of the school community is unacceptable behavior which threatens to disrupt the learning environment and decrease self-esteem.

Harassment is a form of unlawful discrimination and constitutes disrespectful behavior which will not be tolerated.

It is hereby the policy of Billerica Memorial High School to oppose and prohibit, without qualification, unlawful harassment based on race, color, religion, national origin, gender, sex sexual orientation, gender identity, pregnancy, pregnancy related conditions, pregnancy status, age homelessness, genetic information, ethnic background, ancestry, disability or any category protected under state or federal laws. .

Any unlawful harassment of a student by a member of the school community is a violation of this policy.

Billerica Memorial High School shall act to investigate all complaints of harassment, formal or informal, verbal or written, and to discipline or take other appropriate action against any member of the school community who is found to have violated this policy.

Definitions

School Community includes but is not limited to all students, school employees, contractors, unpaid volunteers and other visitors.

School Employee includes but is not limited to all teachers, support staff, administrators, bus drivers, custodians, cafeteria workers, coaches, School Committee members and agents of the school.

Unlawful Harassment means verbal or physical conduct based on a student's actual or perceived race, color, religion (creed), national origin, marital status, sex, sexual orientation, age or disability and which has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive environment.

Harassment can include but is not limited to any unwelcome verbal, written or physical conduct which offends, denigrates, or belittles any individual because of any of the characteristics described above. Such conduct includes, but is not limited to unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures. These apply to all of the characteristics listed above, several of which are described in more detail below.

Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- The conduct has the purpose or effect of substantially interfering with a student's educational performance or creating an intimidating, hostile or offensive educational environment.
- Submission to that conduct is made either explicitly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by a student is used as a component of the basis for decisions affecting that student.

This applies whether the harassment is between people of the same or different gender. Sexual harassment can include but is not limited to unwelcome verbal, written or physical conduct, directed at or related to a person's gender, such as sexual gossip or personal comments of a sexual nature, sexually suggestive or foul language, sexual jokes, whistling, spreading rumors or lies of a sexual nature about someone, demanding sexual favors, forcing sexual activity by threat of punishment or offer of educational reward, obscene graffiti, display or sending of pornographic pictures or objects, offensive touching, pinching, grabbing, kissing, hugging or restraining someone's movement in a sexual way.

Racial Harassment

Racial harassment can include but is not limited to unwelcome verbal, written or physical conduct, directed at the characteristics of a person's race, such as nicknames emphasizing stereotypes,

racial slurs, comments on manner of speaking, and negative references to racial customs.

Religious (Creed) Harassment

Harassment on the basis of religion or creed is unwelcome verbal, written or physical conduct directed at the characteristics of a person's religion or creed, such as derogatory comments regarding surnames, religious tradition, or religious clothing, or religious slurs, or graffiti.

National Origin Harassment

Harassment on the basis of national origin is unwelcome verbal, written or physical conduct directed at the characteristics of a person's national origin, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

Marital Status Harassment

Harassment on the basis of marital status is unwelcome verbal, written or physical conduct directed at the characteristics of a person's marital status, such as comments regarding pregnancy or being an unwed mother or father.

Sexual Orientation Harassment

Harassment on the basis of sexual orientation is unwelcome verbal, written or physical conduct directed at the characteristics of a person's sexual orientation, such as negative name calling and imitating mannerisms.

Disability Harassment

Disability harassment includes harassment based on a person's disabling mental or physical condition and includes any unwelcome verbal, written or physical conduct, directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.

Retaliation

It is a separate and distinct violation of this policy for any member of the school community to retaliate against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is not found to be a violation of this policy. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment, and may be redressed through application of the same reporting, investigation, and enforcement procedures as for harassment. In addition, a person who knowingly makes a false report may be subject to the same action that the high school may take against any other individual who violates this policy. The term "false report" refers only to those made in bad faith and does not include a complaint that could not be corroborated or which did not rise to the level of unlawful harassment.

Consequences

Any student or school employee that is found to have violated this policy may be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination or discharge.

PROCEDURES FOR IMPLEMENTATION OF THE ANTI-HARASSMENT POLICY

Reporting

Any student or other person who believes that unlawful harassment of a student has occurred may inform any school employee or one of the harassment complaint officials.

Any student who believes that s/he has been the target of unlawful harassment as defined in this

policy may bring their complaint to the attention of any school employee or the harassment complaint official. Any student who believes that any corrective action taken by a school employee was ineffective may bring their complaint to the attention of the harassment complaint official. The complaint may be made either orally or in writing. Harassment complaints may be filed with the Director of School Counseling (978-528-8760) and/or School Psychologist (978-528-8731).

Any school employee who observes, overhears or otherwise witness's harassment, which may be unlawful, or to whom such harassment is reported, must take prompt and appropriate action to stop the harassment and to prevent its recurrence. A written report of the incident and the action taken by the school employee in response to it must also be given to the appropriate harassment complaint official designated to oversee the handling of harassment complaints.

In the event that the school employee is unable to personally take prompt and appropriate action, the employee must report the incident or complaint in writing to the appropriate harassment complaint official (s) designated by this policy.

If one of the harassment complaint officials is the person alleged to be engaged in the harassment, the complaint shall be filed with one of the alternative officials or any other school employee the student chooses.

PROCESS

Informal Procedure

It may be possible to resolve a complaint through a voluntary conversation between the complaining party and the alleged harasser which is facilitated by a school employee or by a designated harassment complaint official. If the complaining party or alleged harasser is a student under the age of 18, the harassment complaint official should notify the student's parent(s)/guardian(s) if, after initial consultation with the student, it is determined to be in the best interests of the student. Both the complaining party and the alleged harasser may be accompanied by a person of their choice for support and guidance. If the complaining party and the alleged harasser feel that a resolution has been achieved, then the conversation may remain confidential and no further action needs to be taken. The results of an informal resolution shall be reported by the facilitator, in writing, to the school principal. If the complaining party, the alleged harasser, or the school employee/harassment complaint official, chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, s/he may proceed to the formal procedure. Any complaint against a school employee shall be handled through the formal procedure.

Formal Procedure

Step 1

The harassment complaint official shall fill out a harassment complaint form based on the written or verbal allegations of the complaining party. This complaint form shall be kept in a centralized and secure location.

- The complaint form shall detail the facts and circumstances of the incident or pattern of behavior.
- If a student under 18 years of age is involved, his/her parents shall be notified immediately unless, after consultation with the student, it is determined not to be in the best interests of the student.
- An investigation shall be completed by the harassment complaint official within 15 school days from the date of the complaint or report.

Step 2

The investigation may consist of personal interviews with the complaining party, the alleged harasser and any other individuals who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. In determining whether alleged conduct constitutes a violation of this policy, the harassment complaint official should consider the surrounding circumstances, any relevant documents, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, Billerica Memorial High School may take immediate steps, at its discretion, to protect the complaining party, alleged harasser, witnesses, and school employees pending completion of an investigation of alleged harassment and may make any appropriate referrals for assistance, including but not limited to counseling, rape crisis intervention, etc.

The investigation will be completed as soon as practicable, but no later than fifteen (15) school days from the complaint or report. The harassment complaint official shall make a written report to the school principal upon completion of the investigation. The report shall include a determination as to whether the allegations have been substantiated as factual and whether they appear to be a violation of this policy. If the school principal is the person alleged to be engaged in the harassment, the harassment complaint official shall make the written report to Mr. Timothy Piwowar, Superintendent of Schools, Billerica School System, 365 Boston Rd. Billerica, MA 01821 (978-528-7908).

Step 3

Following the investigation, the harassment complaint official shall recommend to the school principal or alternate what action, if any, is required. As soon as practicable, but no later than 5 school days from receiving the harassment complaint officer's recommendation, the high school shall take appropriate action in all cases where the harassment complaint official concludes that this policy has been violated. Any person who is determined to have violated this policy shall be subject to action, including but not limited to, warning, exclusion, suspension, expulsion, transfer, termination, discharge or any other remedial action, including but not limited to, training, education, or counseling. Action taken for violation of this policy shall be consistent with the requirements of any applicable collective bargaining agreement, or school district policy, state and federal law, including but not limited to the due process protections for students with disabilities.

Step 4

The principal or alternate shall maintain the written report of the investigation and results in his/her office. If the harassment complaint official concludes that the policy has been violated by a professional educator or administrator, a report of the findings shall be filed with the Licensing Office of the Massachusetts Department of Education.

The complaining party and the alleged harasser shall be informed of the results of the investigation, including whether the allegations were found to be factual, whether there was a violation of the policy, and whether disciplinary action was or will be taken within 10 school days.

Appeals

If either the complaining party or the individual against whom the complaint was made is dissatisfied with the decision of the harassment complaint official, that person may request, in writing, a reopening of the investigation. The written request shall state the reasons for requesting a

reopening and shall be delivered to the superintendent, Mr. Timothy Piwovar, Billerica School System, 365 Boston Rd. Billerica, MA 01821 (978- 528-7908) within seven business days of receiving the results of the investigation. The superintendent shall decide whether or not to reopen the investigation and, within ten business days of receiving the request to reopen the investigation, shall provide written notification of the determination to reopen or not to reopen to the complaining party, and to the individual against whom the complaint was made. If the investigation is reopened, the superintendent shall require the repetition, as appropriate, of steps 2, 3, and 4 of the formal procedure. The timeline prescribed by step 3 will apply to any reopening under the appeal process was made. If the investigation is reopened, the superintendent shall require the repetition, as appropriate, of steps 2, 3, and 4 of the formal procedure. The timeline prescribed by step 3 will apply to any reopening under the appeal process. If the superintendent investigated the initial complaint, or if the initial complaint was filed against the superintendent, a person other than the superintendent or the harassment complaint official will implement, as appropriate, steps 3 and 4 of the formal procedure.

Confidentiality

Billerica Memorial High School recognizes that both the complaining party and the alleged harasser have strong interests in maintaining the confidentiality of the allegation and related information. The privacy of the complaining party, the individual (s) against whom the complaint is filed, and the witnesses will be respected as much as possible, consistent with legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

Alternative Complaint Procedures

In addition to filing a harassment complaint through this policy, or in place of utilizing this policy, a person may choose to exercise other options, including but not limited to filing a complaint with outside agencies or filing a private lawsuit.

Outside Agencies

A charge of harassment may be filed with the United States Department of Education, which may be contacted as follows. It may be filed in place of filing a complaint under the school's procedures or in addition to filing a complaint under the school's procedures.

U.S. Department of Education
Office of Civil Rights
33 Arch St. Ninth Floor Boston, MA 02110
617-289-0111 fax 617-289-0150

Litigation

An alleged victim of harassment may file a lawsuit under a number of Federal or State statutes, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The alleged victim or his/her parent /guardian should consult with a private attorney about this option.

References:

Titles VI and VII of the Civil Rights Act of 1964
Title IX of the Education Amendments of 1972
Age Discrimination Act Of 1975
Section 504 of the Rehabilitation Act of 1973
Title II of the Americans with Disabilities Act of 1990

5.5 Building Security Violations

A building security violation is any action that puts the building occupants and the building at risk. This may include but is not limited to letting people in through unauthorized entrances, propping open doors, and admitting non-BMHS students into the building.

5.6 Cafeteria

The cafeteria should be a place where students may enjoy lunch and conversation with friends. The lunchroom management and your fellow students will appreciate your cooperation in:

- Depositing all lunch litter in waste receptacles.
- Leaving the tables clean.
- Keeping all food and beverages in the cafeteria.
- Recycling when possible.

Please be respectful of the cafeteria space and your peers. Students who cannot abide by such standards may have an alternative and supervised dining area arranged.

5.7 Cell Phone / Electronic Devices

Students may use cell phones in the hallways, at lunch and in the common spaces; however, these devices must be turned off during the academic class periods to ensure that disruption of the instructional and academic climate of the school does not occur. Classroom use of cell phones, iPods or other personal music players is at the sole discretion of the classroom teacher.

Parents are requested to refrain from calling or texting their students during the school day. If necessary, please contact your child during approved times for cell phone use. The Main Office is also available to deliver messages to students at opportune times during the school day (i.e., during passing times).

5.8 Co-Curricular Activity Participation During Suspension

Participation in co-curricular activities is a privilege; to this end, a student may not represent the school as a participant, member, player, assistant, guest, or spectator if s/he has not been in attendance for a half (10:30 a.m.) school day. A student not in good standing, either academically or socially, will not be permitted to participate in cocurricular activities until such good standing has been restored. In the case of a suspension from school or a suspension of privilege to participate, which is typically assigned due to an issue with a student's conduct, the Athletic Director or appropriate Curriculum Coordinator will also be notified.

Specific eligibility requirements for athletic participation is described in the Athlete/Parent

Handbook. Questions or concerns regarding eligibility should be directed to the Athletic Director. With regard to other co-curricular activities, including clubs, organizations, and theatrical practices and performances, the general principles and practices afforded to athletic participants will be used in determining eligibility. Questions or concerns regarding eligibility should be directed to the appropriate curriculum coordinator and/or Assistant Principal.

Students who are suspended are not eligible to participate in school related events from the time they are notified of the suspension through the last full day of the suspension, inclusive of weekends, holidays, etc. Additional delay may develop, and further preclude a student's participation, if a re-entry meeting with an administrator is required.

5.9 Corridor Conduct

Students are always expected to exercise care when traveling in the corridors. Corridors should be clear by the start of class. Students are considered late to class if they are still in the corridor at the start of class.

5.10 False Fire Alarms

Pulling a fire alarm without just cause is a most serious violation of school rules. State law states: Whoever, without reasonable cause, by outcry or the ringing of bells, or otherwise, makes or circulates or causes to be made or circulated a false alarm of fire shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in a jail or house of correction for not more than one year (Chap. 269 sec. 13). Students violating this state law will be suspended from school.

5.11 Fighting / Assault

Students and school personnel are entitled to a school environment free from threat and the physical aggression of others. Behaviors that violate this standard include, but are not limited to, incitement or instigation; physical abuse or uninvited personal physical contact, including sexual assault; threatening gestures, notes, comments, or electronic messages; fighting; extortion; and conduct which endangers oneself or others. Such behaviors are intolerable and incongruent with the BMHS Mission Statement and substantially disrupt the learning environment. Students involved or associated with such behaviors will be subject to administrative action including, but not limited to, suspension, police intervention, and possible criminal and civil charges. Any student who engages in a physical altercation towards another student is subject to suspension regardless of who initiates the altercation. Mitigating factors will be considered prior to implementation of consequences. Students will be afforded their due process rights pursuant to M.G.L. c. 71, s. 37H, 37H1/2 and/or 37H3/4.

Prevention of Physical Restraint and Requirements if Used

The Billerica Public Schools recognizes that on occasion physical restraint is required to protect the safety of school community members from serious, imminent physical harm. Physical restraint may be used only as an emergency procedure of last resort and shall be prohibited in public education programs except when a student's behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed inappropriate under the circumstances. Physical restraint shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

Physical restraint shall not be used: (a) as a means of discipline or punishment; (b) when the student cannot be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting; (c) as a response to property destruction, disruption of school order, a student's refusal to comply with a public education program rule or staff directive, or verbal threats when those actions do not constitute a threat of assault, or imminent, serious, physical harm; or (d) as a standard response for any individual student. No written individual behavior plan or individualized education program (IEP) may include use of physical restraint as a standard response to any behavior. Physical restraint is an emergency procedure of last resort. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

Nothing in the District's policy, or the applicable regulations, prohibits: (a) the right of any individual to report to appropriate authorities a crime committed by a student or other individual; (b) law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or (c) the exercise of an individual's responsibilities as a mandated reporter pursuant to MGL c. 119, § 51A.

The District complies with the requirements of Massachusetts regulations governing the use and reporting of physical restraint in school, 603 CMR 46.00.

5.12 Forgery

Forgery is a serious offense and is contrary to our mission statement. Consequences for students who forge documents and/or signatures will be assigned a Saturday detention.

5.13 Gambling

Gambling, related materials, acts of gaming or the enabling and/or promotion thereof, is not allowed on school property, or through the use of school resources – electronic or otherwise – regardless of age.

5.14 Hazing

Massachusetts General Laws- Chapter 269

C. 269, S.17, Crime of Hazing: Definition: Penalty

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

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such students 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. Added by St. 1985, c.536; amended by St. 1987, c.665.

C.269, S.18. Duty to Report Hazing

Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime, shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars. Added by St. 1985; amended by St. 1987, c.665

C.269, S.19. Hazing Statutes to Be Provided: Statement of Compliance and Discipline Policy Required

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 issues 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 each of its members, plebes, pledges or applicants for membership. It shall be the duty of each such group, team, or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, 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 or secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the state 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 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 in any such institution, which fails to make such report. Added by St. 1985, c.536; amended by St. 1987, c.665

5.15 Incendiary Devices

Matches, fireworks, and lighters are strictly prohibited from school property. These are unsafe and volatile items that present imminent risk of injury to members of the school community. Possession of such articles will result in administrative action deemed appropriate by the Administration.

5.16 Insubordination

In order to maintain an atmosphere of mutual trust and respect, students are expected to respond truthfully and promptly to directions or reasonable requests of staff members. Failure to do so is a serious violation of school regulations and will result in disciplinary action up to, and including suspension from school. Instances of lying or deliberate misrepresentation of the truth may also result in disciplinary action up to, and including, suspension from school.

5.17 Lavatory Conduct

Lavatories stalls and gender neutral bathrooms are for personal use only and not meant for multiple students. Please note that multiple students found to be present in a lavatory stall/gender neutral bathroom will be generally considered suspicious and subjected to searches, and will result in automatic disciplinary consequences regardless of the search results.

5.18 Leaving School Building or Grounds

Once students arrive on school property, they may not leave school property without a proper dismissal from a parent or guardian as processed through the Main Office. Specifically, students arriving at school before the beginning of school hours, by automobile, bus, or any other method may not leave school property. Once a student has arrived on campus, they are to remain on campus. Likewise, once a student is dismissed from campus, they are not to return to campus unless previously determined as part of the dismissal process; this would cause the student to sign-in with the Main Office.

A student who leaves the school building or campus without permission of the Administration is subject to search of their person, belongings, and/or vehicle. This serves the purpose of providing a safe learning environment. Students who are not able to comply with this issue of safety and liability may yield an administrative response of varying degrees as such scenarios may be both a non-compliance and a matter of unauthorized absence(s) from class.

5.19 Office Detention

After school office detention is 55 minutes in duration. Students are expected to arrive at the designated time and location, as assigned by the Assistant Principal. Students will be given a 24-hour notice to make appropriate arrangements. If possible, the student may serve the office detention prior to the scheduled date.

Students are required to make productive use of the time in Office Detention and should arrive prepared to do so. Students failing to serve office detentions may receive up to 3 additional Office Detentions. Those unable or unwilling to comply with the rules posted and/or directives of the staff member, should expect additional administrative action including, but not limited to, additional assignments to Office Detention, Saturday Detention, and/or loss of privileges.

5.20 Office Detention Rules

- Office Detention is held in Room B223.
- Students should be present and seated in the classroom by 2:10 p.m. You must be on time.
- Dismissal is at 3:05 p.m.
- Cell Phone use is strictly prohibited. Students arriving for detention will be required to leave their device with the staff at the beginning of the session.
- Students who refuse to turn over their device or are caught using it during detention will be required to leave and a Saturday Detention will be assigned.
- Cell Phones will be returned at the conclusion of detention. Students must pre-arrange their transportation home as cell phone use will not be allowed at any point during the detention.
- No food or drink allowed (with the exception of water).
- Students must bring work to do and be working throughout the detention period.
- No sleeping.
- Office detention is silent.
- Students do not go to lockers after detention; they exit the building with an escort. Please use the lavatories and lockers before detention begins - Do not ask to go during detention.

5.21 Passes

Students will not be allowed to leave any classroom or study period without an electronic pass or BMHS Hall pass from the teacher in charge. Students are to report as quickly as possible to the destination specified on the pass. Failure to adhere to these rules, altering, forgery or possession of passes, will result in the temporary or permanent loss of a privilege. Teachers and students have a mutual responsibility to make sure that students have a completed pass when leaving their classrooms.

Constant requests by the same student for a pass to the bathroom should be brought to the attention of the student's parent, advisor, or school nurse for consultation.

5.22 Profanity

The use of profane, obscene, or vulgar language, gestures, inferences, or innuendo is prohibited during school, at all school events, or on any of the school's property or buses. Profanity directed to, or at a staff member will result in a suspension from school. Behavior that may not be profane or obscene but is derogatory or disruptive in nature is not permitted. Depending upon circumstances presented to a teacher, staff, or administrator, administrative action to discourage repeat behavior will be assigned

5.23 Refusal to Searches

A search of the student's person, bag, computer, locker, and/or vehicle may be deemed necessary if the student's conduct is determined to be reasonably suspicious. For safety purposes, the Billerica Police Department will be notified should a student refuse to be searched.

5.24 Saturday Detention

This administrative assignment is four (4) hours in duration; typically scheduled from 8:00 am until 12:00 pm. Students will be given a 24-hour notice to make appropriate arrangements. Students are expected to arrive at the designated time and location, and be prepared to accomplish academic assignments. Students either unwilling or unable to comply with the rules or directives of the proctoring staff should expect additional administrative action including, but not limited to, additional Saturday Detention, suspension and/or loss of privileges.

5.25 Saturday Detention Guidelines

Saturday detention at BMHS is held from 8:00 a.m. to 12:00 p.m. on Saturday in room B223. This consequence is issued to students who have violated one or more of the BMHS Student Handbook rules and is specifically given in lieu of suspension. Therefore, if a student fails to appear for a scheduled Saturday Detention, the student will be subject to further discipline, including potential suspension on the following Monday. If a student refuses to comply with the rules set forth below, he or she will be asked to leave the detention and will also be suspended the following Monday or regularly scheduled school day.

1. Students will report promptly at 8 a.m. If a student arrives between 8:00 a.m. and 8:15 a.m., one additional office detention will be issued. If a student arrives after 8:15 a.m., admittance will not be granted. Requests to leave early will be denied.
2. Cell Phone use is strictly prohibited. Students arriving for detention will be required to leave their device with the staff at the beginning of the session. Students who refuse to turn over their device or are caught using it during detention will be asked to leave. Cell Phones will be returned at the conclusion of detention (12:00 p.m.). Students must pre-arrange their transportation home as cell phone use will not be allowed at any point during the four hour duration.
3. School Issued Computer Use:
 - a) Students may access websites only for the specific purpose of assisting with academic work related to a scheduled course. Computer usage cannot be for playing video games, social media, listening to music, watching videos/movies, or any other entertainment purpose. Violations will result in loss of computer use and possible removal from Saturday detention.
4. Seating is to be determined by staff and not student choice.
5. Detention time is to be quiet; conversations between students are not permitted.
6. No hats or hoods are to be worn while in the building.
7. Sleeping is prohibited.
8. One food break will take place. Food and drink are permitted only during time designated by the detention staff. Food is not provided by the school although it may be brought from home. No food deliveries will be allowed, whether ordered or brought by someone else.
9. A brief second break will be given for the purpose of using the lavatories. Students will be escorted to the bathrooms at all times.
10. The rules listed here are not meant to be exhaustive; all rules and regulations of the BMHS Student Handbook apply throughout the detention period as they would during a normal academic day.

5.26 Smoking / Vaping

Source: BPS Policy JICH

According to MGL Ch71 Section 2A and the Billerica Board of Health Regulations BHR Ch. 4.2.001(6)(8) it is illegal to smoke in school buildings, on school buses and on school grounds.

BMHS prohibits smoking and use of any smokeless tobacco products at all times in the school building, on school buses and on school grounds, and at all school activities. This shall include—but is not limited to—electronic smoking devices, misting devices, and inhalers.

5.27 Solicitation, Dissemination, and Possession of Child Pornography

Solicitation, dissemination, and possession of child pornography are not permitted.

Offenders can be prosecuted under state child pornography laws in addition to, or instead of, federal law. Under federal law, images of child pornography are not protected under First Amendment rights, and are illegal contraband. [Section 2256 of Title 18, United States Code](#), defines child pornography as any visual depiction of sexually explicit conduct involving a minor (someone under 18 years of age). Visual depictions include photographs, videos, digital or computer generated images indistinguishable from an actual minor, and images created, adapted, or modified, but appear to depict an identifiable, actual minor. Undeveloped film, undeveloped videotape, and electronically stored data that can be converted into a visual image of child pornography are also deemed illegal visual depictions under federal law.

- Solicitation is defined as the act of asking for or trying to obtain something from someone.
- Possession is defined as the state of having, owning, or controlling something.
- Dissemination is defined as "to import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display," per [MGL c272, s31](#).

Students suspected to be soliciting, in possession of, or disseminating child pornography (i.e. photos, videos, screenshots containing nudity of a minor) will be reported to the Billerica Police Department and parents/guardians will be contacted to come to the school immediately. As mandated reporters, school staff are required to file a 51A per [MGL c272, s29B](#); Dissemination of visual material of a child in a state of nudity or sexual conduct and [MGL c272, s29C](#); Knowing purchase or possession of visual material of child depicted in sexual conduct.

5.28 Suspension

An administrator may issue a short term suspension for a period of up to ten (10) school days or a long term suspension longer than ten (10) school days, or expulsion pursuant to M.G.L. c. 71, s. 27H, 37H1/2 and/or 37H3/4.. Prior to any decision or disciplinary action, due process will apply and take the form of the following: an opportunity for the student to present his or her interpretation of the incident/situation to an administrator; every effort will be made to contact and inform the parent/guardian; and students and their parents/guardians will be notified of the reason for suspension, duration, and any associated plan for re-entry, if applicable.

While suspensions are administrative actions, students will be responsible for class work missed during suspension (s) and can communicate with teachers and access online material. Moreover, suspensions temporarily preclude a student from access to their normal academic, co-curricular, and social privileges. To this end, a suspended student is not permitted to attend any activities and events associated with such privileges, including academics and Billerica Memorial High School sponsored or associated events (i.e., athletics, performances, dances) either on or off-campus, even as a spectator. In circumstances where a student may have procured access, acquired tickets, obtained authorization, or otherwise incurred either nominal or considerable expense in the process, such scenarios may result in a financial loss to the student and/or parent/guardian. To this

end, the school and district are not responsible for financial loss due to its administrative procedures and protocols.

BILLERICA PUBLIC SCHOOLS - SCHOOL-WIDE EDUCATION SERVICE PLAN

This Plan will be shared with the parent and student at the suspension hearing or via email.

I. Students suspended for ten (10) consecutive school days or less:

A student suspended for 10 consecutive days or less, even if resulting in more than ten days of suspension cumulatively in the school year, will 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 their removal from the classroom or school. Suspended students will be assigned a school-based liaison who will provide the suspended student with a list of assignments to be completed by the student during the period of disciplinary removal. Upon their return from the suspension to school, students will have a time period equal to the number of days suspended to complete all assignments and assessments (for full credit) that were missed during the suspension.

II. Students suspended for more than ten (10) consecutive school days:

Any student who is expelled or suspended from school for more than ten consecutive days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements. The choice of one of the following services is available to students suspended or expelled for more than ten (10) consecutive school days to facilitate their continued academic progress during the period of suspension or expulsion:

Individual/Small Group Tutorial Services:

The suspended student will be assigned to an individual or small group tutorial session to be remotely or in-person, in the discretion of the Billerica Public Schools; or

Virtual Learning Services

The suspended student will be enrolled in Edmentum, which provides online educational solutions designed to support individual student learning needs. Students enrolled in Edmentum courses benefit from comprehensive online coursework taught by Massachusetts certified teachers who fully implement required accommodations for students with special education services or 504 plans. The platform delivers personalized learning experiences tailored to individual student needs through an accessible digital curriculum that meets state educational standards.

Should a student require an Educational Service Plan, it will be housed in the student's cumulative record.

In order to access these services, please find below the contact information for school personnel who will be able to provide you more information about accessing such services. This individual is also responsible for ensuring implementation of tutorial services or verifying enrollment in virtual learning services.

Ms. Melinda Cripps,
Director of School Counseling, K-12
Billerica Public Schools
mcripps@billericak12.com
978-528-7925

Period of Expulsion or Suspension:

From: _____ To: _____

Student Signature: _____ Date: _____

Parent Signature: _____ Date: _____

*The District-wide Educational Service Plan is located in Billerica Public Schools' handbooks. Should a student require an Educational Service Plan, it will be housed in the student's cumulative record.

In-School Suspension, M.G.L. c. 71, § 37H ³/₄ Only

Due Process for In-School Suspension, M.G.L. c. 71, § 37H ³/₄:

The principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

(1) The principal may impose an in-school suspension for a disciplinary offense under 603 CMR 53.10, provided that the principal follows the process set forth below and the student has the opportunity to make academic progress.

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

(3) On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The principal shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the principal is unable to reach the parent after making and documenting at least two attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

(4) The principal shall 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 in paragraph e, if such meeting has not already occurred. The principal shall 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 other method of delivery agreed to by the principal and the parent.

(5) For in-school suspensions that are 10 days or less either consecutively or cumulatively in a school year, the principal's decision is final and there is no opportunity to appeal.

5.29 Teacher Detention

Source: BPS Policy JK

Teachers may require that a student serve time after school as a result of disciplinary infractions, repeated tardiness to class, or repeatedly failing to complete homework. The length of the session will be determined by the teacher. Students are given at least twenty-four hours' notice of an after school session. If mutually agreeable, the student may serve the teacher detention prior to the scheduled date. Should a student fail to report for the teacher session, after prior notice has been given, the teacher will notify the administration for appropriate action that may involve additional consequences.

5.30 Theft

In instances of theft, disciplinary action, restitution, and a conference with the student, parent/guardian, school counselor, and administration will be required and a referral to law enforcement may be made. Billerica Memorial High School and the District are not responsible for personal losses, such as thefts and damages in school, on school grounds, or during school-sponsored activities either on or off-campus. Students are strongly encouraged to secure and lock personal belongings and valuables. Whenever possible, such items of value should remain at the student's home.

5.31 Threats

Any student who, in person or through the use of mail, telephone, internet, written note, posting or other instrument, willfully makes any threat or conveys false information, knowing the information to be false, concerning an attempt or alleged attempt being made, or to be made, to kill, injure, harass, malign, or intimidate any individual while at school or school events or in-route to school or school events while traveling on a school bus, or; unlawfully damage or destroy a building, vehicle, or other real or personal property owned, leased, or occupied by the school by means of a weapon, fire or explosive or other device or method shall be considered to have threatened the safety of the school community and is therefore in violation. Said individual(s) shall be addressed by the Administration inclusive of a report to the Principal, who will decide if an expulsion hearing is warranted. Appropriate law enforcement agencies may also be notified.

In circumstances where words or deeds, inferences or ideations, indicate, allude, or threaten harm to self or others, the Principal or designee may determine those responsible for such actions remain out of school pending an assessment to determine whether the individual(s) poses imminent risk to self or others. Such assessments will be conducted by a licensed clinical professional outside of the school system.

5.32 Trespassing

In instances when a person has been notified that he or she is not permitted on school property, then continued entry shall constitute trespass into a public school and law enforcement officials will be notified. A no trespass order may be issued by the school district.

5.33 Vandalism

Vandalism is the willful marring, defacing, or destruction of property. Defacing or otherwise damaging school property or personal property of members of the school community will result in administrative action deemed appropriate by the Administration. Criminal and/or civil liabilities may apply to which the Administration may defer to the proper agency for restitution.

Textbooks and Chromebooks are furnished free of charge for student use. Students are responsible for returning the textbook/chromebook to the school in the same condition in which it was issued, less normal "wear and tear". Students who do not return books or materials, or who return books and materials that are damaged shall be required to pay for the cost of the books or materials. Students are expected to properly and safely lock all valuables in a Billerica Memorial High School locker, to include both personal and school property.

SECTION 6 : STUDENT ACHIEVEMENT AND RECOGNITION

6.1 BMHS Pride Award

This award is bestowed to deserving students at the conclusion of each school year. The students are identified by their teachers for their consistent support of the school's mission and beliefs exemplified by the characteristics outlined by the Student of the Term award.

6.2 Honor Roll

High Honors

Grades 9-12 students earning the distinction of High Honors will have a GPA of 3.75 or above and must be enrolled in a minimum of 6 courses at Billerica Memorial High School, not receive a grade below a C, nor receive an Incomplete (I) in any course.

Grade 8 students must maintain a 90% average or above in all subjects listed on the report card, this shall include core courses and elective classes.

Honors

Grades 9-12 students earning the distinction of Honors will have a GPA 3.20 – 3.74 and must be enrolled in a minimum of 6 courses at Billerica Memorial High School, not receive a grade below a C, nor receive an Incomplete (I) in any course.

Grade 8 students must maintain a 80% average or above in all subjects listed on the report card, this shall include core courses and elective classes.

6.3 Honor Societies

National Honor Society

The National Honor Society is an organization whose purpose is "to create enthusiasm for scholarship, stimulate a desire to render service, to promote leadership, and to develop character in secondary level students." (NHS Const.) NHS membership is an honor bestowed by a faculty council and is based on established criteria in scholarship, character, leadership, and service. Students should confer with their Advisor, School Counselor, or National Honor Society Advisor regarding application procedures.

Subject Area Honor Societies

Some subject areas have established national honor societies. These include Tri-M, the national Music Honor Society, Mu Alpha Theta, the Math Honor Society, Spanish, French, and Italian National Honor Societies. Students eligible for membership in these societies will be notified by the advisors or membership of their eligibility, and given the opportunity to apply. Membership decisions will be made based on the criteria as determined by each individual honor society. Students should confer with their Advisor, School Counselor or the society's advisor for more information and application procedures.

6.4 Student of the Term

Student of the Term (SOTT) is based on a student's outstanding performance in any of the following criteria:

Honorable: They acknowledge everyone's ideas, opinions, and beliefs, they model positive behavior, and help to create a positive environment in their classrooms. Finds ways to include classmates and fellow students to feel welcomed and sets a positive example for others.

Responsible: Adhere to the rules of their classroom and the school. Cleans up after themselves in the classroom, and common areas, including the cafeteria. Communicates with staff proactively to share concerns and possible solutions.

Respectful: Acknowledge everyone's ideas, opinions, and beliefs. Models positive behavior. Uses appropriate school language, holds doors open for others, and has earned a 4 on their Respect portion of PRIDE points for the term.

6.5 The Zadok Howe Award

The Zadok Howe Award at Billerica Memorial High School is the highest award bestowed upon members of the graduating class. At the conclusion of each school year the faculty recognizes 2 Senior students that have contributed at the highest level in promoting the school's mission and beliefs.

SECTION 7 : CO-CURRICULAR OPPORTUNITIES

Billerica Memorial High School provides a wide variety of stimulating and worthwhile extra-curricular activities. These activities offer you opportunities to share interests with others, to acquire broader knowledge, to develop personal talents, to work cooperatively with others, to enrich the high school experience for you and for others, to find challenge and fulfillment, and to better prepare you for success after graduation. You are encouraged to take an active part in such activities. Pay close attention to announcements regarding available activities and their organizational plans. Please see the BMHS Club Catalog 2024-2025 for all offerings and contacts.

7.1 Athletics - Attendance

Billerica Memorial High School students are reminded at the beginning of each year of several requirements for good school and team citizenship. They are as follows:

- Come to school every day
- Be on time for school and class
- Do your homework
- Attend all classes
- Seek academic assistance when necessary

Students are expected to attend all scheduled periods during the school day in order to practice or play. Students must be in attendance prior to 10:30 am and may not be dismissed in advance of this time, in order to be eligible to participate in any athletic event of the day. Under extenuating circumstances, student-athletes may receive permission from the Athletic Director or Principal to participate.

Participation in co-curricular activities is a privilege; to this end, a student may not represent the school as a participant, member, player, assistant, guest, or spectator if s/he has not been in attendance for a half (10:30 a.m.) school day.

7.2 Athletic and Co-Curricular Eligibility

All incoming 8th grade students are automatically eligible for all co-curricular activities, including athletics. Incoming freshmen must have passed English, Math, Science, and Social Studies during their 8th grade year. All students must be passing a minimum of 6 courses at the end of each marking quarter, also known as term grades. This applies to terms 1, 2, and 3. Fall participation in all co-curriculars, including athletics, is based upon earning 6 credits at the end of the current year

(final grade).

7.3 Athletic Fees

The student-athlete is obligated to pay a \$200.00 athletic fee. There is a maximum of \$800.00 per family for each school year. A waiver can be permitted for financial hardship if the student-athlete qualifies for free/reduced lunch. All fees are paid via Community Pass.

7.4 Athletics - Physical on File

To enroll on a team, a hard copy of the student's current physical must be submitted to the Athletic Trainer before the registration deadline for the season. Any student-athlete whose physical expires during the season will not be allowed to participate until a new physical is on file with the Athletic Trainer. Per the Commonwealth of Massachusetts law, physicals are valid for 13 months from the date of exam.

7.5 Athletic Program Offerings

27 Sports and 62 Teams

<u>FALL</u>	<u>Varsity</u>	<u>JV</u>	<u>Freshman</u>
Football	x	x	x
Boys Cross Country	x	x	
Girls Cross Country	x	x	
Boys Soccer	x	x	x
Girls Soccer	x	x	x
Girls Volleyball	x	x	x
Swimming and Diving	x	x	
Cheerleading	x	x	
Golf	x	x	
<u>WINTER</u>			
Boys Basketball	x	x	x
Girls Basketball	x	x	x
Boys Indoor Track	x	x	
Girls Indoor Track	x	x	
Cheerleading	x	x	
Gymnastics	x	x	
Wrestling	x	x	
Boys Hockey	x	x	
Girls Hockey	x		
<u>SPRING</u>			
Softball	x	x	x
Baseball	x	x	x

Girls Lacrosse	x	x	
Boys Lacrosse	x	x	x
Girls Outdoor Track	x	x	
Boys Outdoor Track	x	x	
Boys Volleyball	x	x	
Boys Tennis	x	x	
Girls Tennis	x	x	

7.6 Clubs

Please See BMHS Clubs Catalog

7.7 Fitness Center

The Billerica Memorial Fitness Center is available to all students whenever it is supervised by a staff member. There is supervision for most of the year.

7.8 MIAA Health Rule Regarding Alcohol, Tobacco, and Drugs

From the earliest fall practice date, to the conclusion of the academic year or final athletic event (whichever is latest), a student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol; any tobacco product (including e-cigarettes, vape pens and all similar devices); marijuana (including synthetic); steroids; drug paraphernalia; or any controlled substance. This policy includes products such as "NA or near beer," inhalants (defined as any substance that produces a mind-altering effect when inhaled), and misuse of over-the-counter medications and substances used for the purposes of altering one's mental state. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the student's own use by their doctor. This MIAA statewide minimum standard is not intended to render "guilt by association", e.g. many student-athletes might be present at a party where only a few violate this standard. This rule represents only a minimum standard upon which schools may develop more stringent requirements.

If a student in violation of this rule is unable to participate in interscholastic sports due to injury or academics, the penalty will not take effect until that student is able to participate again.

The Minimum Penalties

First violation: When the Principal confirms, following an opportunity for the student to be heard, that a violation occurred, the student shall lose eligibility for the next consecutive interscholastic contests (regular season and tournament) totaling 25% of all interscholastic contests in that sport. No exception is permitted for a student who becomes a participant in a treatment program. It is recommended that the student be allowed to remain at practice for the purpose of rehabilitation. During the suspension the disqualified student may not be in uniform and attendance at the competition site is determined by the high school principal. All decimal part of an event will be

truncated i.e. All fractional parts of an event will be dropped when calculating the 25% of the season.

Second and subsequent violations: When the Principal confirms, following an opportunity for the student to be heard, that a violation occurred, the student shall lose eligibility for the next consecutive interscholastic contests (regular season and tournament) totaling 60% of all interscholastic contests in that sport. All decimal part of an event will be truncated i.e. All fractional parts of an event will be dropped when calculating the 60% of the season.

Penalties shall be cumulative each academic year, but serving the penalty could carry over for one year. Or, if the penalty period is not completed during the season of violation, the penalty shall carry over to the student's next season of actual participation, which may affect the eligibility status of the student during the next academic year (e.g. A student plays only football: he violates the rule in winter and/or the spring of the same academic year: he would serve the penalty [ies] during the fall season of the next academic year).

If a student is not an athletic participant for one full year after affirmation of a violation, then the penalty period would close and the student would face no consequence.

Prior to any chemical health violation a student's request for and enrollment in a substance abuse treatment shall not in and of itself constitute a violation of the chemical health/alcohol/drugs/tobacco Rule 62.

1st Offense - 25% of Events

2nd Offense - 60% (and every subsequent offense)

2nd Offense w/Dependency Program - 40% if in the program throughout the penalty period.

After a second offense

If after the second or subsequent violations the student of own volition becomes a participant in an approved chemical dependency program or treatment program, the student may be certified for reinstatement in MIAA activities after a minimum of 40% of events provided the student was fully engaged in the program throughout that penalty period. The high school principal in collaboration with a Chemical Dependency Program or Treatment Program must certify that the student is attending or issue a certificate of completion. If a student does not complete the program, the penalty reverts back to 60% of the season. All decimal part of an event will be truncated i.e. All fractional parts of an event will be dropped when calculating the 40% of the season.

7.9 School Discipline Obligations

Student athletes at Billerica Memorial High School are representing themselves, their family, team, school, and community at all times. Therefore, athletes will be held accountable for their actions on and off the field of play.

A student athlete with a school disciplinary obligation must fulfill the disciplinary obligation before reporting to a practice and/or game. Student-athletes cannot expect, and should not request

disciplinary action to be postponed or canceled for any athletic reason. The athletic department reserves the right to remove a student athlete from a team for excessive disciplinary problems. The student-athlete may be reinstated upon sufficient evidence of improvement.

7.10 School/Family Vacations and Extended Absences

Every team member is expected to be present for all team practices and games. Because of scheduling parameters, many of our teams practice and/or play during scheduled vacations. Students who plan to be absent for an extended period of time due to vacation or planned extended absence should discuss this situation with the coach prior to trying out for the team. The coach's discretion will be used in determining the consequences for such extended absences.

7.11 Security of Personal Belongings

All personal belongings should be locked in a locker while the student athlete is trying out, practicing, or competing. All students should have a lock for the athletic lockers and never leave their locker unlocked or open while in the shower. In the event a student athlete does not have a lock he/she should leave his/her valuables with the coach. Students should purchase their own lock.

7.12 Student Government

The student council shall provide structure for student organization and input into school matters. It shall meet regularly to organize its own activities and to communicate with the administration and faculty of Billerica Memorial High School.

The general responsibilities and duties of all BMHS Student Government Members are to:

- Act as a liaison between the student body and the faculty and administration.
- Seek better understanding of student ideas.
- Act as official representatives of the school for public functions and programs.
- Be responsible for special projects and programs for the school.
- Maintain positive relationships with class members and report progress to the student body.
- Be responsible for evaluating school programs and progress.

The Student Council will consist of five (5) elected officers per class:

- Class President
- Vice President
- Secretary
- Treasurer
- Social Media Coordinator
- A faculty advisor (appointed by administration)

SECTION 8 : HEALTH AND SCHOOL SAFETY

8.1 Administering Medication

Source: BPS Policy

JLCD

All medication brought to school by a student must be secured with the school nurses. Students in possession of medication, including medications that are properly prescribed by the student's physician, will be subject to disciplinary action. Students may carry inhalers and EpiPens for emergency use with proper documentation from a healthcare provider, provided the school nurse has knowledge of these devices. No internal medication may be dispensed or administered to any child or member of the school staff except by the school nurses. Parents are requested to contact the school nurses to communicate any medical information necessary to ensure the wellbeing of their child.

8.2 Breathalyzer Policy

Source: BPS Policy

JICHA

Use of Alcohol Detection Devices

A. Introduction

Billerica Memorial High School is committed to promoting an environment that is safe, supports a substance-free environment and focuses on healthy behaviors, during all school sponsored activities/events on and off school grounds. This policy will be adopted for the students at Billerica Memorial High School, and for their guests who attend the school-sponsored event (s).

1. No alcoholic or intoxicating beverages of any kind are permitted in the building or at any activity/event authorized by Billerica Memorial High School at any time.
2. The possession or consumption of alcoholic or intoxicating beverages is strictly prohibited.

In order to promote a safe environment for our students and their guests at school-sponsored activities/events, the school administration will be authorized to employ the use of alcohol detection devices. Administrators will be trained in the use of these devices. The school administration maintains the discretion to use or not use the Breathalyzer as its sole determining factor when assessing whether a student has consumed alcohol.

B. Prior Notification

It is the responsibility of the school administration to provide prior notice of the use of alcohol detection devices to the attendees of these school sponsored activities/events. The means of notification may include, but is not limited to, notification in the student/parent-guardian handbook, through school assemblies, on event-specific advertisements and/or tickets, and on guest permission forms. The school administration maintains the discretion to use or not to use the Breathalyzer test even when prior notice has been made.

C. Refusal to Submit to a Breathalyzer Test

Students and/or their guest(s) who refuse to submit to the alcohol detection test at events, where prior notice has been given, will not be permitted to attend the authorized activity. Parents will be notified and students may be subject to the consequences consistent with the Billerica Memorial High School Code of Conduct set forth in the Student Handbook.

D. Applying the Breathalyzer

A passive Breathalyzer test will be administered to students. If a student tests positive, an opportunity for a second test will be given. The second test will be administered after a minimum of two minutes has elapsed. The administration of Billerica Memorial High School is not held to a criminal standard of proof and therefore; the results of the Breathalyzer are final and are not subject to further review. A second positive test will result in following the procedures outlined below.

E. Students Testing Positive

Students who test positive for consumption of alcoholic and/or intoxicating beverages will be subject to disciplinary action consistent with the Billerica Memorial High School Code of Conduct. Administrators will seek the assistance of the police if necessary, and release the students to parents or police.

F. Breathalyzers during the School Day

A school administrator may ask that a student submit to a Breathalyzer test during the school day if, after careful evaluation, there is a reasonable belief that a student may be under the influence of alcohol while in attendance at school.

G. Equipment

The Breathalyzer will be maintained according to the manufacturer's specifications.

8.3 Elevator Access and Usage

The Billerica High School elevator is reserved for the use of students who have the approval of a school nurse or an administrator. Elevator use under such circumstances is limited to the approved student and one other individual who carries books and belongings of the approved student. Students found using the elevator without permission will be subject to a Saturday detention.

Students using slings, casts, and/or crutches must report to the Nurse's Office with written documentation from the physician and parent/guardian in order for arrangements to be made for elevator use (as needed).

8.4 Emergency Evacuations and Drills

Fire drills at regular intervals are required by law and are an important safety precaution. It is essential that when the first signal is given, everyone follows all instructions as quickly as possible. The teacher in your classroom will give you instructions and show you the evacuation

route.

Lockdown drills will be conducted periodically during the school year. Similarly, as in the case of fire drills, upon the designated signal, students are to follow the established protocol for lockdowns. The teacher in your classroom will inform/remind you of the protocol.

8.5 Food Allergens

The following guidelines are designed to reduce the risk of exposure to potentially life-threatening food allergens for our growing number of students with severe allergies. It is our goal to provide a school setting that minimizes the risk of accidental exposure, while maintaining a safe, positive educational environment for all students. For more information, including a list of resources for parents and students, see BPS Policy JLCA-R.

What is Food Allergy?

Food allergies affect 8% of children under age three, 6%-8% of school-age children and 2.5% of adults. Eight foods (peanut, tree nut, milk, egg, soy, wheat, fish and shellfish) account for 90% of total food allergies, although any food has the potential to cause an allergic reaction. Those affected may be allergic to more than one food. Peanuts and tree nuts account for 92% of severe and fatal reactions, and along with fish and shellfish, are often considered to be lifelong allergies. Food Allergy prevalence has increased 55% in the last five years. 40%-50% of those diagnosed with food allergies are judged to have a high risk of anaphylaxis (a life-threatening reaction). Every food allergy reaction has the possibility of developing into a life-threatening and potentially fatal anaphylactic reaction. This can occur within minutes of exposure to an allergen. Reactions can occur simply by touching or inhaling an allergen. In some cases, consumption of as little as one five-thousandth of a teaspoon of an allergenic food can cause death¹.

Impact on the School

Every school should expect, at some point, to have students with food allergies. Schools must be prepared to deal with food allergies, and the potential for anaphylaxis. Accidental ingestion of the offending allergen occurs most often at school. As many as one in five children with food allergies will have a reaction in school. The student with an undiagnosed food allergy may experience their first allergy reaction while at school. When a physician assesses that a child's food allergy will result in anaphylaxis, the child's condition meets the definition of "disability" and is covered under the Federal Americans with Disability Act (ADA), Section 504 of the Rehabilitation Act of 1973, and may be covered under Individuals with Disabilities Education Act (IDEA) if the allergy management affects the student's ability to make educational progress. Adequate plans and staff who are knowledgeable regarding preventive measures, and well-prepared to handle severe allergic reactions, can save the life of a child. Notify the school of a child's allergies. Provide updates as necessary. Help to establish a core team of, but not limited to, physician, principal, school nurse, teacher, school counselor and food service manager to develop and implement a plan that addresses the child's needs, including the school bus, classroom, cafeteria, assemblies, etc. A detailed Food Allergy Action Plan shall also be included. Provide written medical documentation, instructions, and prescribed medications, using the Food Allergy Action Plan as a guide. Photos of the child must also be included. Provide a child with a medic-alert bracelet identifying the life-threatening allergy. Bracelets should be worn at all times while at school. Replace expired

and/ or used medications as per Food Allergy Action Plan. Educate the child in the self-management of their food allergy including: safe and unsafe foods, strategies for avoiding exposure to unsafe foods, symptoms of allergic reactions, how to communicate an allergy-related problem, how to read food labels (age appropriate). Children should not accept food from other students. Review guidelines/ procedures with core team members as soon as possible following a reaction.

Student's Responsibility

Take a proactive role in the care and management of your food allergies (age appropriate). Do not accept food items from or trade food items with other students. Avoid food items with unknown ingredients or known allergens. Immediately notify any teacher, administrator, assistant, or school nurse of possible exposure to food allergen. Wear a medic-alert bracelet at all times.

School's Responsibility

Keep informed of and follow all applicable federal laws including ADA, IDEA, Section 504 and FERPA, as well as all state laws and district policies/ guidelines that may apply. Include food-allergic students in school activities. Students shall not be excluded from school activities solely based on their food allergies. Inform and update all families registered in the district about known allergens in order to minimize the risk of life-threatening exposure. Extra-curricular groups using school facilities will also be notified, and shall be excluded from using any area designated as "allergen-free". Provide all families with a copy of Food Allergy Guidelines as well as a listing of resources regarding food allergies, such as Food Allergy and Anaphylaxis Network (FAAN). Identify a core team of, but not limited to, physician, principal, school nurse, teacher, school counselor, and food service manager to work with parents and students (age appropriate) to establish a Food Allergy Action Plan specific to that child. Changes will be made as necessary, with team participation. Consult with local emergency management personnel to establish and/ or update emergency protocols and drill procedures, as needed. Educate staff who interact with students with food allergies on a regular basis, so they understand food allergies, can recognize symptoms, can take emergency action, and will work with other school staff to eliminate the use of food allergens in lunch programs, educational tools, arts and crafts projects, or incentives. Identify school personnel who are properly trained to administer medications in accordance with State Nursing and Good Samaritan Laws governing the administration of emergency medications. Coordinate with school nurses to assure that medications are stored appropriately (easily accessible, secure locations such as the main office) and that an emergency kit is readily available and contains a physician's standing order for epinephrine. Practice the Food Allergy Action Plan as a drill to assure the efficiency/ effectiveness of the plan. Emergency protocols shall be updated as needed with team participation. Review Food Allergy Action Plan with core team members and physician as soon as possible following a reaction. Work with bus companies to determine appropriate management of transportation needs. Discuss planned field trips as a team, to decide appropriate strategies for managing a child's food allergy. Encourage parents of children to participate as a chaperone. Take threats or harassment against an allergic child seriously.

Everyone's Responsibility

Read all information made available by the school regarding food allergies. Any questions regarding the Food Allergy Guidelines should be directed to the principal or school nurse. Understand the seriousness of food allergies, and consider how food choices may impact the lives of severely allergic students. Promote understanding, acceptance, and compassion.

8.6 Health Services

The school nurses are responsible for the administration of health services for Billerica Memorial High School. Each family will be required to complete the annual online registration process through Aspen. This information will be sent to families each August, prior to the beginning of the school year. Please update this information throughout the school year. Students and parents are requested to inform the nurses of any particular health problems that should be a matter of record. Students are encouraged to discuss health matters with the school nurse. Except in emergencies, students must obtain passes from their teachers prior to reporting to the nurse's office.

Any injury occurring in school must be reported to the nurses. First aid treatment will be administered and parents notified. Students may not excuse themselves from school due to illness or injury nor may they phone a parent to do so on their own volition. This type of dismissal is considered an unexcused absence from school and class. A student who is injured or feeling ill will be referred to the nurse's office for treatment, and continuation of the school day will then be determined. If a student is deemed unable to complete the school day, a nurse will contact a parent and arrange for dismissal. If you have driven yourself to school and become ill during school hours, you will not be permitted to drive home; a parent must report to the Nurse's Office to provide transportation.

8.7 Nutrition Services

Billerica School Lunch is a vital part of your school day. A variety of nutritious meals are offered to encourage a healthy lifestyle for all students. A selection of hot entrees, paninis, subs, salads, burgers, and homemade pizza are offered, complete with a variety of milk, juice, fruits and vegetables. The cafeteria is open, prior to the first bell, daily for breakfast.

Students are required to use their assigned PIN # for all transactions in the cafeteria. All students are entitled to one breakfast and one lunch free of charge each day. Additional meals may be purchased using a student's prepaid account. Funds can be added to the account at www.myschoolbucks.com. If your family's income is at or below federal income levels, you may be eligible for free or reduced priced lunches. Information and applications are available from the website, Main Office, or the Food Service Director.

SECTION 9 : DISTRICT POLICIES

9.1 Absences

Source: BPS Policy JH

According to Chapter 76, Section 1, of Massachusetts General Law, students are expected to attend class every day that school is in session. Billerica Public Schools believes that regular and punctual school attendance provides an essential foundation for educational progress and assists students in developing habits necessary for success in college and career. Students who are absent miss critical classroom instruction, opportunities for social interaction with teachers and peers, and clarification of assignments. Extended absences impair academic progress and undermine student

grades. The goal of the Attendance Policy is to ensure that each student keeps his/her absences to a minimum so that he/she can take full advantage of the educational program and actively participate in the school community.

9.2 Civil Rights Grievance Procedures

The Billerica School District is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, sex, national origin, gender, sexual orientation, gender identity, age or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this procedure is unlawful and will not be tolerated by the Billerica School District.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school district administration, subject to applicable procedural requirements.

Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations

The Civil Rights Grievance Procedure shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations ("Title IX") effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the District's Title IX Sexual Harassment Grievance Procedures. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the Civil Rights Grievance Procedure.

Definitions

For the purposes of this procedure:

"Discrimination" means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the Billerica School District.

"Harassment" means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off-color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an

individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the Billerica School District.

Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the District shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The District must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

Retaliation: retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this procedure or the sexual harassment procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under this procedure and/or the Title IX Sexual Harassment Procedures.

Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal's designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this procedure.

How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by a school personnel shall be promptly reported to the Principal or Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited conduct, may bring a complaint under this procedure. In such circumstances, that person is referred to as the "reporter."

Any District employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any District employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to the Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the District will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.

Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The District shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.

Anonymous Reports: Complainants and reporters should be aware that although the District will often be able to maintain confidentiality of reporting persons, the District may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the District to respond fully to any reported event, including limitations on the ability to take disciplinary action against an Respondent.

Informal Process: If the District concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the District may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.

Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.

Interim Measures: The District will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the District and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.

Timeframes: The District will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the District will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:

The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.

The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.

The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws. The investigator will keep a written record of the investigation process.

The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.

The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.

Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.

Standard of Proof: The investigation shall make factual findings based on a preponderance of the evidence standard.

If the investigator determines that discrimination, harassment or retaliation has occurred, the District shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The school district administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Procedure shall be interpreted as limiting or prohibiting the District's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Superintendent or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H $\frac{1}{2}$ or 37H $\frac{3}{4}$).

Appeals must be made in writing (email to kclery@billericak12.com is sufficient) to the Superintendent or designee at Superintendent, Billerica Public Schools, 365 Boston Post Road, Billerica, Massachusetts 01821. The Superintendent or designee will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this procedure is: Melinda Cripps: mcripps@billericak12.com

Employment Agency Information: federal employment discrimination enforcement agencies is as follows:

1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website

<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; 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; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

9.3 Digital Video Cameras on School Transportation Source: BPS Policy EEAECB

Digital video cameras may be installed on school buses operated by the Billerica School Committee or its transportation contractor. The operation of the digital cameras must be the type initiated by the ignition switches and not controlled in any way by the vehicle driver. All digital recordings will remain in custody of the school for a period of ten (10) working days. The use of digital video cameras is primarily intended to be an extension of the disciplinary procedures employed by school administrators and for driver/student training purposes. Digital recordings may be used to supplement or support the investigations of disciplinary infractions.

CROSS REF.: EEAEC-R, School Bus Disciplinary Procedures

Adopted: December 8, 2008

9.4 Disability Access

The policy of Billerica Memorial High School is to provide access to facilities and programs for physically disabled students, parents, and guests.

9.5 Dress Code Source: BPS Policy JICA

The responsibility for the dress and appearance of the students will rest with individual students and parents.

The dress code supports equitable educational access and does not reinforce gender stereotypes. The dress code will be enforced in a non-discriminatory manner consistent with the laws that protect students on the basis of race, gender, ethnicity, religion, sexual orientation, household income, gender identity, or cultural observance.

The District supports students' freedom of expression and does not seek to abridge that expression, provided that such expression does not cause any disruption or disorder within the school. The school district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student or others, and that student attire does not contribute to a hostile or intimidating atmosphere for any student or others.

This does not mean that student, faculty, or parent groups may not recommend appropriate dress for school or special occasions. It means that students will not be prevented from attending school or a school function, or otherwise be discriminated against, so long as their dress and appearance meet the requirements set forth above.

9.6 Drugs and Alcohol

Source: BPS Policy JICH

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

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

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

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

9.7 Homeless Students - Enrollment Rights and Services

Source: BPS Policy JFABD

To the extent practical and as required by law, the District will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided District services for which they are eligible, including pre-school programs, Title I, similar state programs, special education, ELL programs, vocational and technical education programs, RTI programs and school nutrition programs.

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

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

The Superintendent shall designate an appropriate staff person to be the District's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled in their school of origin while they remain homeless or until the end of the academic year in which they obtain permanent housing. Instead of remaining in the school of origin, parents or guardians of homeless students may request enrollment in the school in the attendance area in which the student is actually living, or other schools. Attendance rights by living in attendance areas, other student assignment policies, or intra and inter-district choice options are available to homeless families on the same terms as families resident in the District.

If there is an enrollment dispute, the student shall be immediately enrolled in the school in which enrollment is sought, pending resolution of the dispute. The parent or guardian shall be informed of the District's decision and their appeal rights in writing. The District's liaison will carry out dispute resolution as provided by state rule. Unaccompanied youth will also be enrolled pending resolution of the dispute.

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

Homeless students are entitled to transportation to their school of origin or the school where they are to be enrolled. If the school of origin is in a different district, or a homeless student is living in another district but will attend his or her school of origin in this district, the districts will coordinate the transportation services necessary for the student, or will divide the costs equally.

The District's liaison for homeless students and their families shall coordinate with local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and soup kitchens. The District's liaison will also review and recommend amendments to District policies that may act as barriers to the enrollment of homeless students.

Educational Opportunities for Students in Foster Care

The Every Student Succeeds Act (ESSA) requires that foster care students continue to attend their school of origin, unless after a collaborative decision-making process it is determined to be in the student's best interest to enroll in and attend school in the district in which a foster care provider or facility is located (if different than their prior school district). The law also requires that when it is not in the student's best interest to remain in the school of origin, the student is immediately enrolled and attends in a new school district, even if records normally required for enrollment cannot be quickly produced. Additionally, the law requires the Department of Children and Families (DCF), The Department of Elementary and Secondary Education (DESE), and the school district to designate points of contact; and also that the district collaborate with DCF and other school districts to ensure that students will receive transportation to the school of origin if needed.

Best Interest Determination

Decisions about whether a student in foster care should continue to attend their school of origin should be made collaboratively by DCF, the student (as appropriate), the student's family and/or foster family (and if different, the person authorized to make educational decisions on behalf of the student), the school and district of origin, and (when different) the local district where the student is placed. Best interest determinations should focus on the needs of each individual student and take into account a variety of factors. Every effort should be made to reach agreement regarding the appropriate school placement of a student in foster care. However, if there is disagreement regarding school placement for a student in foster care, DCF will finalize the best interest determination.

The district can seek review of DCF's decision by utilizing a Foster Care School Selection Dispute Resolution Process established by DESE and DCF. Decisions made through this process are not subject to review. Under the law, to promote educational stability, students should continue to attend their schools of origin while best interest determinations are being made.

Transportation

The district of origin must collaborate with DCF on how transportation will be provided and arranged to ensure that students in foster care who need transportation to remain in their school of origin will receive such transportation while they are in foster care. Transportation options may include using Title I funds, establishing regional collaborations among districts, coordinating with existing routes for transportation, seeking help from foster parent(s), etc. Absent other agreements between the district and DCF, the district of origin is responsible for providing transportation to and from the school of origin.

Immediate Enrollment

If it is in the best interest of a student in foster care to leave the school of origin, the student must be enrolled in school in his/her local school district immediately. To minimize disruption of the student's education, the law requires the district to enroll the student in a new school right away, without waiting to receive the typical student enrollment documentation (other than emergency contact information). The enrolling school must immediately contact the child's school and district of origin to obtain the relevant records and documentation, and the school and district of origin should immediately transfer those records. To facilitate enrollment, DCF representatives will present a Notice to Local Educational Agency form that indicates that the student is in foster care, along with their state-agency identification badge, to the local school district when enrolling students.

Educational Opportunities for Children of Military Families

- In an effort to facilitate the placement, enrollment, graduation, data collection and provision of special services for students transferring into or out of the District because of their parents/guardians being on active duty in the U.S. Armed Services, the District supports and will implement its responsibilities as outlined in the Interstate Compact on Educational Opportunity for Military Children. The Interstate Compact on Educational Opportunity for Military Children applies to children of military families who are school aged children enrolled in kindergarten through 12th grade, in the household of an active-duty member of the uniformed service of the United States, including members of the National Guard and Reserve serving on active duty.
- The following applies under the Interstate Compact on Educational Opportunities for Military Children:
 - Sending schools must send either official or unofficial records with the moving students and District receiving schools must use those records for immediate enrollment and educational placement.
 - Simultaneously, the receiving school must request official records and the sending schools shall respond within 10 days with the records.

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- Immunization requirements of the District may be met within 30 days from the date of enrollment (or be in progress).
 - For Kindergarten and First grade students, a student can continue in the same grade in the receiving state regardless of entrance age requirements, if they have already started kindergarten or 1st grade in an accredited school in the sending state in which the family was stationed. A student may go to the next grade regardless of age requirements, if they have completed kindergarten or 1st grade in the sending state.
 - Receiving schools must initially honor placement of students in all courses from the sending school. Receiving schools are not precluded from performing subsequent evaluation to ensure the appropriate placement and continued enrollment of the student in courses and programs.
 - In compliance with federal law, special education students must be placed by the existing IEP with reasonable accommodations in the receiving school.
 - The District may, as deemed appropriate, waive prerequisites or other preconditions for all courses and programs, while also maintaining its right to re-evaluate the student to ensure continued enrollment, as deemed appropriate.
 - Students shall have additional excused absences at the discretion of the District for visits with parents or legal guardians relative to leave or deployment.
- An eligible student living with a noncustodial parent or other person standing in loco parentis shall be permitted to attend the school in which he or she was enrolled while living without the custodial parent/guardian without any tuition fee imposed.

The student will be provided with the opportunity for inclusion in extra-curricular activities regardless of deadlines as long as the child is otherwise qualified.

9.8 Massachusetts General Laws Chapter 71

An Act Relative to Safety in the Public Schools

In April, 1994, the Massachusetts State Legislature passed a law that speaks of two very important issues:

1. Section 37H

The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or

use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 370. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall 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 its schools or provide educational services to the student in an education service plan, under section 21 of chapter 76.

(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary

and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

2. Section 37H ½

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect 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.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his 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 its schools or provide educational services to the student under an education service plan, under section 21 of chapter 76.

3. Section 37H3/4

- (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.
- (b) Any principal, headmaster, superintendent or person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall consider ways to re-engage the student in the learning process; and shall not suspend or expel a student until alternative remedies have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Alternative remedies may include, but shall not be limited to: (i) mediation; (ii) conflict resolution; (iii) restorative justice; and (iv) collaborative problem solving. The principal, headmaster, superintendent or person acting as a decision-maker shall also implement school-or district-wide models to re-engage students in the learning process which shall include but not be limited to: (i) positive behavioral interventions and supports models and (ii) trauma sensitive learning models; provided, however, that school-or district-wide models shall not be considered a direct response to a specific incident.
- (c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties

under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

- (d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.
- (e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.
- (f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.

9.9 Memorandum of Understanding between Billerica Memorial High School and Billerica Police Department

Billerica High School and the Billerica Police Department work together using a "memo of

understanding as a guide. The highlights of this understanding, especially as related to students, are described below.

General Principles

The Billerica Public Schools and the Billerica Police Department agree to coordinate their efforts to prevent substance abuse, including the use of alcohol, by students. We furthermore agree to respond effectively to incidents of school delinquency or criminal behavior on school grounds, within school property, or at school sponsored events.

This agreement is entered into pursuant to the General Principles of the Governor's Alliance Against Drugs. This memorandum deals with the law enforcement response in a school setting or during any school-sponsored activity to any case(s) involving substance abuse and/or sale. The memorandum also concerns efforts by school officials and police to reduce the incidence of violence on school property or at school functions. It continues to remain the sole prerogative of school officials to impose discipline for infractions of school rules and policies.

Reports of Drug and/or alcohol and/or criminal incidents:

A. School reports to Police Department:

1. The following incidents must be reported to the Police Department and shall hereinafter be referred to as "mandatory reportable acts":
 - a) Possession of alcohol by a minor on school property, at school functions, or within a 1000 foot radius of school property;
 - b) Possession of any controlled substance as defined in G.L.C.94C by an individual on school property, at school functions or within a 1000 foot radius of school property;
 - c) Any incident in which any individual is reasonably suspected of, or determined to be selling or distributing drugs or alcohol on school property, at school functions or within a 1000 foot radius of school property;
 - d) Any incident involving serious personal injury or significant property destruction, or where there is a threat of such activity, on school property, at school functions, or within a 1000 foot radius of school property;
 - e) Possession of a dangerous weapon on school property, at school functions or within a 1000 foot radius of school property.

B. Police Department Reports to School

1. The following information shall be reported by the Youth Service Officer to the Reporting Officials:
 - a) Any arrest made by the Billerica Police Department of any student.
2. The following information may be shared with school officials by the Billerica Police Department subject to applicable statutes and regulations governing confidentiality.
 - a) The arrest and filing of a delinquency complaint against any student. To insure maximum sharing of information, the Billerica Police Department shall encourage the Probation Department at the Lowell District Court to report the filing of such complaints to the Reporting Officer promptly;
 - b) The Youth Service Officer should report any non-criminal activity involving a student (e.g. threatened or attempted suicide; victimization of the student by a parent, caretaker or other individuals) if the Youth Service Officer believes the activity poses a serious and imminent threat to the student's safety or the safety of other students and

such a report would facilitate supportive intervention by school personnel on behalf of the student.

Procedures

When police are called by school officials in response to an offense described in paragraph A.1.(c), and when probable cause exists for arrest, the police may take custody of that person and if the person is a student, his parents shall be notified as soon as reasonably possible by the school principal/assistant principal.

The School Department reserves the right to search all school property for contraband or controlled substances in accordance with State laws.

To the extent possible, precautions must be taken by both police and school officials at all times to ensure that the educational process is not disrupted

BILLERICA POLICE DEPARTMENT

Mr. Roy Frost

Chief of Police

BILLERICA PUBLIC SCHOOLS

Dr. Kerry Clery

Superintendent of Schools

9.10 Non-Custodial Parents

Source: BPS Policy KBBA

As required by Massachusetts General Law Chapter 71, Section 34H, a non-custodial parent may have access to the student record in accordance with law and Dept. of Elementary and Secondary Education Regulations. The school district will follow the law and the regulations developed by the Massachusetts Dept. of Elementary and Secondary Education to standardize the process by which public schools provide student records to parents who do not have physical custody of their children ("non-custodial parents").

As required by M.G.L. c. 71, § 34H, a non-custodial parent may have access to the student record in accordance with the following provisions.

- (a) A non-custodial parent is eligible to obtain access to the student record unless the school or district has been given documentation that:
 - 1. The parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
 - 2. The parent has been denied visitation, or
 - 3. The parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
 - 4. There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR

23.07(5)(a).

- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.
- (d) Upon receipt of the request the school must immediately notify the custodial parent by certified and first class mail, in English and the primary language of the custodial parent, that it will provide the non-custodial parent with access after 21 days, unless the custodial parent provides the principal with documentation that the non-custodial parent is not eligible to obtain access as set forth in 603 CMR 23.07 (5)(a).
- (e) The school must delete all electronic and postal address and telephone number information relating to either work or home locations of the custodial parent from student records provided to non-custodial parents. In addition, such records must be marked to indicate that they shall not be used to enroll the student in another school.
- (f) Upon receipt of a court order which prohibits the distribution of information pursuant to G.L. c. 71, §34H, the school shall notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent.

9.11 Policy for Student Transportation General Guidelines Source: BPS Policy EEA-R

Primary Objectives

Nothing in the general or specific guidelines shall be interpreted to interfere with the implementation of a transportation policy that results in school buses arriving safely at their assigned schools on time to support pickup and delivery operations.

The transportation policy shall not contain any elements that require or encourage a school bus driver to exceed posted speed limits in order to achieve on-time performance.

Bus Regulations, Rules & Discipline

In view of the fact that a bus is an extension of the classroom, the District expects that children will conduct themselves on a bus in a manner consistent with established standards for classroom behavior. The authority for enforcing this requirement rests with the Building Principal and/or Superintendent of Schools. Students are subject to the code of conduct and disciplinary due process for misconduct occurring on school buses.

Transportation Eligibility

As described in the following paragraphs, transportation is currently provided at no cost to eligible students attending Kindergarten through grade twelve. Eligible distances are measured along the most commonly traveled route to the school they attend. For purposes of eligibility verification, the most commonly traveled route is deemed the shortest route over a public way.

Transportation will be provided between home and school within the school district. Transportation may also be provided between school and day care providers located within the attendance area of the school.

Students attending a charter school or private school will be afforded transportation to the extent required by law [Ref: M.G.L. Chapter 76 Section 1 and M.G.L. Chapter 71 Section 89 (ff); see Attorney General v. School Committee of Essex (1982)].

Kindergarten

Provide regular education transportation to all Kindergarten students for mid-day transportation (drop-off of students from AM Kindergarten and pickup of students for PM Kindergarten). Pick up and drop off locations will be made at the student's home or as close to his/her residence as is practical, but not more than 0.25 miles from the residence.

If a student lives within a development, a single stop may be placed to serve multiple residences. If a student resides in close proximity to a corner stop at which service is provided, the student may be assigned to the corner stop. Other stops will be placed within 0.25 miles of the residence.

Morning pickup and afternoon drop-off transportation for kindergarten students will follow the same guidelines for students in Grades 1-5 outlined in the "Elementary" section below.

Elementary

Provide regular education transportation to Elementary students in grades 1-5 who live one mile or more from their assigned school. However, if the walk-to-school is considered hazardous as determined by the school district, then an appropriate stop will be scheduled.

Provide neighborhood school service within the parameters of the general guidelines.

Place stops at corners on primary and secondary streets wherever possible. Other stops will be placed not more than 1.0 miles of the residence.

Middle School

Provide regular education transportation to Middle School students in grades 6-8 who live greater than 1.5 miles from their assigned school. However, if the walk-to-school is considered hazardous as determined by the school district, then an appropriate stop will be scheduled.

Provide neighborhood school service within the parameters of the general guidelines.

Place stops at corners on primary and secondary streets wherever possible. Other stops will be placed not more than 1.0 miles from the residence.

High School

Provide regular education transportation to High School students in grades 9-12 who live greater than 1.5 miles from the high school. However, if the walk-to-school is considered hazardous as determined by the school district, then an appropriate stop will be scheduled.

Provide district-wide service within the parameters of the general guidelines.

Place stops at corners on primary and secondary streets wherever possible. To the best extent possible stops will be placed not more than 1.0 miles of the residence.

Transportation for Homeless Students

Pursuant to federal law, the McKinney-Vento Act, homeless children who are attending the school assigned to them by the local school district are entitled to the same school transportation that is offered to other children in that district. If homeless children are attending school in their attendance zone of origin and this is different from their attendance zone of temporary residence,

the local school district is urged to transport them to/from their school of attendance; these transportation costs are reimbursable under the regular schedule of reimbursement from the state of Massachusetts.

Homeless children with special needs who wish to continue to attend their original school (even though they are living in another zone or district) and have transportation written into their Individualized Education Plan (IEP), must be transported from their temporary residence to their school of origin until the end of the school year.

In cases where a child is living in one school district and wishes to continue in his/her school of origin, which is in a different district, the school district providing the child's educational program shall make every effort to transport the child to/from school.

If a district has made a good-faith effort to provide this inter-district transportation and is still not able to meet the child's transportation needs, the ultimate responsibility for getting the child to/from school lies with the child's parents.

Bus Routes

Streets or sections of streets may be designated as 'no travel' streets. No bus route will be established that utilizes 'no travel' streets to include cul-de-sacs, unaccepted streets and private ways.

Wherever possible, students will not be required to ride more than 45 minutes each way on a bus traveling between home and school. The Assistant School Business Administrator, the person who is responsible for the management of our transportation (hereinafter referred to as the Transportation Director) will maintain a log of exceptions and the supporting rationale when a student must ride more than 45 minutes.

Bus Stops

All bus stops will be located where buses can safely reach and conduct loading or unloading operations. It is the responsibility of parents and guardians to assess the particular risks and to provide guidance to their student that ensures his/her safe conveyance to and from the assigned stop. The school department does not accept responsibility for the condition of streets and sidewalks, maintenance of traffic control signals, placement or maintenance of warning signs or the enforcement of traffic laws.

A. Primary Streets:

There are several streets within the town that may not meet the criteria set forth within this policy for Walk Zones, and/or Bus Stop Locations. In the interest of safety the Transportation Director may determine that these streets will have stops placed at either the house or at an intersection deemed to be safe, after being reviewed by the Transportation Director and the Billerica Police Department. In such cases, the stop may be at a distance less than that which has been established by the general guidelines contained in this policy. Those streets would include but not limited to: Boston Road, Concord Road, Nashua Road, Salem Road and Andover Road.

B. Stop Locations

Stops will be located so that the shortest path over a public way between residence and

bus stop is not greater than the distance stated by specific walk-to-stop guidelines, if all of the other general guidelines are met. For example, a student living on a 'cul-de-sac' that is greater in length than the walk-to-stop policy distance, will be assigned to a stop that is more distant than the general guidelines define. The Transportation Director will maintain a log of students with a stop assignment that exceeds the applicable guideline distance. Stops will be located, so that students will not be required to cross a primary street in order to reach a bus stop. Corresponding pickup and delivery stops may be in different locations for the same student or group of students.

C. No Stop Zones

Streets or sections of streets may be designated as 'no stop' zones. A bus may not pick up or deliver students in a 'no stop' zone. For example, a 'no stop' zone will exist where it is not possible for motorists to see the active signal devices on the bus in time to come to a stop without hitting the bus or children who might be boarding the bus or crossing the street in front of the bus.

When the school department has declined to place a stop in a particular location because of safety concerns, and a written request to review that decision is received by the Transportation Director, the Transportation Director and Billerica Police Department will visit the site together, evaluate the conditions, and come to a joint decision on suitability. The evaluation will include, at a minimum, the following criteria:

- Direction of travel
- Traffic density and speed
- Visibility of bus signal devices from both directions
- How the child gets to the stop
- Specific hazards at the proposed stop

All decisions by the Billerica Police Department will be final, and void of right of appeal. The school department will abandon all stops in a 'no stop zone' at the time of the decision and thereafter place no new stops in that zone.

Transportation for Involuntary Student Transfers

Input regarding the impact on transportation must be obtained from the Transportation Director, prior to a principal making a decision on a request for an involuntary transfer of a student from the school the student's respective neighborhood is assigned to another school within the geographic boundaries of the town. Transportation will not be provided unless there is a pre-existing bus route to the receiving school.

Whenever possible, reassignment of students should be accomplished with students who can walk to their receiving school. If a fee for the bus transportation program is in effect, students not eligible for transportation to the receiving school may subscribe to paid busing only if there is a pre-existing bus route to the receiving school.

Transportation for Voluntary Student Transfers

Parents must provide transportation when they voluntarily transfer their student out of their neighborhood school to another school within the geographic boundaries of the town.

- The Transportation Director may agree to provide free transportation if the student lives

more than two miles from the receiving school, and on condition that no impact on transportation would result. Consideration may also be given to the option of the parent driving the student to the closest bus stop to the receiving school.

- If a fee for bus transportation program is in effect, the Transportation Director may agree to permit participation in the paid busing program if the student lives more than one half mile and two miles or less from the receiving school, and on condition that no impact on transportation would result. Consideration may also be given to the option of the parent driving the student to the closest bus stop to the receiving school.
- Service will be withdrawn in either case, if there is subsequent impact on transportation.

9.12 School Bus Disciplinary Procedures Source: BPS Policy EEAEC-R

The bus driver is responsible, among other activities, for the supervision of pupil bus behavior. The Principal must assure, safe, prompt loading, and unloading of buses. In addition, the Principal must promptly and impartially cooperate with bus drivers and other personnel in solving disciplinary problems.

If a minor incident occurs on the bus, the driver should first speak to the pupil involved, warning the pupil that a repeated offense would be reported to the Principal, using the bus conduct form.

In most instances, a first minor offense reported by a driver in writing will result in a written notification to the home that the pupil has been warned. Parents/guardians must sign the acknowledgement form and return it to the school on the next school day.

A second minor offense reported will result in the pupil being placed on behavioral probation and written notice from the Principal what behavioral modification must be completed by the student. Behavioral modification shall be determined by the Principal. Examples: detention, in-house suspension, report writing, loss of recess, minor cleaning of bus, etc.

A third minor offense reported generally will result in a (3) three day suspension from bus privileges. Thereafter, any single written infraction will result in a (5) five day loss of bus privileges.

If the first offense constitutes a major hazard, no warning needs to be given and the Principal may suspend a pupil from the bus up to five days and shall notify the parents, the bus driver, and the Superintendent's office. Any infraction reported thereafter will result in the loss of bus riding privileges.

MINOR OFFENSE = excessive mischief, eating-drinking-littering, being rude-discourteous-annoying, inappropriate language, violating safety procedures, minor bus destruction

MAJOR OFFENSE = fighting, insubordination, use of smokeless tobacco, smoking, use of or selling of alcohol, any action or deed that the authorities shall deem a hazard to students' health or safety.

OFFENSES THAT MAY RESULT IN EXPULSION FROM SCHOOL =

possession of a dangerous weapon and a controlled substance (drugs) as defined in M.G.L. Ch. 94C, and assault of a staff member. For pertinent information, refer to M.G.L. Chapter 71.

Section 37H.

The above-mentioned disciplinary procedures may be waived or increased as deemed necessary by the Superintendent of Schools acting in the best interest of the Town of Billerica.

LEGAL REF.: M.G.L. 76:17

9.13 Searches and Interrogations

Source: BPS Policy JIH

Searches by Staff

The right of inspection of students' school lockers is inherent in the authority granted school committees and administrators. This authority may be exercised as needed in the interest of safeguarding children, their own and school property. Students do not possess an expectation of privacy in their lockers.

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

Interrogations by Police

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

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

9.14 Student Support Services, Special Education

The District is committed to providing quality education to all students regardless of their strengths or weaknesses. Some students with disabilities require specialized instruction and/or supportive services to enable them to make effective progress in school. Parents/guardians or teachers may refer students for an evaluation of the student's eligibility for special education services under the Individuals with Disabilities Education Act ("IDEA") and/or M.G.L. c. 71B. Within five (5) school days of such a referral, a consent form authorizing an evaluation of the student will be forwarded to the parent(s)/guardian(s). Upon receipt of the parent(s)/guardian(s)' consent, an

evaluation will be conducted, and a Team meeting will be held to determine if the student is eligible for special education services. If the student is found eligible for special education services, the Team will develop an Individualized Education Program (IEP) identifying the necessary services.

Additionally, Section 504 of the Rehabilitation Act of 1973 ("Section 504") requires a school district to provide a "free appropriate public education" (FAPE) to any qualified student with a disability who is in the school district's jurisdiction. Under Section 504, a FAPE consists of the provision of regular or special education and related aids and services designed to meet the student's individual educational needs as adequately as the needs of nondisabled students are met. Section 504 provides: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . . "

Individuals who have complaints regarding the District's compliance with Section 504 may bring suit in federal district court or file a complaint with the U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, MA 02118. In regard to concerns related to the identification, evaluation, and placement of students with disabilities, parents/guardians may file a hearing request with the Massachusetts Bureau of Special Education Appeals at 14 Summer Street, 4th Floor, Malden, MA 02148

9.15 Security Cameras in Schools

Source: BPS Policy ECAF

The School Committee works to maintain a safe and secure environment for its students, staff, visitors, and facilities. Security means more than having locks and making certain that doors are locked at the proper times. Security also means minimizing fire hazards, reducing the possibility of faulty equipment, keeping records and valuables in a safe place, protection against vandalism and burglary, the prosecution of vandals, and developing crisis plans.

School facilities and their contents, constitute one of the greatest investments of the community. The School Committee believes it to be in the best interest of students and taxpayers for the district to exert every reasonable means to protect the investment adequately.

In pursuit of this objective, the School Committee authorizes the use of security cameras in school district buildings and on its property to ensure the health, welfare and safety of all students, staff and visitors, to deter theft, vandalism and other negative behavior, to safeguard district buildings, grounds and equipment, and to monitor unauthorized individuals in or on school property. Security cameras may be used in locations as deemed appropriate by the Superintendent of Schools in consultation with school officials as well as local law enforcement and emergency response agencies. They may be used in any area, inside or outside of school buildings where there is no reasonable expectation of privacy.

The district shall notify students and staff through student and employee handbooks and appropriate signage that security cameras have been installed and may be used at any time. Students or staff identified on security cameras in violation of School Committee policies will be subject to disciplinary action.

The Superintendent shall ensure that proper procedures are in place and are followed regarding use, viewing, disclosure, retention, disposal and security of video recordings or photographs from security cameras in accordance with applicable laws and regulations. A video recording used for security purposes in school district buildings and/or on school property shall be the sole property of the school district. All video recordings will be stored in their original format and secured to avoid tampering and to ensure confidentiality in accordance with applicable laws and regulations. Access to video recordings from security cameras shall be limited to school administrators (Superintendent/designee, School Principal/designee). Law enforcement and emergency response officials shall be granted access to video recordings or the security system after giving prior notice to the School Superintendent/designee.

The Superintendent may, from time to time, issue further guidance that is consistent with current laws and this policy.

Adopted: October 7, 2019

9.16 Student Discipline

Source: BPS Policy JIC

The School Committee believes that all students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be expected to acknowledge constituted authority, to conform to school rules and to those provisions of law that apply to their conduct.

Each Principal shall include prohibited actions in the student handbook or other publication to be made available to students and parents/guardians.

Principals and staff shall not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students.

The Principal may, as a disciplinary measure, 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 the remainder of this policy, law, or regulation.

The Superintendent shall provide each Principal with a copy of the regulations promulgated by DESE and shall have each Principal sign a document acknowledging receipt thereof, which shall be placed in their personnel file.

Suspension

See NOTE at end of policy regarding offenses to which this policy applies.

In every case of student misconduct for which suspension may be imposed, a Principal shall consider ways to re-engage the student in learning. Unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and/or in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily

injury or other serious harm upon another person while in school, principal shall not suspend or exclude a student until alternatives have been employed and their use and results documented. Alternatives may include but shall not be limited to the use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and collaborative problem-solving.

The superintendent and/or principal shall also implement district/school-wide models to re-engage students in the learning process which shall include but not be limited to positive behavioral interventions and support models, and trauma sensitive learning models.

Notice of Suspension

Except for emergency removal or an in-school suspension of less than 10 days, a Principal must provide the student and the parent/guardian oral and written notice, and provide the student an opportunity for a hearing and the parent/guardian an opportunity to participate in such hearing before imposing suspension as a consequence for misconduct. The Principal shall provide both oral and written notice to student and parent/guardian in English and in the primary language of the home if other than English. The notice shall include the rights enumerated in law and regulation. To conduct a hearing without a parent/guardian present, the Principal must be able to document reasonable efforts to include the parent/guardian.

The principal or a designee shall notify the superintendent in writing, including by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term "out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

For any suspension or exclusion under this section, the principal or designee of a school in which the student is enrolled, shall provide to the student and parent/guardian, notice of the charges and the reason for the suspension or exclusion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal, or a designee, to discuss the charges and reasons for the suspension or exclusion prior to the suspension or exclusion taking effect. The principal, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal, or a designee, can document reasonable efforts to include the parent or guardian in that meeting.

Emergency Removal

A Principal may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Principal's judgment, there is no alternative available to alleviate the danger or disruption. The Principal shall immediately notify the Superintendent in writing of the removal including a description of the danger presented by the student.

The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall:

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1. Make immediate and reasonable efforts to orally notify the student and the student's parent/guardian of the emergency removal, the reason for the need for emergency removal, and the other matters required in the notice as referenced in the applicable regulation;
 2. Provide written notice to the student and parent/guardian as required above. The notice shall include the rights enumerated in law and regulation;
 3. Provide the student an opportunity for a hearing with the Principal that complies with applicable regulations, and the parent/guardian an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the Principal, student, and parent/guardian;
 4. Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the requirements of applicable law and regulation.

Principal shall also ensure adequate provisions have been made for the student's safety and transportation prior to removal.

In School Suspension - not more than 10 days consecutively or cumulatively

The Principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses provided that the principal follows the process set forth in State regulation and the student has the opportunity to make academic progress.

Principal's Hearing - Short Term Suspension of up to 10 days

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, the Principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information.

The student also shall have an opportunity to present information, including mitigating facts, that the Principal should consider in determining whether other remedies and consequences may be appropriate as set forth in law and regulation.

The Principal shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.

The Principal shall, based on the available information, including mitigating circumstances, determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The Principal shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of

removal, as required by law and regulation. The determination shall be in writing and may be in the form of an update to the original written notice.

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

Principal's Hearing - Long Term Suspension of more than 10 days and up to 90 days (consecutive or cumulative)

The hearing with the Principal shall be to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student committed the disciplinary offense, and if so, the consequences for the infraction.

At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights: In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student or not; The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's/guardian's expense; 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; The right to cross-examine witnesses presented by the school district; The right to request that the hearing be recorded by the Principal, and to receive a copy of the audio recording upon request. If the student or parent/guardian requests an audio recording, the Principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent/guardian upon request.

The Principal shall provide the parent/guardian, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.

The Principal shall, based on the evidence, determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension as required by law and regulation, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Principal shall send the written determination to the student and parent/guardian by hand-delivery, certified mail, first-class mail, email to an address provided by the parent/guardian for school communications, or any other method of delivery agreed to by the Principal and the parent/guardian. The notice shall include the rights enumerated in law and regulation.

If the Principal decides to suspend the student, the written determination shall: Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing; Set out the key facts and conclusions reached by the Principal; Identify the length and effective date of the suspension, as well as a date of return to school; Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school as required by law and regulation; Inform the student of the right to appeal the Principal's decision to the Superintendent or designee, but only if the Principal has imposed a long-term suspension. Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information: The process for appealing the decision, including

that the student or parent/guardian must file a written notice of appeal with the Superintendent within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent/guardian may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days; and that the long-term suspension will remain in effect unless and until the Superintendent decides to reverse the Principal's determination on appeal.

If the student is in a public preschool program or in grades K through 3, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out-of-school suspension before the suspension takes effect.

Superintendent's Hearing

A student who is placed on long-term suspension following a hearing with the Principal shall have the right to appeal the Principal's decision to the Superintendent.

The student or parent/guardian shall file a notice of appeal with the Superintendent within the time period noted above (see Principal's hearing - Suspension of more than 10 days). If the appeal is not timely filed, the Superintendent may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

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

The Superintendent shall make a good faith effort to include the parent/guardian in the hearing. The Superintendent shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent/guardian and Superintendent to participate. The Superintendent shall send written notice to the parent/guardian of the date, time, and location of the hearing.

The Superintendent shall conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian upon request. The Superintendent shall inform all participants before the hearing that an audio record will be made of the hearing and a copy will be provided to the student and parent/guardian upon request. The student shall have all the rights afforded the student at the Principal's hearing for long-term suspension.

The Superintendent shall issue a written decision within five (5) calendar days of the hearing which meets the requirements of law and regulation. If the Superintendent determines that the student committed the disciplinary offense, the Superintendent may impose the same or a lesser consequence than the Principal, but shall not impose a suspension greater than that imposed by the Principal's decision. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.

Expulsion

Expulsion is defined as the removal of a student from school for more than ninety (90) school days, indefinitely, or permanently as allowed by law for possession of a dangerous weapon; possession of a

controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

Any student excluded from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

Academic Progress

Any student who is suspended or excluded shall have the opportunity to earn credits, make up assignments, tests, papers, and other schoolwork as needed to make academic progress during the period of his or her removal from the classroom or school. The Principal shall inform the student and parent/guardian of this opportunity in writing, in English and in the primary language of the home, when such suspension or expulsion is imposed.

Any student who is excluded 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.

The Principal shall develop a school-wide education service plan describing the education services that the school district will make available to students who are excluded or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents/guardians 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 the law.

The Principal shall notify the parent/guardian and student of the opportunity to receive education services at the time the student is excluded 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.

For each student excluded 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 of Elementary and Secondary Education.

Reporting

The school district shall collect and annually report data to the DESE regarding in-school suspensions, short- and long- term suspensions, expulsions, emergency removals, access to education services, and such other information as may be required by the DESE.

The Principal of each school shall periodically review discipline data by selected student populations, including but not limited to race and ethnicity, gender, socioeconomic status, English language learner status, and student with a disability status in accordance with law and regulation.

Students with Disabilities

Students with disabilities shall also receive the procedural safeguards afforded them under the IDEA (20 USCA Section 1415(k)), with respect to behaviors that violate school disciplinary codes.

SOURCE: MASC - Updated 2023

LEGAL REFS: M.G.L. 71:37H; 71:37H $\frac{1}{2}$; 71:37H $\frac{3}{4}$; 76:17; 76:21

603 CMR 53.00

603 CMR 53.10(3) through (5)

603 CMR 53.13(1)

Chapter 222 An Act Relative to Student Access to Educational Services and Exclusion from School

REFS.: Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973

NOTE: The DESE regulations on student discipline and this policy, consistent with law, set forth the minimum procedural requirements applicable to the suspension of a student for a disciplinary offense other than: possession of a dangerous weapon; possession of a controlled substance; assault on a member of the educational staff; or a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in the school would have a substantial detrimental effect on the general welfare of the school, as provided in M.G.L. c. 71, S. 37H or 37H $\frac{1}{2}$. The Principal, pursuant to the previously referenced statute may remove a student who has committed any of the disciplinary offenses above referenced from school for more than 90 days in a school year except that the removal from school for such offenses is subject to the provision of continuing educational services needed to make academic progress and, the requirement that all school districts regardless of the type of offense shall report school discipline data and analysis to DESE. Also, the prohibited actions above referenced are subject to the provision that allows the Commissioner to investigate each school that has a significant number of students suspended and excluded for more than 10 cumulative days in a school year and to make recommendations thereon.

DISCIPLINARY PROCEDURES FOR STUDENTS WITH DISABILITIES

All students are expected to meet the requirements for behavior as set forth in this handbook. In addition to those due process protections afforded to all students, the Individuals with Disabilities Education Act (IDEA), and related regulations, require that additional provisions be made for students who have been found eligible for special education services or who the school district knows or has reason to know might be eligible for such services. Students who have been found to have a disability that impacts upon a major life activity, as defined under §504 of the Rehabilitation Act of 1973, are, generally, also entitled to increased procedural protections upon the imposition of a discipline sanction that will result in the student's removal for more than ten (10) consecutive school days or which will result in a pattern of short

term removals exceeding ten (10) school days in a given year. The following additional requirements apply to the discipline of students with disabilities:

Students with disabilities may be excluded from their programs for ten (10) school days or less to the extent that such sanctions would be applied to all students. Before a student with a disability can be excluded from his/her program for more than ten (10) consecutive school days in a given school year or subjected to a pattern of removal constituting a "change of placement," building administrators, the student's parent(s)/guardian(s), and relevant members of the student's IEP or 504 Team will meet to review all relevant information in the student's file, including the IEP, any teacher observations, and any relevant information from the parents, to determine whether the behavior was caused by or had a direct and substantial relationship to the disability or was the direct result of the district's failure to implement the IEP—"a manifestation determination."

No later than the date of the decision to take disciplinary action, the school district will notify the parent(s) of that decision and provide them with the written notice of procedural safeguards.

Team Determination that the Conduct was Not a Manifestation of the Student's Disability

If building administrators, the student's parent(s)/guardian(s), and relevant members of the student's IEP or 504 Team determine that the student's conduct was NOT a manifestation of the student's disability, the school may discipline the student in accordance with the procedures and penalties applicable to all students, except that students eligible for special education are entitled to services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals as of the eleventh (11th) day of disciplinary exclusion in the school year. Such services are not available to students under Section 504. The student's IEP Team will identify the services necessary to allow the student to continue to participate in the general education curriculum and to progress toward IEP goals during the period of exclusion, review any existing behavior intervention plan or, may, as appropriate, conduct a functional behavioral assessment, to address the behavior so that it does not recur.

Team Determination that the Conduct Was a Manifestation of the Student's Disability

If building administrators, the student's parent(s)/guardian(s), and relevant members of the student's IEP or 504 Team determine that the misconduct giving rise to disciplinary action was a manifestation of the student's disability, the student will not be subjected to further disciplinary removal or exclusion from the student's current educational program based on that incident of misconduct (except for conduct involving weapons, drugs, or resulting in serious bodily injury to others). The student's IEP Team shall either: if a behavior intervention plan has already been developed, review and modify it, as necessary, to address the behavior; or arrange for a functional behavioral assessment, and implement a behavior intervention plan for the child.

Special Circumstances

If a student with a disability possesses or uses illegal drugs, sells or solicits a controlled substance, possesses a dangerous weapon, or causes serious bodily injury to another on school grounds or at a school function, the District may, with or without parent/guardian consent, and regardless of the manifestation determination, place the student in an interim alternative educational setting (IAES) for up to forty-five (45) school days. A court or BSEA Hearing Officer may also order the placement of a student who presents a substantial likelihood of injury to self or others in an appropriate interim setting for up to

forty-five (45) school days. A parent can also consent to a forty-five (45) school day interim setting. If the school district requests a hearing because it believes that maintaining the student's current placement is substantially likely to result in injury to the student or others, the student remains in the disciplinary placement, if any, until the decision of the hearing officer or the end of the time period for the disciplinary action, whichever comes first, unless the parent and the school district agree otherwise.

The interim alternative setting must enable the student to participate in the general curriculum, although in another setting, and progress toward the goals in the IEP. The interim alternative setting must also provide services and modifications designed to address the behavior giving rise to the removal and to prevent the behavior from reoccurring.

At the conclusion of the forty-five (45) school day period, the student shall be returned to his/her previous placement unless the parent (or student if 18+) consents to an extension of the interim alternative setting or an Order is obtained from the Bureau of Special Education Appeal authorizing the student's continued removal.

The parent shall have the right to appeal the Team's manifestation determination, the imposition of a disciplinary change in placement, and the student's placement in an interim alternative educational setting to the Bureau of Special Education Appeals. The student will remain in the disciplinary placement imposed by school authorities pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

Note: If, prior to the disciplinary action, the school district had knowledge that the student may be a student with a disability, then the district will make all protections available to the student (e.g., manifestation determination) until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if: (a) the parent had expressed concern in writing; (b) the parent had requested an evaluation; or (c) District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student. The district may not be considered to have had prior knowledge if the parent has not consented to an evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility. If a request is made for an evaluation of a student's eligibility for special education services under the Individuals with Disabilities Education Act (IDEA) during the time period in which the student is subjected to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the student will remain in the educational placement determined by school authorities, which may include suspension or expulsion from school. If the suspension imposed terminates prior to the completion of said expedited evaluation, the student shall be allowed to return to school immediately upon the conclusion of the disciplinary exclusion. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility.

9.17 Student Publications

Source: BPS Policy JICE

Within the school setting, students enjoy the constitutional right of freedom of expression, including the right to express their views in student publications, provided such expression does not cause, or threaten to cause by reasonable forecast by school officials, any disruption or disorder in the school. Additionally, such constitutional right of freedom of expression does not include expression which is obscene, defamatory, or advocates violence or illegality where such advocacy is imminently likely to incite the commission of such acts to the detriment of school security, or

which can reasonably be forecast to cause substantial disruption or material interference with school activities.

The School Committee will at least annually review their support of student publications, and encourage student publications not only because they offer an educational activity through which students gain experience in reporting, writing, editing, and understanding responsible journalism, but also because they provide an opportunity for students to express their views subject to the limitations as contained in this policy.

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

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

Distribution of Literature

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

9.19 Student Rights and Responsibilities

Source: BPS Policy JI

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

Among these rights and responsibilities are the following:

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

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

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

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

9.20 Residency

Source: BPS Policy JF

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

9.21 Title IX Sexual Harassment Grievance Procedures

OVERVIEW

The Billerica Public Schools ("District") is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The District does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX of the Education Amendments of 1972 not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Billerica Public Schools.

SCOPE

The Title IX Sexual Harassment Grievance Procedure has been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedure applies only to allegations of sexual harassment under Title IX and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedure applies to conduct that occurs within the United States in an education program or activity of the District, regardless of whether such District program or activity is conducted on or off school grounds. A District education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedure. Allegations of conduct that meet the definition of sexual harassment under Title IX and simultaneously meet the definitions of sexual

harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedure.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the District's Civil Rights Grievance Procedure. (See exception under Section II, Part 4, Step 4 below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedure.

The District's Civil Rights Grievance Procedure is available at:

https://drive.google.com/file/d/1s_WJLYeKrDY-AOs-un_QeSlgWJ-hVZOr/view?usp=viewing

CONFIDENTIALITY

The District will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

DEFINITIONS

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this Procedure the terms "complainant" and "alleged victim" shall have the same meaning.

Formal Complaint: A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the District investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the District's education program or activity with which the Formal Complaint is being filed.

Sexual Harassment: Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system and set out below:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. In Massachusetts, pursuant to M.G.L. c.

265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.

- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term "consent" shall be defined in a manner consistent with Massachusetts laws.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a "course of conduct" directed at a specific person that would cause a "reasonable person" to fear for the person's safety or the safety of others or suffer "substantial emotional distress."

For the purposes of this definition:

"Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

"Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.

"Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Party or Parties: The complainant and/or respondent.

Principal: The Principal or Principal's designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Superintendent: The Superintendent or Superintendent's designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not

unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures. Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the District to coordinate its efforts to comply with Title IX.

I. REPORTING SEXUAL HARASSMENT

- A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.
- B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any District employee who receives a report of sexual harassment will respond to the report as outlined below.
- C. Internal Reporting: Any District employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any District employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the District employee shall instead report the allegation to the Superintendent.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. District's Response to Report: The District will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure and any other relevant District procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:
 - (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
 - (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
 - (3) Consider the complainant's wishes with respect to supportive measures;
 - (4) If the District does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
 - (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly

unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the District's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.

- B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

Step 1: Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.
- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school district with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this Procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

Step 2: Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

Step 3: Written Notice of Allegations: Upon receipt of a Formal Complaint, the District shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this Procedure. If, in the course of the investigation, the District decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the District shall provide notice of the additional allegations to the parties whose identities are known.

Step 4: Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

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- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
 - a. even if proved, would not meet the definition of sexual harassment under Title IX;
 - b. did not occur in an education program or activity of the District; or
 - c. did not occur against a person in the United States.
 - (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
 - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
 - b. the respondent is no longer enrolled or employed by the District; or
 - c. specific circumstances prevent the District from gathering sufficient evidence to make a determination.
 - (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
 - (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the District from addressing the allegations under any other relevant District policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedure, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the District from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

Step 5: Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the District, not on the parties.
- (3) The District shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The District shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The District shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.
- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The District may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the District obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this Procedure for good cause. If a

complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the District will make reasonable efforts to complete the investigation within the applicable time frames, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

Step 6: Opportunity for Parties to Respond to Evidence: The District must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The District shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from disseminating any of the evidence for any purpose not directly related to this grievance procedure.

Step 7: Completion of the Investigative Report: The District must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

Step 8: Parties' Opportunity to Respond to Investigative Report: The District shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

Step 9: Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
 - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).

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- b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
 - (3) Upon receipt of the directed questions from the District, each party and witness shall have five (5) calendar days to respond to those questions in writing.¹
 - (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
 - (5) Each party will be provided a copy of the other party's or witness's written answers.

Step 10: Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
 - (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
 - (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
 - (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
 - (5) The written determination must be sent simultaneously to both parties.
 - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.
- B. Remedies: If the decision-maker determines that sexual harassment has occurred, the District administration shall take steps to eliminate the harassing environment, which must include but need not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the District's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
- C. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the District administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this Procedure until after this grievance process has been completed.
- D. Informal Process: Only after a Formal Complaint is filed may the District opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this Procedure will be facilitated by trained personnel.

¹ The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

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- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
 - (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
 - (3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

- E. Emergency Removal under Title IX: The District may remove a respondent on an emergency basis at any time provided that the District: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.
- F. Anonymous Reports: The District may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the District's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the District can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the District will be unable to provide the complainant supportive measures in response to that report. The District may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the District shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- G. Appeals: The complainant or respondent may appeal from a determination regarding responsibility and/or from the District's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
 - (1) Procedural irregularity that affected the outcome of the matter;
 - (2) Newly discovered evidence that could affect the outcome of the matter; and/or
 - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Superintendent or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Superintendent will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this Procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email to kclery@billericak12.com is sufficient) to the Superintendent, Billerica Public Schools, 365 Boston Post Road, Billerica, Massachusetts 01821.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Superintendent's decision on a timely filed appeal.

- H. Recordkeeping: Records related to this Procedure will be maintained for a period of seven (7) years.

- I. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: (1) Federal: United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; [EEOC Boston Area Office Website: https://www.eeoc.gov/field-office/boston/location](https://www.eeoc.gov/field-office/boston/location); and (2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; [MCAD Website: https://www.mass.gov/orgs/massachusetts-commission-against-discrimination](https://www.mass.gov/orgs/massachusetts-commission-against-discrimination)
- J. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:
- Title IX Coordinator:
Melinda Cripps
Director of School Counseling
mcripps@billericak12.com
 - Investigator(s): Assistant Principal, Title IX Coordinator or Title IX Coordinator Designee
 - Decision-maker: Principal or Principal's Designee
 - Appeal Officer: Superintendent or Superintendent Designee
 - Informal Resolution Facilitator: Assistant Principal, Title IX Coordinator or Title IX Coordinator Designee

The District will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be displayed on the District's website.

Inquiries regarding compliance with Title IX may be directed to:

Ditson Elementary School	Principal	39 Cook Street	978-528-8500
Dutile Elementary School	Principal	10 Biagiotti Way	978-528-8530
Hajjar Elementary School	Principal	59 Rogers Street	978-528-8550
Kennedy Elementary School	Principal	20 Kimbrough Road	978-528-8570
Parker Elementary School	Principal	52 River Street	978-528-8610
Locke Middle School	Principal	110 Allen Road	978-528-8650
Marshall Middle School	Principal	15 Floyd Street	978-528-8670
Billerica Memorial High School	Principal	35 River Street	978-528-8711
District-Wide	Asst. Superintendent	365 Boston Road	978-528-7920

District-Wide Title II Coordinator	Director of School Counseling	35 River Street	978-528-8760
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Massachusetts Department of Education	75 Pleasant Street Malden, MA 02148	781-338-3300
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Director of the Office of Civil Rights Region I – U.S. Department of Education	33 Arch Street Ninth Floor Boston, MA 02110	617-289-0111
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Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

9.22 Truancy

Source: BPS policy JH

If you are absent from school without just cause, it includes being deliberately late to school so that it constitutes an absence from class. The first offense will result in a Saturday Detention. Notification to your parents will be made by the assistant principal. The second and subsequent offenses will result in administrative prerogative including and up to suspension from school. Repeated offenses will be dealt with on an individual basis and may include court involvement. If you are truant, you forfeit the right to make up work missed for that day. Students are responsible for reporting directly to school once they have left home.

** This handbook has been translated into the major languages spoken by parents or guardians of District students. If parents'/guardians' or a student's primary language is not English, and the District has not already translated the student handbook(s) into their primary language, the school will translate a handbook and/or code of conduct into that language. The District will also make oral interpretation available for any parent or guardian with limited English skills, including parents or guardians who speak low-incidence languages. Title VI; EEOA 20 U.S.C. 1703(f); M. G. L. c. 76, section 5; 603 CMR 26.02(2); 603 CMR 26.03; 603 CMR 26.08*