

W. E. B. DU BOIS REGIONAL MIDDLE SCHOOL

**Student/Family Handbook
2024-2025**



W. E. B. Du Bois Telephone Numbers

W. E. B. Du Bois Main Office	644-2300
W. E. B. Du Bois Fax	644-2394
Nurse	644-2324
Kitchen	644-2325
Custodian	644-2326

District Numbers

BHRSD Central Office	298-4017
Superintendent of Schools	298-4017 x19
BHRSD Special Education Office	298-4017 x14
Monument Mountain Regional High School	528-3346
Muddy Brook Regional Elementary School	644-2350

Email Contacts

Email addresses may be found on the district website www.bhrsd.org
Administration and teacher email addresses are in the format of
first name.last name@bhrsd.org
i.e. jake.mccandless@bhrsd.org

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Introduction

Berkshire Hills Regional School District School Committee

Mr. Stephen Bannon, Chairman

Mr. Richard Dohoney, Vice Chairman

Ms. Corey Sprague, Assistant Treasurer

Ms. Diane Singer, Secretary

Ms. Sarah Bourla

Ms. Bonnie Bonn-Bufferoni

Mr. William Fields

Mr. William Voght

Mrs. Anne Hutchinson

Mr. Jason St. Peter

Berkshire Hills Regional School District Administration

Superintendent of Schools: Dr. Peter Dillon

Director of Student Services: Ms. Kate Burdsall

Director of Out of School Time: Mr. JP Okin

Director of Learning and Teaching: Mr. Colin Shebar

Business Administrator: Mrs. Sharon Harrison

Director of Operations: Mr. Steve Soule

Muddy Brook Elementary School

Principal: Ms. Cynthia Carey

Assistant Principal: Ms. Betsy D'Agostino

W.E.B. Du Bois Regional Middle School

Principal: Jake McCandless

Assistant Principal: Ellie Rizzo

Monument Mountain Regional High School

Principal: Mr. Christopher Barnes

Assistant Principal: Mr. Peter Lurgio

Assistant Principal, CTVE: Mr. Ian Brown

Message from the Administration

Dear W. E. B. Du Bois Students and Families:

Welcome to the 2024-2025 school year! We look forward to success for all.

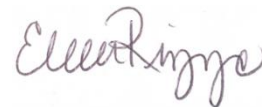
This Parent/Student Handbook is considered a guidebook for Berkshire Hills Regional School District families, and it is designed to give all members of our education community a shared and unified source of information. It provides the access you need to policies and legislation important to your child's education. Information contained in this booklet ranges from the district's medication policy to evacuation procedures. It provides for you all the information you are entitled to know through the *No Child Left Behind Act*, and it offers you names and numbers that may be helpful.



It is our hope that you will take a few minutes to review this handbook and discuss it with your child. Additional school and district information may be found on our website, www.bhrsd.org. Should you have any questions, please contact at 413-644-2300.

All the best,

Mr. Jake McCandless
Principal



Ms. Ellen Rizzo
Assistant Principal

Berkshire Hills Regional School District does not discriminate on the basis of age, race, color, sex, gender identity, religion, national origin, sexual orientation, disability, or homelessness.

If you need this Handbook translated into one of the below languages, or any other language, please contact the School Office.

- GREEK:** Εάν χρειάζεστε αυτό το εγχειρίδιο μεταφράζονται στα Ελληνικά, επικοινωνήστε με το κεντρικό γραφείο.
- PORTUGUESE:** Se você precisa deste manual traduzido para o português, por favor contacte o escritório principal.
- SPANISH:** Si necesita este manual traducido al español, por favor póngase en contacto con la oficina principal.
- CHINESE:** 如果你需要這本手冊翻譯成中文，請聯繫主要辦公室。
- POLISH:** Jeśli potrzebujesz niniejszy podręcznik w języku polskim, proszę skontaktować się z głównym biurem
- ARABIC:** إذا كنت بحاجة إلى هذا الكتيب ترجمة إلى اللغة العربية، يرجى الاتصال بالمكتب الرئيسي
- HAITIAN CREOLE:** Si ou bezwen manyèl sa-a ke nan kreyòl, souple kontakte Biwo pwensipal la.
- URDU:** اگر آپ کو اس کتابچہ کا اردو میں ترجمہ کی ضرورت ہے، مرکزی دفتر سے رابطہ کریں

GUJARATI: તમે આ હેન્ડબુક ગુજરાતી અનુવાદ જરૂર હોય તો, મુખ્ય
KHMER ប្រសិនបើអ្នកត្រូវបានបកប្រែទៅជាភាសាខ្មែរសៀវភៅនេះសូមទាក់ទងការ

SOMA MANDARIN 若您需要這手冊翻譯成中文，請聯絡辦事處。

What is a Middle School?

The Profile of a Du Bois Educator

Du Bois Middle School Is a progressive community that values learning for all students and teaching towards a sustainable future for our local and global society.

We:

- Love working with middle schoolers.
- Dedicate ourselves to a small advisory group of students with a focus on building growth mindsets, infusing social-emotional learning, implementing restorative practices, and connecting families to their children’s learning.
- Insist on building diverse and inclusive classrooms where all students can learn from one another and thrive.
- Collaborate with colleagues to build authentic interdisciplinary units of study that culminate in exceptional student work products.
- Commit to creating a student centered environment - where all students are seen, heard, and valued.
- Have passions outside the classroom and are eager to share our interests with children, families and colleagues.
- Believe in the importance of connecting fieldwork, leadership education, and outdoor education into the curriculum.
- Most importantly, in a changing and diversifying community, will approach the challenges a school will inevitably face with a positive outlook focused on finding solutions and solving problems!

Is my fifth grader ready for this?

We don’t have to tell you that the growth process is speeding up! You only have to count outgrown shoes and let out last month’s hems to know that!

You might be surprised to learn that many growth studies show:

- that the change to adolescence can begin for early maturing girls in Grade 3 and for early maturing boys in Grade 4.
- that a majority of students go through these changes during Grades 5 through 8; and all will be in some stage of transition during these grades.
- that today’s 10 year olds are about the same size and maturity level as the 12 year olds in your parent’s day.

The Middle School is ready to meet the needs of your Student!

- **Counselors** are available to help students learn life-long problem-solving skills as they perceive their world as young adolescents.
- **Academic Teaming** prepares students for higher education, both with individual and team effort.
- The varied **Exploratory Classes** allow students to learn decision-making skills and permit them to experience success in the practical and performing arts.
- Each student is a member of a small **Crew**. Crews meet daily to hone their academic and social emotional skills. They also have a ton of fun together

School Mission Statement

In cooperation with parents and the community, the W. E. B. Du Bois Regional Middle School will provide all students a safe environment in which:

- Personal and academic excellence is promoted and celebrated.
- Student responsibility for learning is developed and expected.
- All people value and exercise respect and responsibility.
- A spirit of inquiry is recognized and fostered.
- An enthusiasm for life-long learning is instilled.

DBRMS subscribes to the beliefs set forth by the National Middle School Association. In their position paper, *This We Believe: Keys to Educating Young Adolescents* (2010), they outline a framework of four essential attributes that connect with the characteristics of successful middle grades schools. Embracing these attributes helps us in striving to create a school that best meets the needs of our students.

Essential Attributes

An education for young adolescents must be:

Developmentally responsive

Using the distinctive nature of young adolescents as the foundation upon which all decisions about school organization, policies, curriculum, instruction, and assessment are made.

Challenging

Ensuring that every student learns and every member of the learning community is held to high expectations.

Empowering

Providing all students with the knowledge and skills they need to take responsibility for their lives, to address life's challenges, to function successfully at all levels of society, and to be creators of knowledge.

Equitable

Advocating for and ensuring every student's right to learn and providing appropriately challenging and relevant learning opportunities for every student.

School and Family Compact

Compact of Shared Responsibility

W. E. B. Du Bois thanks you for the opportunity to be a part of your child's education. We know that there are many important actors in a child's life and no one person or organization is ever enough to see to all of the needs children have. We believe we have a better chance if we work closely together with families and involve students directly in taking responsibility for their educational success. The Compact of Shared Responsibility below grows out of that belief.

As a School we will:

- Communicate frequently regarding your child's education.
- Provide an environment that is safe and conducive to learning.
- Respect each student, their parents and the diverse culture of the school.
- Contact you quickly in case of any concerning incidents.
- Keep Power-School up to date so that you can keep track of your child's progress.

As Parents we will:

- Have on going communication with my child's school.
- See that my child attends school regularly and is habitually on time.
- Establish a time and place for my child to do homework and check regularly to see it is getting done.
- Monitor my child's involvement with electronics and social media.
- Come to the school as necessary to discuss the needs of my child and respond to specific incident.
- Be familiar with the student/family handbook.

As a Student I will:

- Come to school each day prepared to learn.
- Always work to the best of my ability.
- Strive to make a positive difference in the school community.
- Demonstrate respect for the behavioral norms of W. E. B. Du Bois, the staff, and my fellow students.
- Be familiar with the student/family handbook.

Sharing Concerns

From time to time, parents may wish to bring problems or concerns to the attention of appropriate school officials. We urge parents to use the following general guidelines:

- 1) Any concerns regarding a school-related matter should first be raised by the parent with the staff member most directly involved unless the matter concerns civil rights, harassment, and/ or bullying (i.e. questions regarding the content of instructional materials or homework assignments should be raised with the teacher involved.)
- 2) If the matter remains unresolved, the parent may wish to speak with the building principal or assistant principal. Appointments can be scheduled by contacting the office.
- 3) If the matter is still unresolved, the parent may wish to speak to the superintendent. For an appointment, simply contact the superintendent's office.
- 4) If the matter still remains unresolved, the parent may wish to bring it to the attention of the School Committee by communicating directly with the chairperson of the School Committee.

We urge parents to use the progressive steps outlined above as most problems can be addressed satisfactorily by the teacher or other staff member most directly involved. We have found that by following this process parents find the most satisfaction and success.

The following are examples (not an all-inclusive list) of issues that are more appropriately addressed at the levels indicated.

1. **TEACHERS**
 - a. student homework assignments, quizzes, and tests;
 - b. course content, instructional materials, academic progress, and extra help;
 - c. issues related to classroom discipline, relationships with other pupils and the teacher.
2. **GUIDANCE COUNSELOR**
 - a. course selections and student schedule;
 - b. student placement issues;
 - c. school records
3. **SCHOOL ADJUSTMENT COUNSELOR**
 - a. problems between: school and home; teacher and pupil; pupil and other pupils;
 - b. personal matter relating to student development, behaviors, interactions and others;
4. **ASSISTANT PRINCIPAL**
 - a. school wide discipline issues, bus conduct issues
 - b. problems between: school and home; teacher and pupil; pupil and other pupils.
 - c. after school programs.

5. **PRINCIPAL**
 - a. any issue arising out of a school building when no other staff member can be specifically identified;
 - b. instructional and co-curricular program issues (athletics, music, drama, etc.);
 - c. matters related to the physical plant;
 - d. complaints, dissatisfaction, or concerns regarding school personnel;
 - e. school-wide discipline.

6. **SUPERINTENDENT**
 - a. questions regarding school committee policies and administrative procedures;
 - b. school committee meeting and agenda items;
 - c. complaints, dissatisfaction, or concerns regarding school personnel or services which have not been resolved at the principal's level.

7. **SCHOOL COMMITTEE**
 - a. concerns that have not been successfully addressed/resolved throughout the process.

8. **CIVIL RIGHTS COORDINATOR**
 - a. concerns related to discrimination and/ or harassment based on any protected category under state and/ or federal law.

Staff Directory

Administration/Guidance

Principal

Assistant Principal

Guidance Counselor

Office Staff

Mr. Jake McCandless

Ms Ellie Rizzo

Mr. Kevin Costello

Mrs. Julie Duffin

Ms. Debra Spence

Team Five

Mrs. Carole Aberdale

Mrs. Allison Fisher

Mr. Paul Beling

Mrs. Nan Smith

Mrs. Elizabeth Sparks

Math and Science

Humanities

Humanities

Special Education

Math and Science

Team Six

Ms. Susan Kravitz

Ms. Kim Cormier

Mrs. Allison McGee

Mr. Matt Naventi

Ms. Jessica Oakley

Math

Literature, Fiction and Non-Fiction

Special Education

Social Studies

Science

Team Seven

Mrs. Gail Bouknight-Davis

Mr. Burr Milliken

Ms. Mercedes Girona

Mr. Brendan Heck

Mrs. Kathleen Gillis

Mr. Fred Erickson

Ms Sydney Carl

Special Education

Special Education

Spanish

English

Social Studies

Math

Science

Team Eight

Mr. Sam Ernst

Ms Justine Lenter

Mr. Stephen Costello

TBD

Ms Kristin McLaughlin

Mr. Julian Park

Special Education

French

Math

English

Science

Social Studies

Exploratory

Mr. Maddie Gaudet

Mrs. Stephanie Mason

Mr. Chip Vittum

Ms Hannah Gaschott

Mr. Danny O'Dell

Mrs. Katie Malone-Smith

General Music

Physical Education

Physical Education

Health

Design

Art

Ms Jennifer Guerin

Library/Media Specialist

Clinical

Ms Lynn Casella

Clinician

Mr. Dominic Sacco

Student Adjustment Counselor

Ms. Megan Anello

BCBA

Ms. Alyssa Sorrentino

BCBA

Mr. Chuck Brown

Directed Study Supervisor

Specialized Programs

Mr. Jake Pinkston

Therapeutic Learning Center Lead Teacher

Mr. Tom Leonardo

Developmental Skills/Autism Lead Teacher

Music

Mr. Jake Keplinger

Band

Mr. Matthew Schneider

Orchestra

Ms. Maddie Gaudet

Chorus

School Nurse

Ms. Hillary Bashara

Related Services

Ms. Pam Hassett

Occupational Therapist

Ms. Heidi Cooper

Physical Therapist

Ms. Chrissie Gordon

Speech Language Pathologist

Ms Diane Viggiano

English as a Second Language

Paraprofessionals

Mrs. Kelly Bessey

Mrs. Kyoung Bubriski

Mrs. Audrey Console

Mrs. Ivy Cote

Mrs. Ashley Daigle

Mrs. Theresa Girona

Mrs. Betsy Heath

Mr. Andrew Kraforst-Lang

Ms Tammy Lockenwitz Payer

Mrs. Peg Pegorari

Mr. Brian Rembisz

Mr. Braiden Schuler

Ms. Suzanne Wool

Custodial Staff

Mr. Scott Jenny

Supervisor

Mr. Fox Riiska

Mr. John Riiska

Food Service Staff

Mrs. Kathy Sullivan
Mrs. Theresa Errichetto
Mrs. Holly Hamilton
Ms. Kim Marino

Director

General Information and Procedures

School Hours

Students may be dropped off for school either by bus or by car beginning at 7:40. Our school day begins at 7:55. Students arriving at or after 7:55 will be marked as tardy. The day ends at 2:40. After school activities usually end at 3:30 or 5:00 for Project Connection. A student must be with a staff member if in the building after 2:40. Students should be picked up promptly at the conclusion of the day or the activity.

After School

W. E. B. Du Bois offers a number of after school programs for our students. Announcements regarding registration are made on the morning announcements, via the PA and in the lunchroom. Information will also be available on our website. Sample programs include: indoor soccer, yearbook, newspaper and Project Connection. Should you wish to offer a class or want more information please contact Ms Rizzo. Please remember to pick up your child at the end of the activity. Most activities will end at 3:30.

Pickup Dropoff and Parking

Students are dismissed at 2:40 PM on a regular school days and 11:25 AM on half days. All parents picking up and dropping of students should drive around to the rear parking lot. Please do not block driveways or crosswalks during these times. A number of our students cross the street to walk to other school buildings. Cars in the crosswalk create a safety concern.

In the event of an early dismissal, parents should send a note to school with their child. The child gives the office staff the note and receives an early dismissal pass which is given to the teacher at the time they need to leave school.

If you have a situation arise which requires a message to your child regarding a change in plans we appreciate getting the call by 2 PM. This allows adequate time to get the message to the student. When dropping off your student please do not block the driveway. Proceed to the front entrance only. Do not use the bus entrance since that will delay the busses dropping off students.

Parents must not idle their cars while waiting for students at either drop off or pick up. Whenever a bus or vehicle arrives, the driver is to secure the bus or vehicle and shut the engine down as soon as possible. No bus or vehicle will be left at idle in excess of five minutes of anticipated idling time.

Limited visitor parking is available on your right as you drive around the front circle. Additional parking is available behind the school.

School Closing or Delay

The district will be using an automated calling system to alert families via phone and/or email of delays and closings. Please keep the school informed of phone number and email address changes. Information is also posted on www.bhrsd.org

In addition, school closings or delayed openings will be announced as early as possible on the following radio stations: WSBS 860, WBRK 1340, and WUPE 100.1. The following TV stations will also have information: WWLP/TV22, WRGB/6, and WTEN/10.

Emergency Drills and Procedures

Du Bois Middle School practices several types of drills throughout the course of the school year to ensure that students and staff are prepared in the event of an emergency. These drills are generally coordinated with the Great Barrington Police and Fire departments as well as with the state police and other local emergency service providers.

Emergency materials and an instructional flipchart are posted in every room to help students and staff understand their responsibilities in the event of an emergency. In the event of an off campus evacuation, Du Bois evacuates to Hevreh Synagogue on State Road.

If you have specific questions regarding emergency drills please contact Ellie Rizzo the assistant principal, Jake McCandless the principal, or Steve Soule the director of operations for the district.

Lost and Found

Students are requested to bring any found articles, textbooks or clothing to the office. Lost and found items are collected in the cafeteria. The school suggests that you do not bring valuables or large sums of money to school as the school cannot assume responsibility for these items if lost. Periodically the school donates unclaimed items to local charities.

Lockers

Each student is assigned a locker at the beginning of the school year. Crew teachers give students the combinations. Students are not to share lockers or combinations. Searches of students, their property and lockers may be conducted by school personnel if school officials have reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Therefore, students do not have any reasonable expectation of privacy in their lockers. Police may be contacted to assist school personnel. Students are not to write on lockers, put decals or pictures on lockers or to deface a locker in any way. Any student who damages or misuses a locker will be subject to disciplinary action, plus restitution in full including materials and labor. Your locker is the property of the Berkshire Hills Regional School District and loaned to you for storage of school books and materials, plus personal items such as clothing.

School Lunch

Berkshire Hills is now a Community Eligibility Provision (CEP) school district, which means that all students now receive meals free of charge. We no longer collect applications for free and

reduced lunch. There will still be a charge for a second meal and a la carte items, such as a single milk (without a meal), and additional sides. Students will need to have money on their account or bring money with them to school for these additional items.

Field Trips

Field trips are an important part of the educational process. All students are expected to participate. Some trips happen during the school year and are designed to enrich the students' educational experience. Other trips are planned at the end of the school year as a culminating activity. When there is an expense for a field trip, scholarships are available for families in need. Please submit a letter to the principal or assistant principal stating the amount you are able to contribute and the amount you will need in scholarship. We encourage all students to take part in fund raising events.

For the end of the year field trips, students may become ineligible if they have exhibited inappropriate behavior during the school year, poor attendance, excessive tardiness and lack of effort in academic performance. Parents and students are notified in advance if there is a concern about attendance. It is important that all students have the opportunity to attend.

Advance approval by the Superintendent is required for any student trip involving late night or overnight travel. Any student or staff member planning late night or overnight travel should consult the school committee policy on late night and overnight travel prior to making any travel arrangements.

Grade Level Teams/Schedule Organization

Grade 5 Students are on a grade level mini-team with one teacher responsible for humanities and one teacher responsible for math and science. Students also have a dedicated crew leader. There are two periods of Exploratory Arts classes per day. The classes are: art, general music, health, library, physical education, and technology. If a student chooses to be part of a performance ensemble that will take the place of one exploratory class a day.

Grade 6 Students are on a grade level team with a teacher responsible for each of the subject areas – math, science, social studies, literature non-fiction, and literature fiction. Students also have a dedicated crew leader. There are two periods of Exploratory Arts classed per day. The classes are: art, foreign language, general music, health, physical education and technology. If a student chooses to be part of a performance ensemble that will take the place of one exploratory class a day.

Grade 7 Students are on a grade level team with a teacher responsible for each of the subject areas – math, science, social studies, English language arts, and foreign language. Students also have a dedicated crew leader. There are two periods of Exploratory Arts classed per day. The classes are: art, general music, health, physical education and technology. If a student chooses to be part of a performance ensemble that will take the place of one exploratory class a day.

Grade 8 Students are on a grade level team with a teacher responsible for each of the subject areas – math, science, social studies, English language arts, and foreign language. Students also have a dedicated crew leader. There are two periods of Exploratory Arts classed per day. The

classes are: art, general music, health, physical education and technology. If a student chooses to be part of a performance ensemble that will take the place of one exploratory class a day.

Grading System

Du Bois Middle School uses a Proficiency Based Learning (PBL) system *to report on student progress*. Students *are assessed* as Beginning, Developing, Meeting, or Exceeding *proficiency in a clearly defined set of skills/concepts for each class*. In a PBL system, rubrics provided by teachers help students and parents identify which skills/concepts students are studying, and clarify what they need to do to demonstrate mastery of each.

Homework

The term “homework” refers to an assignment to be prepared during a period of supervised study in class or outside of class. The purposes of homework are to improve the learning processes, to aid in the mastery of skills, and to create and stimulate interest on the part of the student. Homework is a learning activity which should increase in complexity with the maturity of the student.

With increased maturity, learning should become an independent activity. This should be established through consistent assignments which encourage students to investigate for themselves and to work independently as well as with others. Homework assignments should be consistent in terms of the amount given each day and the time required for each assignment so that a pattern of meaningful homework can be established by the teacher and/or the student. The information for any homework assignment should be clear and specific so that the student can complete the assignment.

Homework assignments should take into consideration individual differences of students such as health, ability, conditions at home, and educational resources at home. Homework should not require the use of reference materials not readily available in most homes, school libraries, or the public library, and should require the use of those materials only when the student has had instruction in the use of them.

There are many other learning activities in the life of a student besides homework. Such things as participating in school activities, pursuing cultural interests, participating in family living, and exploring personal interests should be considered by teachers when planning consistent assignments. Homework is not to be used as a form of punishment under any circumstances. *(See Section I Policy IKB of the BHRSD Policy Book for full policy)*

Power School

PowerSchool is a web based student information system that enables educators to create a collaborative environment for parents, teachers and students to work together in preparing 21st century learners for the future. For assistance accessing your student’s information in PowerSchool please contact Debra Spence in our guidance department. Teachers shall within a reasonable time update grade reports within PowerSchool.

Honor Roll

In order to achieve high honor status a student must have an average of 90 with no grades lower than 85. Honors is earned by having an average of 85 with no grades lower than 80. All subjects receiving a numerical grade count toward the average. In a proficiency system a student with all grades at a Meeting level or higher will be considered honors and a student with all grades at an Exceeding level will be considered High Honors. Honor Roll is determined for 7th and 8th grade only.

Extra Help

W. E. B. Du Bois remains open after regular school hours for any student requiring extra help or choosing to complete homework assignments. Students should connect with the teacher a day ahead to verify availability. Students must arrange their own transportation and should be picked up no later than 3:30 pm.

General Education Team Meeting

Team teachers meet regularly to coordinate instruction and to review the progress of their students. Parents can arrange to meet with their child's team by contacting your child's crew leader via e-mail or voice mail.

School Activities

During the year there will be special activities designed for teams and/or specific grade levels. Information regarding these events will be found on our calendar and website. Most of these events are chaperoned by staff who volunteer their time. Should you wish to help chaperone please call the school. Prompt pick up at the end of the event is greatly appreciated. After school activities are run through Project Connection and parents hoping to become involved with Project Connection should contact J.P. Okin the Director of Out of School Time.

Parent Involvement

There are numerous ways parents can become involved with the school. Parents are welcome to offer after school activities, supervise an after school homework club, and become involved in more structured activities. Parents are required to complete a CORI form prior to involvement. Please contact the main office at 644-2300 for help with the process. You also may want to become involved in one of the following groups.

School Council – This is a representative, school building based committee composed of the principal, parents, teachers and community members that is required to be established pursuant to M>G>L Chapter 71, section 59c. The DBRMS School Council meets weekly. The meeting schedule is posted on the website and on the Week at a Glance.

Parental Support and Fundraising Groups

The Berkshire Hills Regional School District (BHRSD) is appreciative of and thankful for the support parental groups provide for co-curricular and athletic activities. Parents come as spectators, volunteers, and fundraisers. Their support provides a sense of community for our students and as volunteers they often provide the extra hand needed to accomplish an activity.

Financially their fundraising provides many enrichment activities for our students. It is important to recognize that the BHRSD does not audit or provide accounting for their financial records.

To help ensure the credibility of these organizations and that of the school district the BHRSD will develop a set of financial accounting recommendations. Annually each organization will need to submit a document of assurance to the district that they are following the recommendations. In exchange, the BHRSD will allow them to use, subject to applicable district policy, the school/district name, our facilities and appropriate equipment, as well as publicize their activities.

Website

Parents will find a great deal of information on our district and school website. Please check out www.bhrsd.org and click on the W. E. B. Du Bois link. After school events and other school news will also be available there. Bookmark our site and check in daily! Please let us know what other information would be helpful as we continue updating our pages.

Week at a Glance

Each Friday an overview of the upcoming week is sent to parents who have an email listed. Paper copies are distributed to students without an e-mail address. The Week at a Glance talks about upcoming events and provides the school lunch menus.

CLEO

CLEO is an extended school day and school year program that involves activities with an academic component built in to the curriculum. We focus on experiential learning with many hands on programs that incorporate some of the many different Massachusetts Common Core Standards that we are working on all year long through the traditional school day. Programs run from 3:30-5:00 and transportation is provided for those students that need. You can reach Project Connection by e-mail at jp.okin@bhrsd.org or by phone at (413) 644-2300 extension 3306.

Student Services

Special Education and 504

A student may be referred for an evaluation by a parent or any person in a care giving or professional position concerned with the student's development.

When a student is referred for an evaluation to determine eligibility for special education, the special education director will send written notice to the student's parents within 5 school days of receipt of the referral. The notice shall seek the consent of the parent for the evaluation to occur, and provide the parent with the opportunity to express any concerns or provide information on the student's skills or abilities. The parent will have the opportunity to consult with the special education director or his/her designee to discuss the reasons for the referral, the content of the proposed evaluation, and the evaluators.

Upon consent of the parent, the school district shall provide an evaluation of the student within 30 school days. We will ensure that evaluators are appropriately credentialed and trained to

administer all assessments. Each person conducting an assessment shall summarize in writing, the procedures employed, the results, and shall define the student's needs and recommendations for meeting those needs. A team meeting will be held within 45 school days of receipt of consent for evaluation, to determine eligibility for special education. The special education team shall consist of all evaluators, the student's regular education teacher, a special education teacher, an administrator, the parent and anyone else relevant to the process. If you have questions or would like more information, please call Ms. Kate Burdsall, Director of Student Services. at 298-4017, ext.14.

Some students with disabilities may be entitled to services and other accommodations under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. To qualify as a disabled individual under Section 504, a student must: 1) have a physical or mental impairment that substantially limits one or more major life activities; 2) have a record of such an impairment, or 3) be regarded as having such an impairment. To qualify for a 504 Plan, an individual must fit into qualification # 1 and require services and other accommodations to meet their educational needs as adequately as the needs of nondisabled students are met. The determination of such qualification shall be made by a team of persons knowledgeable about the disability and/or the student. A parent/guardian/teacher, as well as other individuals like the student's physician, may refer the student for an evaluation under Section 504. A complete copy of the Parent's/Guardian's procedural rights under Section 504 may be obtained from the guidance department's office.

Homebound Instruction

(Educational Services in the Home Or Hospital)

Upon receipt of a physician's written order verifying that any student enrolled in the Berkshire Hills Regional School District or placed by the district in a private setting must remain at home or in a hospital on a day or overnight basis, or any combination of both, for medical reasons and for a period of not less than 14 school days in any school year, the principal shall arrange for provision of educational services in the home or hospital. Such services shall be provided with sufficient frequency to allow the student to continue his or her educational program, as long as such services do not interfere with the medical needs of the student. The principal shall coordinate such services with the Director of Student Services for eligible students.

(Section I, Policy IHBF of the BHRSD Policy Book)

Service Animals

BHRSD acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the American with Disabilities Act (28CFR 35.136(a)).

Assistive Technology

Students on an IEP or 504 Plan may qualify for an Assistive Technology Evaluation and, on the basis of the evaluation, may benefit from the use of assistive technology in school, at home, or both. Regardless of setting, assistive technology remains the property of BHRSD and parents/guardians/ adult students will be required to sign an agreement regarding the use of assistive technology prior to using it within their homes. Additional information will be provided by individual students' IEP or 504 Teams.

Equal access to all Aspects of K-12 Program

The district evaluates all aspects of its K-12 program annually to ensure that all students, regardless of race, color, sex, gender identity, religion, national origin, limited English proficiency, sexual orientation, disability, or housing status, have equal access to all programs, including athletics and other extracurricular activities.

Title VI: 42 U.S.C. 2000d; 34 CFR 100.3(b)(2); EEOA: 20 U.S.C. 1703(f); Section 504: 29 U.S.C. 794; 34 CFR 104.4(b)(4); Title II: 42 U.S.C. 12132; 28 CFR 35.130(b)(3); NCLB: Title III, Part A, Sec. 3121(c)(1)(C); Title X, Part C, Sec. 722(g)(1)(J)(i), 722(g)(7); Mass. Const. amend. art. 114; M.G.L. c. 71A, § 7; c. 76, § 5; 603 CMR 26.07(1),(4) as amended by Chapter 199 of the Acts of 2011

Non-Discrimination Statement

Public schools have the responsibility to overcome, insofar as possible, any barriers that prevent children from achieving their potential. The public school system will do its part. The District's policy of nondiscrimination will extend to students, staff, the general public, and individuals with whom it does business; No person 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, sexual orientation or disability. (See Section A, Policy AC of the BHRSD Policy Book for more information)

Berkshire Hills Regional School District does not discriminate on the basis of age, race, to include traits historically associated with race, including, but not limited to, hair texture, hair type, hair length and protective hairstyles, color, sex, age, gender identity, religion, national origin, sexual orientation, disability, pregnancy or parenting status, limited English proficiency, or homelessness.

Parental Notification Law

The Massachusetts Parental Notification Law ensures that parents and guardians are notified about any curriculum that primarily involves human sexuality education or human sexuality issues. The law also states that parents are permitted to exempt their children from any portion of that curriculum without penalty.

Sex ed at W. E. B. Du Bois is part of our health curriculum.

Transfer of Parental Rights

The Berkshire Hills Regional School District informs students and families regarding the age of majority through the Team process and by written notice to all special education students and their parents, one year prior to age 18.

Family Educational Rights and Privacy and Student Records Act

Both Massachusetts and the federal government have laws that exist to insure parents' and students' rights of confidentiality, inspection, amendment, and destruction of student records, and to assist school authorities in their responsibilities for the maintenance of school records. In Massachusetts, those laws are found at G.L. c.71, §§ 34A, 34D, 34E, and 34H and at 603 CMR

23.00. The federal student records law is called the Family Educational Rights and Privacy Act and is found at 20 U.S.C. section 1232g; 34 CFR 99, further information is available at the link below: <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

The following definitions apply to these subsections:

Authorized School Personnel (CMR)/ School Officials (FERPA):

School administrators, teachers, counselors, special education team members, clerical personnel, 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. It includes attorneys, contractors, electronic/online vendors, consultants, volunteers, interns, or other parties to whom the school has outsourced institutional services or functions.

Legitimate Educational Interest:

Authorized School Personnel/ School Officials have a legitimate education interest in a student record when access to that record is necessary in order to fulfill his/ her professional responsibilities.

Eligible Students:

Any student who is 14 years of age or older or who has entered ninth grade, unless the School Committee has acting pursuant to 603 CMR 23.01(4) extends the rights and provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered ninth grade.

Release of educational information by the school:

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record, and parents may consent to the disclosure of educational records to any third party. However, FERPA and Massachusetts student records laws allow schools to disclose those records, without consent, to the following parties or under the following conditions:

- Other schools to which a student is transferring (please note that our schools will also request and receive student records from the school of origin for students transferring into the District, and will be able to receive these records without additional consent upon receiving notice that the student will be enrolling in the District);
- Authorized School Personnel/ School Officials, when they have a legitimate educational interest in the materials.
- Administrative office staff and clerical personnel who are either employed by the school committee or are employed 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;
- Specified officials for audit, enforcement, or evaluation purposes, provided that except when collection of personally identifiable data is specifically authorized by law, any data collected by such officials shall be protected so that parties other than such officials and their authorized agents cannot personally identify such students and their parents;

- Local and state health department personnel to student health records, when such access is required in the performance of official duties;
- Appropriate parties in connection with financial aid to a student;
- Organizations conducting certain studies for or on behalf of the school;
- Accrediting organizations;
- To comply with a judicial order or lawfully issued subpoena;
- Appropriate officials in cases of health and safety emergencies; and
- State and local authorities, within a juvenile justice system, pursuant to specific State law.

Under 603 CMR 23.07(4)(a) a school may release the following “directory” information without prior consent: “a student’s name, address, telephone listing, date and place of birth, major field of study, dates of attendance, weight and height of members of athletic teams, class, participation in officially recognized activities and sports, degrees, honors and awards, and post-high school plans.” Parents and eligible students may request that this information not be released without prior consent.

As referenced in 603 CMR 23.07(4)(g), the District forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student’s enrollment or transfer.

Under section 37L of G.L., c. 71, any student transferring into a new school district must provide the new district with “a complete school record,” including but not limited to, “any incidents involving suspension or violation of criminal acts or any incident reports in which such student was charged with any suspended act.”

Please also note that all student records will be destroyed 30 days after the student’s graduation from MMRHS or 30 days after transferring to another school. **This handbook hereby provides students and parents/ guardians with notice of destruction of records.** Parents/ guardians/ adult students are encouraged to request and procure student records from the central office within 30 days of a student’s graduation or transfer to another school.

The following records will be kept electronically, replacing paper files, beginning in the 2023-2024 school year:

- report cards
- transcripts
- attendance records
- discipline records
- health records
- Section 504 records
- custody documents
- records from bullying/harassment investigations

All special education documents will be on file, hard copy, in the Office of Student Services as well as electronically in PowerSchool Special Programs.

Email communication will be kept through the current school year. Parents will have 30 days to request emails at the end of a school year prior to the destruction (deletion) of the email communications.

Right of Access Inspection and Request for Amendment of Records by Custodial Parents and Eligible Students

Pursuant to 603 CMR 23.07, parents and eligible students shall be given access to the student record within ten days after the initial request and have the right to inspect the records. Upon request, school officials will meet with the parent/ eligible student to interpret the records. The parent/ eligible student also has a right to have the records inspected by third parties.

Parents/ eligible students may also add information, comments, data, or other relevant information to the student record. They may submit written requests for amendment or deletion of all educational records, with the exception of records entered by a special education evaluation team. If parents/ eligible students wish to have special education records amended or deleted, they may request a meeting with the school principal or his/ her designee, or the special education team to discuss their concerns.

The BHRSD administers benchmark testing in reading and math three times per year in grades 1-10 and the BHRSD administers a social emotional survey in grades K-12 two times per year. The Youth Risk Behavior Survey is completed annually in grades 7-12. The Strengths and Difficulties Screener is administered annually to students PK-12. Additionally, the BHRSD may administer surveys to gather feedback on program efficacy and improvements. Data from all of these assessments will be kept at the schools until the student changes schools or graduates at which time the data will be destroyed.

Non-Custodial Parental Request for Student Records

G.L. c. 71, § 34H

Any parent who by court order does not have physical custody is considered a non-custodial parent. A non-custodial parent may have access to the student record in accordance with law and Department of Education regulations, found at 603 CMR 23.07. A non-custodial parent requesting information shall submit a written request to the school principal.

Any parent who does not have physical custody shall be eligible to receive access to the student record unless:

- Parent's access is currently prohibited by temporary or permanent protective order, unless this order specifies access to such information.
- The parent is denied visitation; or, based on threat to safety of the child, is currently denied legal custody, or is court-ordered to be under supervised visits, and such threat is specifically noted in the custody or visitation order.
- There is an order of a probate and family court judge which prohibits the distribution of student records to the parent.

Once a request is received, the school shall review the student's records for any documentation limiting or restricting the non-custodial parent's access to the information or records. The district shall notify the custodial parent of the request by certified mail in both primary language

of the custodial parent and in English that it will provide the information after 21 days, unless the custodial parent provides the principal with documentation that the parent is not eligible for the information. Such documentation includes:

- A court order prohibiting contact with the student, as outlined above;
- A (temporary or permanent) court order plainly prohibiting the distribution of information to provide protection to the student from abuse by the requesting parent; and
- Subsequent orders modifying a protective order that would otherwise allow such access. In this case, the custodial parent must contact the school to notify administration of any such modified court orders and provide documentation thereof.

If the custodial parent responds and provides any of the above documents, these records are to be placed in the student's file. If the custodial parent does not produce such documentation, the student records will be provided to the non-custodial parent, except that all electronic and postal address and telephone numbers relating to work or home of the custodial parent shall be removed from the records sent. Furthermore, student records provided to a non-custodial parent will be stamped to indicate that they cannot be used to enroll the student in school elsewhere.

If a student is the subject of any temporary/permanent custody order, decree, or agreement, a copy of the custody order, decree or agreement – either signed by the judge of the probate court in the case of an order or decree or signed by both parents in the case of an agreement – must be provided to the main office.

These orders are important for determining access to the student's records, the right to have the student dismissed into the care of an individual, the right of access to a student's teacher and similar issues. Parents are responsible for notifying the school of any changes in the custody order, decree, or agreement.

These records are to be placed in the student's file. Each elementary and secondary school shall provide student records within ten days including, but not limited to:

- Report cards and Progress Reports
- Results of standardized testing
- Notice of referral for special education evaluation
- Notification of enrollment in ESL program (Chapter 71A)
- Notification of absences and illnesses
- Notification of detentions, suspensions, or expulsions
- Notification of permanent withdrawal from school

Upon receiving oral or written notice that the student seeks or intends to transfer to another school, the District will send a student's records to the school to which a student seeks or intends to transfer. The District does not require the consent of the eligible student or parent to forward these records.

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) requires that the school notifies you to obtain consent or allow you to opt out of the following school activities: a student

survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior;
4. Critical appraisals of others with whom respondents have close family relationships;
5. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
6. Religious practices, affiliations, or beliefs of the student or parents; or
7. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings.

The District will provide parents, within a reasonable period of time prior to the administration of the surveys and activities, a notification of the surveys and activities and be provided an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents to any student who is 18 years old or an emancipated minor under State law).

Any allegations of FERPA violations relating to the above sections may be directed to the U.S. Department of Education’s Family Compliance Office, located at 400 Maryland Avenue, SW, Washington, DC 20202.

Homeless Education Act

According to the Federal McKinney-Vento Homeless Education Assistance Act, schools are required to immediately enroll homeless students in school, even if they do not have the documents usually required for enrollment, such as school records, medical records or proof of residency. There are similar protections under Title I of the Every Student Succeeds Act for foster care students. For additional information regarding the education of homeless students, please contact the homeless liaison coordinator, Kathryn Burdsall For information regarding foster care students, please contact the DCF liaison Kathryn Burdsall.

The BHRSD prohibits discrimination or harassment based on homelessness. Any complaints of discrimination or harassment based on homelessness may be reported to the homeless liaison and will be investigated using the same process and steps as the District’s non-discrimination procedures.

English Language Education

The goal of the English Language Education (ELE) program of the Berkshire Hills Regional School District is to support the progress of LEP (Limited English Proficient) students in the four English language domains of reading, writing, listening, and speaking. These students (known as English Language Learners (ELL)) receive content instruction in English at the appropriate academic and grade level. Any newly enrolled student with a language other than English spoken at home will be assessed for English Language Proficiency within 30 days of enrollment at school. Based on the results, students will be placed in a regular education

classroom/schedule with support services in English as a Second Language as needed.

All parents have the right to waive ESL services. Information on the waiver procedure is available through the principal of each school. A language Assessment Team (LAT) will convene once a student is identified as LEP. The LAT may include, but is not limited to: parent/guardian, principal, guidance counselor and/or school psychologist, ELL coordinator, teachers, and interpreter (when possible and if necessary). During that meeting, a specific education plan and schedule for the year will be developed. Programming options available to students are documented in the student/parent handbook. The mini-handbook (in Spanish and English) for students eligible for ELE services and their parents/guardians also provides information about ELE programming options and legislative rights.

All students will be assessed annually for progress. Once deemed fluent in spoken and written English. The student (now known as FLEP=formerly Limited English proficient) will be exited from the ELE program and monitored for at least one year to insure continued progress. (*See Section I, Policy IHBE of the BHRSD Policy Book for full policy*)

Equal Educational Opportunities

In recognition of the diversified characteristics and needs of our students and with the keen desire to be responsive to them, the School Committee will make every effort to protect the dignity of the students as individuals. It also will offer careful consideration and sympathetic understanding of their personal feelings, particularly with reference to their race, creed, sex, religion, nationality, and physical and intellectual differences.

To accomplish this, the Committee and its staff will make every effort to comply with the letter and the spirit of the Massachusetts equal educational opportunities law (known as Chapter 622 of the Acts of 1971), which prohibits discrimination in public school admissions and programs. The law reads as follows:

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 course of study of such public school on account of race, color, sex, religion, national origin, gender identity or sexual orientation, disability or homelessness.

This will mean that every student will be given equal opportunity in school admission, admissions to courses, course content, guidance, and extracurricular and athletic activities.

All implementing provisions issued by the Board of Education in compliance with this law will be followed. (*See Section J, Policy JB of the BHRSD Policy Book for full policy*)

No Child Left Behind

The Federal *No Child Left Behind* Act of 2001 (also known as NCLB) requires that all school districts receiving Title 1 funding must notify parents of the right to know about the professional qualifications of the classroom teachers who instruct their child(ren). The specifics of the law are as follows.

- Parents/Guardians have the right to request information about the professional qualifications of the classroom teacher
 - Whether a teacher has met State qualifications and licensing criteria at the grade level and subject areas in which the teacher is providing instruction
 - Whether the teacher is teaching under an emergency license or waiver.
 - The baccalaureate degree major of the teacher and any other graduate certifications or degrees held by the teacher, and the field or discipline of the certification or degree.
 - And, whether the child is provided services by a paraprofessional, and if so, his/her qualifications.
- Parents also have the right to know if their child is taught by a teacher for four or more weeks who is not “highly qualified” (a term that is specifically defined by NCLB to mean that a teacher must be certified in the area in which he/she is teaching). This notification will come directly from the school to all parents whose children are impacted by this decision.

Berkshire Hills Regional School District is committed to providing quality instruction for all students and does so by employing the most qualified individuals to teach and support each student in the classroom. If you would like to receive any of the information listed above for your child’s teacher, please contact the building principal. If you have additional questions regarding NCLB, please do not hesitate to call the building principal.

Health and Wellness

Wellness Policy

It is the goal of Berkshire Hills Regional School District (BHRSD) for every student to have the necessary skills and knowledge to actualize healthy and satisfying lives. We believe that wellness is a multi-faceted concept that is best learned through practice and from modeling of healthy behaviors by adults in the school, family and community. We define wellness as a condition of health that is the result of proper nutrition, exercise and other personal habits that contribute to a sound mind and body. Therefore it is the policy of BHRSD to ensure that each student has equitable access to program, activities and classes that promote physical, social-emotional and mental wellbeing. These programs will be consistent with, but not limited by the Massachusetts Department of Education (MA DOE) Health curriculum frameworks for content (www.mass.edu/frameworks) and the National Health & Physical Education Standards for skills (www.educationworld.com/standards/national).

Wellness Committee

BHRSD will establish a Wellness Committee that should involve parents, students, nurse, Food Service Director, school committee member, health teacher, physical education teacher, school administrator, members of the public, and other community members as appropriate. The Wellness Committee will enact a plan, to be approved by the Superintendent, to oversee implementation and evaluation of the Wellness Policy.

Nutrition Guidelines

It is the policy of the school district that all foods and beverages made available on campus during the school day are consistent with School Lunch Program nutrition guidelines. Guidelines for reimbursable school meals will not be less restrictive than regulations and guidance issued by the Secretary of Agriculture pursuant to law. The district will:

- Establish separate guidelines for foods and beverages in the following categories:
 - foods and beverages included in a la carte sales in the food service program on school campuses
 - foods and beverages sold in vending machines, snack bars, school stores and concession stands
 - foods and beverages sold as part of school-sponsored fundraising activities
 - refreshments served at parties, celebrations and meetings during the school day
 - specify that its guidelines will be based on nutrition goals, not profit motives
- Participate, to the maximum extent possible, in federal school meals programs (including the School Breakfast Program, National School Lunch Program – www.fns.usda.gov).
 - Provide to all children who participate in subsidized food programs the ability to obtain food in a non-stigmatizing manner.
 - Provide students with access to a variety of affordable nutritious, appealing and fresh foods that meet and exceed health and nutritional needs of students as outlined by the Nutrition Standards and U.S. Dietary Guidelines. (www.nal.usda.gov/fnic/dga)
 - Develop guidelines for maximizing nutritional value by decreasing fat and added sugars, increasing nutrition density and moderating portion size of each individual food or beverage sold within the school environment.
- Provide adequate time, with a minimum of 20 minutes sit down time, for students to eat lunch at appropriate times, no earlier than 10:45 and no later than 1:00 pm, in the school schedule in clean, safe, and pleasant settings.
- Refrain from using food as a reward/ punishment. This is not meant to exclude foods for celebration and special events.

Nutrition and Physical Education

The school district will provide nutrition education and physical education aligned with the standards established by the MA DOE.

Nutrition Education

- Provide sequential, interdisciplinary nutritional education to foster healthy lifelong habits and promote comprehensive wellness learning in each grade from pre-K to 12.
- Enhance nutrition education using locally grown foods whenever possible
- Promote regional partnerships between health agencies, health education resources, food suppliers, school meal programs, and other community resources.
- Send consistent nutrition messages from all aspects of the school program to student and families.
- Encourage parents/guardians to support healthy food choices and habits for their children.

Physical Education Activities

- Provide sequential, interdisciplinary physical education to foster healthy lifelong habits and promote comprehensive wellness learning in each grade from pre-K to 12.
- Refrain from using the denial and the imposition of physical activity as a punishment in all school related activities.
- Give students opportunities for daily physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school students, and the integration of physical activity into the academic curriculum where appropriate.
- Provide opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics, and physical activity clubs.
- Provide opportunities, encouragement and support for all preK-12 students to be physically active on a daily basis and achieve the recommended health-related physical fitness standards.
- Design curriculum that promotes the acquisition of lifelong physical activities, i.e. walking programs, cross-country skiing
- Encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events.

Social/Emotional Activities

- Students will be provided sequential, interdisciplinary social-emotional education to foster healthy lifelong habits and promote comprehensive wellness learning in each grade from pre-K to 12.
- Students will understand the benefit of adequate sleep as it relates to readiness for learning and overall health and will learn to identify patterns of behavior that promote healthy sleep cycles, including types and timing of activities prior to sleep and nutritional relationships to sleep.
- Students shall learn to define relaxation and be able to understand its relationship to overall health and well-being. Additionally, students will be able to identify what type(s) of activities may encourage relaxation and will learn methods for promoting it in their own lives.

Other Wellness Activities

- Communication with parents/guardians, staff and students is essential. We will seek opportunities, to educate the school community on trends and information related to health and wellness. We will encourage community partnerships that assist the district in this effort.
- We will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring and reviewing district-wide nutrition, nutrition education, physical activity and social-emotional programs and policies and other wellness initiatives.
- We will consider and implement the when appropriate, environmentally-friendly practices such as the use of locally grown and seasonal foods, school gardens, recycling and composting.

- We will consider and implement when appropriate, physical activities and/or nutrition services or programs designed to benefit staff health.

Evaluation:

The Superintendent, Director of Food Services and Building Administration are charged with operational responsibility for ensuring the district meets the BHRSD Wellness Policy (ADF). The Wellness Committee will report annually to the BHRSD Superintendent, who will submit the report to the School Committee.

Leg Ref: Section 204 of Public Law 108-265 Child Nutrition and WIC Reauthorization Act 2004

Concussion Management

Student/ athletes and Parents are required to read and sign off on the Concussion and Opioid fact sheets prior to athletic participation.

Assumption of Risk

All student/ athletes and parents must realize that participation in sports carries a risk of injury including possible concussion, and, by agreeing to participate in athletic activities and signing a parental permission form on behalf of their children/ themselves, they thereby assume the risks of such injury. It is imperative that extreme care and attention be used at all times by all parties.

Specific provisions for exercising care can be found below and on this Website:

[<http://www.cdc.gov/headsup/index.html>].

Concussion Management and Return to Play Requirements “When in Doubt- Sit It Out”

“A concussion is a complex disturbance in brain function, due to direct or indirect trauma to the head, related to neurometabolic dysfunction, rather than structural injury. Even a “ding,” “getting your bell rung,” or what seems to be a mild bump or blow to the head can be serious.

Concussions can also result from a fall or from players colliding with each other or with obstacles, such as a goalpost.” (Centers for Disease Control and Prevention, 2009).

Part I: Signs and Symptoms of a Concussion

A concussion should be suspected if any one or more of the following signs or symptoms are present, or if the coach/evaluator is unsure.

1. Signs of a concussion may include (what the athlete looks like) the following:

- Confusion / disorientation / irritability
- Act silly / combative / aggressive
- Trouble resting / getting comfortable
- Repeatedly ask same questions
- Lack of concentration
- Dazed appearance
- Slow response / drowsiness
- Restless / irritable

- Incoherent / slurred speech
- Constant attempts to return to play
- Slow / clumsy movements
- Constant motion
- Loss of consciousness
- Disproportionate / inappropriate reactions
- Amnesia / memory problems
- Balance problems

2. Symptoms of a concussion may include (what the athlete reports) the following:

- Headache or dizziness
- Over sensitivity to sound / light / touch
- Nausea or vomiting
- Ringing in ears
- Blurred or double vision
- Feeling foggy or groggy

Note: DPH regulation 105 CRM 201 requires that a coach MUST immediately remove a student/ athlete from participating in any intramural or interscholastic athletic activity who (A) is observed to exhibit signs, symptoms or behaviors consistent with a concussion or (B) is diagnosed with a concussion regardless of when such concussion or head injury may have occurred or (C) sustains a head injury or suspected concussion. Under this regulation, coaches must also prohibit student/ athletes from engaging in any unreasonably dangerous athletic techniques and encourage techniques designed to promote safety. Failure to comply with this regulation may result in penalties including, but not limited to, personnel sanctions and the forfeiture of games.

Additionally, coaches, licensed athletic trainers, trainers, volunteers, school and team physicians, school nurses, athletic directors, marching band directors, students engaged in athletic activities and their parents must annually read, sign, and acknowledge understanding and receipt of DPH approved concussion education materials provided by the school. While this information provides a useful reference regarding indicators of concussion in student/ athletes, it is not a substitute for reading, signing, and acknowledging receipt of those materials.

Part II: Return to Participation (RTP)

Currently, it is impossible to accurately predict how long concussions will last. There must be full recovery before someone is allowed to return to participation. Massachusetts Law now requires that no athlete may resume participation until they have received written medical clearance from a licensed health care professional (Physician or the following individuals in consultation with a licensed physician: Nurse Practitioner, Physician Assistant, Neuropsychologist or Athletic Trainer). Therefore, the following procedures will apply when a Pre-Participation Head Injury/ Concussion Form reveals a recent prior concussion (beginning with procedure 5) or when a concussion occurs during the sports season:

Concussion management requirements:

1. No student/ athlete SHALL return to participation (RTP) on the same day of concussion.
2. The coach shall communicate the nature of the injury directly to the parent in person or by phone and the licensed athletic trainer immediately after the practice or competition in which a student/ athlete has been removed from play for a head injury, suspected concussion, signs and symptoms of a concussion, or loss of consciousness. The coach or licensed athletic trainer also must provide this information to the parent in writing in English and in the language of the home on the Report of Head Injury during Sports Season Form, whether paper or electronic format, by the end of the next business day. If the athlete is injured during the season but not while involved in any school athletic or extra-curricular activity, the parent must complete the Report of Head Injury during Sports Season Form and provide it to the student/ athlete's licensed athletic trainer/ coach.
3. The licensed athletic trainer/coach shall communicate, prior to the next school day with the Athletic Director and school nurse that the student/ athlete has been removed from practice or competition for a head injury, suspected concussion, signs and symptoms of a concussion, or loss of consciousness. The licensed athletic trainer/coach will provide the Report of Head Injury during Sports Season Form to the nurse and Director of Athletics. The school nurse will contact the student's teacher and guidance counselors.
4. If a student/ athlete is suspected of having a head injury or concussion, the student/ athlete will be referred immediately to their primary care physician or the emergency room and will be given a symptom checklist for review by medical personnel. Any loss of consciousness, vomiting or seizures the student/ athlete MUST be immediately transported to the hospital. Any student/ athlete with signs or symptoms related to a concussion MUST be evaluated from a licensed health care professional Physician or the following individuals in consultation with a licensed physician: Nurse Practitioner, Physician Assistant, Neuropsychologist or Athletic Trainer). These individuals must have received the appropriate training to make certifications.
5. Each student/ athlete who is removed from practice or a competition and subsequently diagnosed with a concussion must have a graduated reentry plan to return to full academic and extracurricular activities. The plan will be developed by teachers, guidance counselor, school nurse, licensed athletic trainer if on staff, parent and the child's treating medical provider.
6. Close observation of a student/ athlete MUST continue following a concussion. This should be monitored for an appropriate amount of time following the injury to ensure that there is no escalation of symptoms.
7. Schools will follow the primary care physician's written orders concerning return to school and physical activity.
8. The student/ athlete MUST obtain written clearance from one of the licensed health care professionals mentioned above directing them into a well-defined RTP stepped protocol similar to one outlined below. If at any time signs or symptoms should return during the RTP progression the student/ athlete should cease activity*.
9. After the RTP protocol has been successfully administered (no longer exhibits any signs or symptoms or behaviors consistent with concussions), final written medical clearance is required by one of the licensed health care professionals mentioned above for them to fully return to unrestricted participation in practices and competitions. This clearance

may be provided via a DPH Post Sports-Related Head Injury Medical Clearance Form or school-based equivalent.

10. The student/ athlete diagnosed with a concussion must be completely symptom free at rest in order to begin graduated reentry to extracurricular athletic activities. The student/ athlete must be symptom free at rest, during exertion, and with cognitive activity in order to complete the graduated re-entry plan and be medically cleared to play.

Medical Clearance RTP Protocol (Recommended one full day between steps)

Rehabilitation stage - Functional exercise at each stage of rehabilitation - Objective of each stage:

1. No activity - Complete physical and cognitive rest until recovered and asymptomatic. School may need to be modified.
2. Light aerobic activity - Walking, swimming or stationary cycling keeping - Increase Heart Rate intensity, <70% of maximal exertion; no resistance training.
3. Sport Specific Exercise - Skating drills in ice hockey, running drills in soccer - Add Movement; no head contact.
4. Non-contact training - Progression to more complex training drills, i.e., - Exercise, coordination and drills passing drills in football and ice hockey; may start cognitive load progressive resistance training.
5. Full Contact Practice - Following medical clearance, participate normally - Restore confidence and assess training activities functional skills by coaching staff.

• If at any time symptoms should return during the RTP progression the student/ athlete should stop activity that day. If the student/ athlete's symptoms are gone the next day, s/he may resume the RTP progression at the last step completed in which no symptoms were present. If symptoms return and don't resolve, the athlete should be referred back to their medical provider.

References:

1. NFHS. Concussions. 2008 NFHS Sports Medicine Handbook (Third Edition). 2008: 77-82. <http://www.nfhs.org>
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3. Centers for Disease Control and Prevention. Heads Up: Concussion in High School Sports. http://www.cdc.gov/NCIPC/tbi/Coaches_Tool_Kit.htm.

4. U.S. Department of Health and Human Services Centers for Disease Control and Prevention. A Fact Sheet for Coaches. (2009). Retrieved on June 16, 2010.

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Resources: C Centers for Disease Control and Prevention. Injury Prevention & Control: Traumatic Brain Injury. Retrieved on June 16, 2010.

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C Centers for Disease Control and Prevention. Heads Up: Concussion in High School Sports Guide for Coaches. Retrieved on June 16, 2010.

Code of Conduct

Student Expectations

At all times in the school students are expected to follow three basic expectations, Work Hard, Stay Safe, and Be Kind. These are general expectations that can be applied in all school related situations and while there may be some room for interpretation, if students are able to keep these three rules in mind they will help create a safe and productive school environment. Examples of what these rules mean are given below.

Work Hard - Some Examples	
In Class	Focus on class and classwork. Arrive to class on time and with all your materials Ignore any misbehavior by other students. Ask questions if you are confused. Do all your work.
In Hallways	Be sure you have all your materials. Get to your classes on time. If you are working, work quietly. Walk quietly to respect the work going on all around you.
On Your Own	Check your online assignments regularly. Ask your teachers for extra help if needed. Accept extra help when offered. Set goals that are meaningful and achievable for you.

Stay Safe - some examples You are not allowed to get hurt. You are not allowed to hurt others	
In Class	Use classroom materials appropriately and according to the directions. Follow all teacher directions.

In Hallways	Always walk. Really, always. Keep your hands and feet to yourself. Stay to the right.
At Recess and Lunch	Keep your lunch area clean. Walk when inside. Keep your hands and feet to yourself. Be aware of your surroundings.

<i>Be Kind - some examples</i>	
In Class	Work well in groups and partners with anyone. Give everyone a chance to share and listen to what your peers have to say. Pay attention to the person who is speaking without interruption.
In Hallways	Be aware of where you are and make sure everyone has room to pass. Be aware that your conversation is public and keep your words kind. Include everyone who wishes to be included in the group.
At Recess and Lunch	Include everyone who wishes to be included. Play the game so that everyone can have fun, not just so you win. Be sure everyone has a chance to use the equipment if they want to.

Students who are unable to meet the school expectations will be subject to a range of follow-up actions from school staff including:

- 1) Being reminded of expectations and retaught how to meet them. This may happen during class or during lunch and recess time.
- 2) Meeting with the DSS or administration to reteach expectations. This may happen during class or during lunch and recess time.
- 3) A conversation between home and school regarding how to help the student meet expectations.
- 4) A meeting between home and school regarding how to help the student meet expectations.
- 5) A behavioral support plan including incentives and consequences to teach and support a student in meeting expectations
- 6) A series of restorative conversations to repair any damaged relationships. Restorative conferencing may also result in a follow up plan. Restorative practices are described below.
- 7) Exclusionary discipline including ISS and OSS as described below.

Restorative Practices

Building discipline and the development of school culture are pursued through a program known as Restorative Practices at W. E. B. Du Bois. Restorative Practices are based on seven core assumptions.

1. The true self in everyone is good, wise and powerful.
2. The world is profoundly interconnected.
3. All human beings have a deep desire to be in good relationships.
4. All humans have gifts; everyone is needed for what they bring.
5. Everything we need to make a positive change is already here.
6. Human beings are holistic.
7. We need practices to build habits of living from the core self.

The Crew curriculum is based on these core assumptions. Through a variety of team building activities and facilitated discussions, students are invited to determine how they can best help build up the culture of W. E. B. Du Bois. Crew allows students to practice participating in important and sometimes difficult conversations.

Through our Crew program students will decide what it means for them to be members of a school community. They will ask and analyze the question of what it means to be a responsible community member. They will try to understand what each one of us owes our community and what our community can do for us.

When the trust of the community is violated, we respond restoratively. Discipline in a restorative context focuses more on repairing the harm than on punishing the wrong-doer. We ask ‘What and who were harmed?’, ‘What needs to be done to repair that harm?’, and ‘Who is obligated to repair that harm?’

Families are important partners in the restorative process. Especially in instances of serious harm, it is important that all students in a restorative circle feel they have advocates and allies in that circle. Families know their children the best. Your honest support and feedback in a restorative circle are a critical part in an effective restorative circle.

Attendance

If your child is going to be absent please call the office at 644-2300. Calls made by 9 A.M. are greatly appreciated. Please note the district has an attendance policy which states that family vacations during school time are an unexcused absence. Teachers are not required to provide work in advance of a trip. Upon returning to school it is the responsibility of the student to meet with the teacher to determine missed work and set a schedule for completion.

Excused Absences

All students are required by law to attend school every day that school is in session. From time to time, circumstances dictate that a student will need to be absent from school for reasons deemed necessary by district policy. Parents/ guardians have a legal responsibility to ensure their child is

in attendance each day school is in session, unless he/she is absent for one of the following reasons:

- Illness – persistent absences may require a note from a doctor.
- Bereavement.
- Documented medical or dental appointments.
- Documented court or legal commitments.
- Religious holidays.
- College visits.
- School field trips and programs.
- Disability-related reasons approved by a student’s IEP or 504 Team.
- Other extenuating circumstances approved by the school administration.

Teachers are not authorized to excuse absences.

Unexcused Absences

All other reasons for an absence will be considered **unexcused** even if the student was given permission to miss school by their parent.

Massachusetts State Law specifies that a student under 16 years of age may not be absent more than six(6) unexcused day sessions in a six (6) month period. Students who willfully fail to attend class for more than eight (8) days are defined as habitually truant. Chronic absenteeism is defined in absences in excess of fifteen (15) excused or unexcused days. Parents are required under the law to ensure regular school attendance of their children and are subject to a fine or other legal action if they fail to comply with the law. The local school administration or designee will be provided with the names of students with seven or more unexcused absences during a six-month period.

Some examples of **unexcused absences** are, but not limited to:

- Family vacations/ trips unless the administration has granted approval for a documented educational experience or purpose
- Truancy
- Activities that should be conducted outside the school day, such as hair appointments, shopping, sleeping, doing homework, etc.
- Activities more appropriately related to the parent/guardian, such as providing care for siblings, absence due to parent transportation, etc.

Students’ opportunity to gain a meaningful education is severely reduced if they choose not to attend school. **Academic class work and tests missed while choosing to be truant or leaving the school grounds without permission may not be made up. They are recorded without credit.**

Notification

Parents should notify the school by telephone each time their child is absent (excused or unexcused). The school administration or designee will determine if the absence is excused. If

the parent does not call the school, school personnel will call the child's home, parent's workplace, or emergency contact to confirm the absence.

Make-up Missed Work

It is the responsibility of the student to contact their teachers or classmates through email to gather work on days missed. It is suggested that students make arrangements with their teacher either in person or through email to gather class assignments as soon as possible in the event of an absence and in advance when the absence is planned. As indicated above, students may also contact Guidance for assistance when they will be absent for more than two days.

Dismissals

In order for a student to be dismissed before the end of the school day, the parent or guardian must send a note from home with a phone number for verification. This note should be submitted to the Main Office prior to first period, or as soon as possible thereafter. The note should describe the reason for the early dismissal, the destination of the pupil and the time of the actual release. The administration will decide whether the reason for the early release is appropriate and where appropriate will give consent. All 18-year-old students who have completed the age of majority form must obtain administrative permission in order to leave school grounds during the academic day. If parent dismissals contribute to a pattern of absences that are excessive, W. E. B. Du Bois reserves the right to request a meeting between the school and student guardian to discuss the concern. Absences that result from a dismissal will be considered unexcused unless they meet the criteria for an excused absence, which are highlighted below.

Attendance Procedure

When absences occur within a six (6) month period, the following steps will be taken

Step 1: Five (5) days of unexcused absence:

- Principal or designee sends a letter home reminding parents of the attendance policy.
- At the discretion of the Principal, a follow up call is made to parents to further explain policy and -develop a plan for improved attendance.

Step 2: Seven (7) days of unexcused absence:

- Letter from Principal or his designee and follow up conversation between Principal or designee and family to discuss the child's pattern of unexcused absences. The letter states that further unexcused absences may result in a referral to the Department of Children and Families and/ or Berkshire Juvenile Court.
- The administrator may suggest a meeting between parents and school staff to devise an attendance plan for the student and to discuss strategies to address the manifestation of the truancy issue.

Step 3: Ten (10) days of unexcused absence:

- Letter home indicating that the child has exceeded the legal limit.
- Principal or designee requests a formal meeting with parents to discuss ways the school and home can work together to resolve unacceptable number of unexcused absences.

- In the event that the parent fails to schedule and appear for a formal meeting within a two-week period, the district will initiate truancy/negligence procedures as described below.

Step 4: Fifteen (15) days of unexcused absence:

- The District initiates a CRA (Children Requiring Assistance) or a Failure to Send Action with the Southern Berkshire Juvenile Court, and/ or a 51A filing for educational neglect with the Department of Children and Families (DCF).
- Written notification to parents.

Tardiness

Student Responsibility for Class Attendance

Students are expected to attend all regularly scheduled classes. As such, it is necessary to take reasonable steps to ensure that students are present for all scheduled classes. Any student who is reported absent from class, who is not *excused* absent or dismissed from school in accordance with the BHRSD Attendance Policy will be charged with a class cut. Three (3) tardies to class is equivalent to one absence. Additionally, each teacher will establish classroom and attendance procedures for his/her classes that support both attendance and participation. While these guidelines may vary depending on the nature of the course, they will align with the BHRSD Attendance Policy. In all cases, students who miss seven (7) scheduled class periods, excused or unexcused, in any course in a semester risk failing that class for the semester and, as a result, losing credit for the course.

Tardiness to Class

Tardiness occurs when a student is not in class when the bell sounds to signify the start of the class. It is a student's responsibility to be on time for class. With regard to tardiness, the classroom teacher sets and communicates his/her expectations, monitors the student's behavior, honors the efforts of punctual students, and disciplines when appropriate. In cases where, after repeated attempts to rectify the issue, the teacher's efforts to remediate classroom tardiness are unsuccessful, the student's name will be submitted to the administration for school appropriate next steps.

Tardiness to School

The school day starts at 8:00 a.m. with either Community or the first period academic class. Consistent with the school's positive behavior supports initiative, students are encouraged to take responsibility by being punctual to school and ready to learn. Parents are encouraged to review the school's bell schedule and attendance expectations with their student and to work with the school to alleviate and rectify tardiness or any attendance concerns before the concerns reach a chronic level. Thus, students tardy to school are in fact tardy to class. In keeping with school attendance practices, **three (3) tardies to school** is the equivalent of one class absence.

Bussing and Bus Expectations

Transportation of students to and from school is provided by Massini Bus Company. Questions regarding routes, students riding alternate busses and concerns should be addressed directly with the bus company at 413-229-7962. Please obtain permission from the bus company at least one

day in advance when your child needs to ride a different bus. A note from home without bus company approval does not guarantee that your child will be able to ride an alternate bus. Because it is difficult to reach students at the end of the day, we ask that you notify the school of changes in your child's transportation no later than 2 P.M. There are no late busses, so students staying for extra help or school activities will need to be picked up promptly at the close of the activity. Please be aware that due to the number of students riding the bus it may not be possible for students to ride with large projects or instruments. Please call the bus company in advance if you have a question regarding this issue.

In accordance with BHRSD Policy EEA, the School Committee has responsibility for students while being transported on school buses. The building Principal(s) are designated by the Berkshire Hills Regional School District School Committee to act as its agent for the enforcement for the school bus transportation policy and as such the Principals have the same duties and responsibilities toward the students on the buses as they have toward these same students in a classroom situation. They also have the responsibility of advising and assisting the bus drivers in the maintenance of proper student behavior.

There are three main responsibilities involved with transportation:

- a) Ensuring the safety of all bus riders.
- b) Ensuring timely arrival and departure to and from school.
- c) Enforcement of school attendance laws.

To ensure the safety of all bus riders, it is recommended that the privilege of school bus transportation be subject to review and appropriate school action for any student whose conduct is such that it is distracting to the bus driver.

a) The following offenses shall apply:

1. Smoking, the use of drugs, alcohol, or any other contraband substance.
2. Being in the possession of a firearm, knife, explosive, or any other weapon.
3. Injury to another person.
4. Fighting.
5. Bullying, pushing, shoving, "horseplay", or any other activity that is distracting to the bus driver.
6. Damaging property.
7. Swearing, foul and/or abusive language.
8. Refusing to follow reasonable instructions given by the bus driver that are directly related to the driver's authority and responsibility to ensure safe and secure transport of students.

b) W. E. B. Du Bois uses the following procedure when suspected bus infractions are reported:

1. **Investigation:** The Assistant Principal will investigate the claim, and the student will be afforded the right to due process. All school infractions, including bus infractions, will be handled on a case by case basis.
2. **Restorative Practices:** In any case where a bus infraction is reported, administration will explore opportunities to restore relationships and trust

between the student accused of the infraction and reporting parties. As with any case where restorative practices is applied, the Assistant Principal will determine the most appropriate application of restorative practices, and will base his or her decision following the outcome of the investigation.

3. **Additional School Action:** In cases where additional school action is necessary, W. E. B. Du Bois can impose additional consequences, which will be determined based on factors such as the frequency of infractions, the severity of the infraction relative to bus safety, and any other factor specific to the bus infraction-
 - c) Each infraction shall be reported by the bus driver to the administration (in writing) on the same day as the occurrence (if possible). It is the responsibility of each bus driver to include as much specific detail as is possible in each report he/she makes to the administration.
 - d) Any report submitted by a school bus driver and verified by the school administration will be filed upon a bus behavior report, listing student name, age, description of offense, and action taken by the building administration. This report will be filed in each school, with copies sent to parents/guardians, bus driver and bus contractor.
 - e) Denial of school bus transportation shall mean denial of the right to ride on all school buses, including but not limited to buses transporting students to athletic events or other extra-curricular activities.

Personal Electronics

Du Bois Middle School implements a no cell phone or related electronic devices policy. This includes all passing times, lunches, recesses, and other times from the first bell to the final bell of the school day. Other “related devices” include those that connect to cell phones (such as ear buds, smart watches) and devices which have similar functionality to cell phones (such as tablets and iPads). Students are not allowed to use these devices during the school day for academic purposes unless approved and monitored by administration on a case by case basis.

Mobile devices, cell phones, and all other personal, non academic electronic devices, if present on campus or in the school, must be powered off and kept locked in student lockers for the academic day.

With implementing this policy, we hope to partner with families to encourage appropriate screen time for our learners. Our learners are growing in a world full of technology and we hope to encourage them to utilize these tools in a healthy manner. Research and educator experience tells us that students will be more engaged in their learning both academically and social and emotionally with limited access to screen time. If a student is in need of contacting a family member or caregiver, they can do so in the front office via the office phone. When monitored by an adult, a student can connect with their family member or caregiver via their personal device. As always, if a family member or caregiver is in need of communicating with their student, calling the front office to speak with our administrative assistants is appropriate.

Our response to cell phone and other related device use will be:

- First Offense: Electronic device will be confiscated and the student may pick it up at the end of the school day in the Main Office.
- Second Offense: Electronic device will be confiscated. A parent/guardian must pick up the electronic device in the Main Office.

Third and Subsequent Offenses: Electronic device will be confiscated. A parent/guardian must pick up the electronic device in the Main Office. A meeting will be required with the Assistant Principal, or Principal to discuss a plan that will ensure no further violations of the school policy. Disciplinary action may be taken, including suspension.

If a student refuses to turn over their electronic device when directed to do so, the student will face disciplinary action. Please know, any electronic device confiscated will be locked in a secure location within the Main Office.

Exceptions

If your student requires the use of a cell phone or related device for documented medical reasons, a medical safety plan will be developed. Such a plan will include the following:

- a copy of medical documentation for requiring a smart device
- an outline of how and when the device will be used to support their medical need
- what adult supports are necessary to manage their medical need
- acknowledgment of our cell phone policy in the event the smart device is used for non-medical purposes

Dress Expectations

The W.E.B. Du Bois Regional Middle School created this Model Dress Code to update and improve our student dress code guidelines and enforcement processes. Student dress codes should support equitable educational access and should not reinforce gender stereotypes. Student dress codes and administrative enforcement should not reinforce or increase marginalization or oppression of any group based on race, gender, ethnicity, religion, sexual orientation, household income, gender identity or cultural observance. This Model Dress Code is specifically intended to address the concern both in our community and across the nation about overreaching and detrimental dress codes for some K-12 school students.

Our values are:

- All students should be able to dress comfortably for school without fear of or actual unnecessary discipline or body shaming.
- All students and staff should understand that they are responsible for managing their own personal "distractions" without regulating individual students' clothing/self expression.
- Teachers can focus on teaching without the additional and often uncomfortable burden of dress code enforcement.

- Students should not face unnecessary barriers to school attendance.
- Reasons for conflict and inconsistent discipline should be minimized whenever possible.

Dress Code Goals

Students are expected to dress in a manner consistent with reasonable standards of health, respect, safety, and cleanliness. Students' rights to freedom of speech and freedom of expression are given careful consideration. In keeping with the mission of Du Bois Middle School, the following goals were considered:

- To encourage the health, safety, self-confidence, self-respect, and self-esteem of all students
- To create a learning environment free from distraction that promotes positive student achievement
- To develop in all students a sense of community and respect for themselves, for their teachers and for their peers

Dress Code Guidelines

1. Students are encouraged to wear clothing that is neat and clean.
2. Students are expected to wear safe footwear at all times. Some footwear may not be appropriate for certain activities and teachers and/or staff will inform students of these expectations (i.e. flip flops and sandals are not allowed in physical education or technology education).
3. Exposed undergarments are not acceptable
4. Students should not wear clothing or accessories that create a disruption to the classroom or atmosphere of the school, such as but not limited to prompting products not legally available for teenagers, illegal substances, sex, violence, profanity, gangs, and prejudicial or racist attitudes, (i.e. clothing displaying racial slurs, alcohol advertisements or references, sexually suggestive words/images, violent/disruptive images, references to illegal drugs or drug use, or clothing/paraphernalia prompting gang activity).
5. Student's faces should be visible at all times during the school day with the exception of coverings ordered by a doctor or for religious beliefs.

When a student's attire is deemed in violation of the guidelines, efforts will be made to find suitable clothing within the building or by calling home.

- The primary responsibility for a student's attire resides with the student and parents or guardians. The school district and individual schools are responsible for seeing that student attire does not interfere with the health or safety of any student, and that student attire does not contribute to a hostile or intimidating atmosphere for any student.
- Students should be given the most choice possible in how they dress for school. Any restrictions must be necessary to support the overall educational goals of the school and must be explained within the dress code.
- Districts should set the student dress code and enforcement policies for their entire district and take steps to ensure that all schools in the district adopt and follow it. Too often individual schools create their own student dress codes and enforce them in

different ways that result in inequities within districts and in many cases policies and enforcement that are not consistent with the law or the district's intent.

Basic Principle: Certain body parts must be covered for all students

- Clothes must be worn in a way such that genitals, buttocks, and nipples are covered with opaque material. Cleavage should not have coverage requirements. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.

Students Must Wear:

- Shirt
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes; activity-specific shoes requirements are permitted (for example, PE)
- Courses that include attire as part of the curriculum (for example, professionalism, public speaking, and job readiness) may include assignment-specific dress, but should not focus on covering girls' bodies or promoting culturally-specific attire.

Students May Wear:

- Hats, including religious headwear
- Hoodie sweatshirts (overhead is allowed)
- Fitted pants, including leggings, yoga pants and "skinny jeans"
- Midriff baring shirts
- Pajamas
- Ripped jeans, as long as underwear is not exposed.
- Tank tops, including spaghetti straps, halter tops, and "tube" (strapless) tops
- Athletic attire
- Clothing with commercial or athletic logos provided they do not violate Section 3 above.

Students Cannot Wear:

- Violent language or images.
- Images or language depicting drugs or alcohol (or any illegal item or activity) or the use of same.
- Hate speech, profanity, pornography, or firearms.
- Images or language that creates a hostile or intimidating environment based on any protected class.
- Visible underwear. Visible waistbands or straps on undergarments worn under other clothing are allowed.
- Bathing suits.
- Helmets or headgear that obscures the face (except as a religious observance, or medical requirement).

Bullying Prevention and Intervention

Berkshire Hills Regional School District (BHRSD)
Bullying Prevention and Intervention Plan

LEADERSHIP

The Bullying Prevention and Intervention Plan is a key component of the district improvement plan, which is derived from the BHRSD mission statement. Our mission ensures that all students are challenged through a wide range of experiences to become engaged and curious learners and problem solvers who effectively communicate, respect diversity, and improve themselves and their community. Our improvement plans lead us to providing professional development and curriculum integration for bullying prevention and intervention.

Teachers report and intervene in incidences of bullying as well as implement anti-bullying and social-emotional learning curriculum. District administrators track investigations of allegations, document incidences of bullying, respond and intervene to keep targets safe, and ensure support services for both targets and aggressors. When required, police are contacted to participate in investigative procedures in instances where criminal/harassment charges may apply.

Assessing needs and resources

- Surveys are constructed to be audience appropriate, include protected class questions, and address local concerns. Youth Risk Behavior Surveys are administered every other year at the Middle School and High School Level, which include several questions on Bullying and Cyber-Bullying. This information has helped to identify patterns of behaviors and inform decision-making for prevention strategies including, curriculum development, professional development, age-appropriate curricula, support service allocations, and parent education. Each building has a school adjustment counselor and a clinician. There are also two school psychologists in the district.
- At least once per school year, the school district will administer a student survey to assess school climate and the prevalence, nature and severity of bullying in our schools. In addition, the school district annually will report bullying incident data to the DESE in accordance with DESE's required procedures.
- The Elementary schools will use Research Based Assessment Tools (i.e. Responsive Classroom and Second Step) in collaboration with Mental Health Staff to assess school climate.

Planning and oversight

- The superintendent, the director of student services, the director of learning and teaching, the wellness director, guidance counselors, and all building administrators are responsible for implementation of the plan.
- Principals and assistant principals are the designees in each school who are responsible for receiving reports, conducting investigations, contacting the parents of targets and aggressors of confirmed incidences of bullying, and inputting these into PowerSchool.
- School adjustment counselors, clinicians, and guidance counselors provide and monitor progress of individual and group support for both targets and aggressors.
- The School Committee has developed and approved a [policy](#) on Bullying Prevention and Intervention.
- School handbooks and the incident report [form](#) and investigation format have been revised and are posted to the BHRSD Website.
- Parent resources are posted to the website and provided via annual parent forums to address bullying and cyber-bullying.

II. TRAINING AND PROFESSIONAL DEVELOPMENT

Annual staff training on the Plan

Annual training on the Plan has taken place and will continue for all school staff and includes specific staff duties under the Plan, such as reporting and responding, an overview of the steps that the principal or designee will follow upon receipt of a report of bullying or retaliation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. All staff members hired after the start of the school year will be trained regardless of prior training received in a prior district.

Ongoing professional development

Professional development is provided to staff in an effort to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to bullying. Initiatives include:

- Administrative training for administrators on Bullying Prevention and Mandates (bi-annually);
- Annual Opening Day of school mandated training for all teachers and staff on the bullying law and procedures;
- New Teacher Orientation “Classroom Management” training;
- Ongoing professional development for all staff focused on building inclusive environments that honor students’ unique and intersectional identities.

Currently the BHRSD has trained or is in the process of training staff in the following programs that promote and model the use of respectful language; foster an understanding of and respect for diversity and difference; build relationships and communication with families; constructively manage classroom behaviors; employ positive behavioral intervention and constructive disciplinary practices; teach students explicit skills for positive communication, anger management, and empathy for others; engage students in school or classroom planning and decision-making; and maintain a safe and caring classroom for all students:

- Responsive Classroom
- K-5 – Second Step
- 5-8 - Comprehensive Health
- K-12 – Social Media – Cyber Bullying Curriculum
- Grade 9 -10 - Comprehensive Health Program
- Gr. 5-12 – Advisory Classes

Written notice to staff

The district provides all staff with annual notice of the Plan at the beginning of each school year and posts it on the website here, along with the form families can use to report incidences of bullying. This information is also included in the New Teacher Handbook, including sections relating to staff duties and bullying of students by school staff. Sections relating to students are included in student handbooks.

III. ACCESS TO RESOURCES AND SERVICES

1. Current Resources identified in the BHRSD:

At each level age-appropriate interventions are provided for all students, targets and student aggressors, and their families where appropriate:

- Social workers are hired at each elementary school provide groups and counseling for identified targets and student aggressors.
- Middle school counselors and social workers meet individually and lead groups for targets and student aggressors as identified.
- At the high school level, social workers, guidance counselors, and administrators are available to meet with students and follow up on reports.
- Parents are supported by the administration at each level. Resources for parents include, but are not limited to annual:
 - Parent Forums on bullying legislation, cyber-bullying and other anti bullying programs
 - Essential information will be translated for parents in home languages other than English
- Personnel resources include: teachers, guidance counselors, clinicians – general education and special education, school psychologists, school nurses, administrators, coaches, in school and outside resources, school-based safety teams, collaboration with English Language Learners Department, and collaboration with other town agencies.

2. Students with disabilities

If the IEP Team determines that a student’s disability adversely affects social skills development and/or the student may be found to be participating in or is vulnerable to bullying, harassment, or teasing

because of his/her disability, the Team considers what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing. With the expansion of available social workers within the system, we have been able to expand training on social competency programs such as "Second Step", "Responsive Classroom" and "Social Thinking."

IV. ACADEMIC AND NON-ACADEMIC ACTIVITIES

The BHRSD includes bullying prevention and social competency as part of its comprehensive health programming and school wide cross-curricular initiatives. Our goal is to develop school cultures that support teachers to create classroom and school environments that are conducive to building positive relationships. A variety of approaches are taken at the different levels. Currently we are using the following programs and teaching approaches for students -

1. Anti-bullying programs currently in place:

Second Step, Social Thinking, Responsive Classroom, Comprehensive Health classes, Developmental Guidance Programs, and middle and high school advisory groups include the following skills and approaches for students:

- using scripts and role plays to develop skills;
- empowering students to take action by knowing what to do when they witness other students or school staff engaged in acts of bullying or retaliation, including seeking adult assistance; • helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance;
- emphasizing online safety, including safe and appropriate use of electronic communication technologies;
- enhancing students' skills for engaging in healthy relationships and respectful communications; and
- engaging students in a safe, supportive school environment that is respectful of diversity and difference.

General teaching approaches that support bullying prevention efforts include:

- Setting clear expectations for students in regards to behavior, classroom routines, and safety.
- Modeling, teaching, and rewarding pro-social, healthy, and respectful student behavior
- Creating safe school and classroom environments that incorporate an appreciation of differences for all students, including race; color; religion; ancestry; national origin; sex; socioeconomic status; homelessness; academic status; gender identity or expression; physical appearance; pregnant or parenting status; sexual orientation; mental, physical, developmental or sensory disability; or by association with a person who has or is perceived to have one or more of these characteristics. This happens through implementation of programs listed above as well as special assemblies put on by the system and groups such as the Gay Straight Alliance, the Drama Department, The Human Rights Commission, and the Anti-Defamation League, etc.;
- Responding immediately to derogatory remarks and reporting all suspected incidences of bullying;
- Using appropriate and positive responses and reinforcement, even when students require discipline, with assistance from guidance counselors and social workers;
- Implementing techniques that promote positive student-teacher relationships;
- Reinforcing positive approaches to behavior, such as collaborative problem-solving, conflict resolution, teamwork, and opportunities to practice positive behavior and healthy social and emotional development in Second Step, Second Step, Responsive Classroom, Social Thinking, middle and high school Advisory groups, and health classes;
- Providing students with media and Internet safety information and authentic dilemmas to discuss in guidance, health, advisory, and other disciplines;
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of interest and strength in:
 - After School Programs
 - Clubs
 - Recreation Programs

The District recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have 1 or more of these characteristics. The above education and additional resources described herein in support vulnerable students and provide all students with the skills, knowledge and strategies needed to prevent or respond to bullying or harassment.

V. POLICIES AND PROCEDURES FOR REPORTING AND RESPONDING TO BULLYING AND RETALIATION

The BHRSD's administration and staff have developed a common plan for procedures on reporting and responding to bullying within the district. The Policies and Procedures subcommittee of the School Committee, in collaboration with the administration, developed a Bullying Prevention [Policy](#). We educate staff, students and parents annually on procedures for reporting and responding when bullying occurs.

1. *Reporting bullying or retaliation*

- All school and district staff members are required to immediately report to the principal (or other school official as provided below) any instances of bullying or retaliation, about which the staff member becomes aware or witnesses. This includes bullying of a student by another student or by a staff member;
- Staff, students, parents or guardians, and others may report bullying or retaliation orally or by voicemail and/or in writing or by email. Oral reports will be recorded. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students are provided practical, safe, private and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee;
- Reports made by students, parents or guardians, or other individuals who are not school or district staff members may be made anonymously, orally or in writing, and will also be recorded. However, no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report;
- Reports by school staff, parents or guardians and others should generally be made to the principal or designee. However, if the principal is the alleged aggressor, the report should be made to the Superintendent. In such circumstances, the Superintendent or designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged victim. If the Superintendent is the alleged aggressor, the report should be made to the School Committee, which shall then be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged victim;
- The Incident Report Form is [posted on the website](#) for parents, staff, and students; submissions to this form are sent directly to the Principal and/or the Deputy Superintendent's office.
- The Incident Report Form is not required as a condition of making a report.
- A link to the copy of The Bullying Prevention Plan and The Incident Report Form, including reporting procedures is provided to staff and sent home in the beginning of the year for parents or guardians. Hard copies will be mailed home for those requesting. Report forms and the BHRSD's Bullying Prevention Plan are also available in the school's main office, the counseling office and the school nurse's office.
- The Incident Report Form is made available in other languages upon request.
- A description of the reporting procedures and resources, including the contact information of the principal or designee, will be incorporated in student and staff handbooks, on school and district websites, and be available to parents or guardians, all staff, and all students.

2. *Responding to Allegations of Bullying or Retaliation by Students*

- a. **Safety:** Before fully investigating the allegations of bullying or retaliation, the principal or designee takes 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 alleged target and/or student 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 takes additional steps to promote safety during the course of and after the investigation as necessary. The principal or designee implements appropriate strategies to protect from bullying or retaliation any student who has reported bullying or retaliation, witnessed bullying or retaliation, provided information during an investigation, or who has reliable information about a reported act of bullying or retaliation.

b. Obligations to Notify Others

- i. **Notice to parents or guardians.** Upon determining that bullying or retaliation has occurred, the principal or designee promptly notifies the parents or guardians of the target and the student aggressor of this and of the procedures for responding to it. If bullying is substantiated, the parents or guardians of a victim shall also be notified of the action taken to prevent any further acts of bullying or retaliation. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation.
- ii. **Notice to another school or district.** If the reported incident involves students from more than one school district, charter school, non-public school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident promptly notifies by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action.
- iii. **Notice to Law Enforcement.** At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal notifies the School Resource Officer or local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee contacts the School Resource Officer or the local law enforcement agency if he or she has a reasonable basis to believe that criminal charges may be pursued against the student aggressor. In making this determination, the principal consults with the school resource officer, and other individuals the principal or designee deem appropriate, consistent with the Plan and with applicable school or district policies and procedures.

c. Investigation

- i. The principal or designee investigates promptly all reports of bullying or retaliation and, in doing so, will consider all available information known, including the nature of the allegation(s) and the ages of the students involved.
- ii. During the investigation the principal or designee may interview students, staff, witnesses, parents or guardians, and others as necessary. The principal or designee reminds the alleged student aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action.
- iii. To the extent practicable given his/her obligation to investigate and address the matter, the principal or designee and other staff maintain confidentiality during the investigative process. The principal or designee and other staff maintain a written record of the investigation. All acts of bullying by students that have been investigated and confirmed are recorded in PowerSchool and reported to DESE.
- iv. Procedures for investigating reports of bullying and retaliation are consistent with school or district policies and procedures for investigations. If necessary,

the principal or designee will consult with legal counsel about the investigation.

d. **Determinations**

- i. The principal or designee makes a determination based upon all of the facts and circumstances. If, after an investigation, bullying or retaliation is substantiated, the principal or designee takes steps reasonably calculated to prevent recurrence and to ensure that the target is not restricted in participating in school or benefiting from school activities. The principal or designee:
 1. determines what remedial action is required, if any, and
 2. determines what corrective actions and/or disciplinary action are necessary.
- ii. Disciplinary measures are left to the administrator's discretion, within the guidelines of the school Code of Conduct and age appropriateness for students, but range from mandatory education to detentions to suspensions. Disciplinary action will balance the need for accountability with teaching appropriate behavior.
- iii. Depending upon the circumstances, the principal or designee may choose to consult with the students' teacher(s) and/or school counselor, and the target's or student aggressor's parents or guardians to identify any underlying social or emotional issue(s) that may have contributed to the bullying behavior and to assess the level of need for additional social skills support for the student.
- iv. The principal or designee promptly notifies the parents or guardians of the target and the student aggressor about the results of the investigation and, if bullying or retaliation is found, what action is being taken to prevent further acts of bullying or retaliation. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the principal or designee cannot report specific information to the target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order or other directive that the target must be aware of in order to report violations.

e. **Responses to Bullying:**

- i. Upon the principal or designee determining that bullying or retaliation has occurred, the principal, teacher, and school counselor works with students and relevant staff to ensure that the behavior stops. The school principal or designee follows up and monitors the behavior.
- ii. The principal contacts the school counselor, social worker, or special education teacher to determine what appropriate intervention(s) and skill building should be put in place for both the target and student aggressor.
- iii. Social workers, guidance counselors, teachers, special educators, nurses, and administrators respond to bullying incidents with a variety of individualized supports, group interventions, and techniques for students:
 1. Individual counseling with social workers/counselors
 2. Small group counseling (Lunch Bunch)
 3. Other strategies and interventions developed by teacher teams
 4. Ongoing support and consultation for students, i.e. check-ins with counselors, teachers, the nurse, and/or administrators
 5. Classroom social competency instruction
 6. Assemblies and special programs that address school climate, bullying, bystanders, etc.
 7. District and school speaker forums, educational groups, and resources on websites and in school bulletins to support parents to

reinforce the skills and techniques for social and emotional development at home

8. Further intervention(s) when deemed appropriate.

iv. Individual Educational Plans that focus on skill development and safety and provide appropriate resources as determined by the IEP team

f. **Taking Disciplinary Action**

i. If the principal or designee decides that disciplinary action is appropriate for a student, the disciplinary action is determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior.

ii. Disciplinary actions are consistent with the Plan and with the school or district's code of conduct. If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student is subject to disciplinary action as well.

iii. The special education department has consulted to ensure compliance with the Individuals with Disabilities Education Act (IDEA), 504 ADA, and state regulations.

g. **Promoting Safety for the Target and Others**

i. The principal or designee considers what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others.

ii. The principal or designee increases adult supervision at transition times and in locations where bullying is known to have occurred or is likely to occur.

iii. Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal or designee contacts the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal or designee works with appropriate school staff to implement these immediately.

3. Responding to Allegations of Bullying by School Staff

- Upon receipt of a report of alleged bullying of a student by school staff, the principal/designee will be responsible for taking appropriate actions in accordance with this Plan and other applicable district policies and procedures, including providing for the safety of the alleged target where necessary. If the principal is the alleged aggressor, then the Superintendent/designee shall be responsible for such actions. In the event the Superintendent is the alleged aggressor, the School Committee/designee shall be responsible for such actions.
- A staff member who is the subject of a complaint of a serious nature will be informed promptly and will be afforded the opportunity to present the facts as he/she sees them, in accordance with district policies and procedures, including any applicable collective bargaining agreements.
- Procedures for investigating reports of bullying and retaliation by staff are consistent with district policies and procedures for investigations of other alleged misconduct by staff. If necessary, the designated school official will consult with legal counsel about such procedures. Investigations may include interviews of staff, students and others as deemed appropriate. School officials will remind individuals (1) that retaliation is strictly prohibited and will result in disciplinary action and (2) of the importance of being truthful. To the extent practicable given their obligation to investigate and address the allegations at issue, the school officials will maintain confidentiality during the investigative process.
- In the event a designated school official determines that the staff member has engaged in bullying of or retaliation against a student, the student's parent/guardian will be notified of what action is being taken to prevent further such acts and to restore the student's sense of safety. All notice to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of personnel records, the school official will not report specific information to the target's parent or guardian about any disciplinary action

taken unless it involves a “stay away” order or other directive that the target must be aware of in order to report violations.

- In the event disciplinary action against an employee is under consideration, appropriate due process will be provided. Any disciplinary action imposed will be based upon facts found by the designated school official and appropriate standards and expectations in light of the employee’s role and responsibilities. School officials will develop a method to record confirmed acts of bullying by staff.

4. *Problem Resolution System*

Regardless of the outcome of the bullying determination, the principal or designee shall inform the parent or guardian of the target about the Massachusetts Department of Elementary and Secondary Education’s problem resolution system and the process for accessing that system. Any parent wishing to file a claim/concern or seeking assistance outside of the school district may do so with the MA Department of Elementary and Secondary Education Problem Resolution System (PRS). Information about the PRS can be found at <http://www.doe.mass.edu/pqa> or individuals may send emails to compliance@doe.mass.edu or may call 781-338-3700. In addition, the Superintendent’s office has hard copies of information about the PRS.

VI. COLLABORATION WITH FAMILIES

The district recognizes that parent participation is a crucial component of a student’s education and that no school district is able to address all students’ needs and development without parental support and involvement.

- The district has school PTOs, School Councils, Special Education Parent Advisory Committee, English Language Learners Parent Advisory Committee, and other educational organizations.

Parent education and resources:

- Annually parents receive the “Parent Notification Law,” which outlines the bullying prevention topics covered in health classes. School open house events each fall provide information and syllabi on health topics being covered.
- The annual Parent Notification Letter sent home includes: information about the dynamics of bullying and cyberbullying, on the reporting process and location of Suspected Bullying Incident Report Forms.
- The Bullying Prevention and Intervention Plan is posted on school and the district websites in addition to parental written notice each year about the student-related sections of the Plan and district’s Internet safety policy.
- The Acceptable Use Policy references the Code of Conduct that addresses cyberbullying, both of which require sign off by the student and parent/guardian.
- Accessibility of information at a variety of locations, in the language(s) most prevalent among parents or guardians, and in multi-dimensional means such as email, hard copy, websites, cable TV, workshops, PTOs, SEPAC, and School Councils.
- Special education students receive all general education communication through their district school appropriate to their placement. They also have reports from special education service providers on the same schedule as those provided by general education providers. Additionally, IEP teams meet annually and develop communication plans related to all services as part of the annual IEP proposal. The social workers in each building provide a conduit or specialized communication based on individual student needs.

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VII. PROHIBITION AGAINST BULLYING AND RETALIATION

Acts of bullying, which include cyberbullying, are prohibited:

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

through the use of technology or an electronic device owned, leased, or used by a school district or school, and;

- at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school. Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited. As stated in M.G.L. c. 71, § 37O, nothing in this Plan requires the district or school to staff any non-school related activities, functions, or programs.

VIII. DEFINITIONS

Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below.

Aggressor is a student or staff member who engages in bullying, cyberbullying, or retaliation.

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

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

Cyberbullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. Cyber-bullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses of the definition of bullying. Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses inclusive, of the definition of bullying. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff includes, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, and bus drivers, and athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

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

IX. RELATIONSHIP TO OTHER LAWS

Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, or sexual orientation. Nothing in the Plan prevents the school or district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state, or federal law, or school or district policies. In addition, nothing in the Plan is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H^{1/2} or 37H^{3/4}, M.G.L. c. 71, §§ 42 or 42D, other applicable laws, or local school or district policies in response to violent, harmful, disruptive, or other inappropriate behavior by students or staff, regardless of whether the Plan covers the behavior.

REFERENCE:

File: [AD](#) – Vision, Mission, and Strategic Priorities

File: [JICFB](#) – Bullying

Harassment, Discipline and Non-Discrimination Procedures

BERKSHIRE HILLS REGIONAL SCHOOL DISTRICT SEXUAL HARASSMENT/ TITLE IX POLICY

The District does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. The District's Title IX Coordinator is Kate Burdsall, Director of Student Services; 50 Main Street, Stockbridge, MA; 413-298-4017 ext. 714; kate.burdsall@bhrsd.org. The District's Title IX Coordinator may delegate specific duties to one or more designees as the Title IX Coordinator finds appropriate.

The District's nondiscrimination policy and grievance procedures can be located below. The District has adopted these grievance procedures to provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the procedures below.

Definitions

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Under state law, sexual harassment is sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under Massachusetts law when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's advancement (quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions;
- Such conduct interferes with an individual's job duties; or
- The conduct creates an intimidating, hostile or offensive work environment.

Under Federal law, sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- *Quid pro quo harassment.* An employee, agent, or other person authorized by the District to provide an aid, benefit, or service under the District's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

- *Hostile environment harassment.* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the complainant's ability to access the District's education program or activity;

- The type, frequency, and duration of the conduct;

- The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

- The location of the conduct and the context in which the conduct occurred; and

- Other sex-based harassment in the District's education program or activity.

- *Specific offenses.*

- Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

- Dating violence meaning violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship;

- The type of relationship; and

- The frequency of interaction between the persons involved in the

- relationship;

- Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- Is a current or former spouse or intimate partner of the victim under the

- family or domestic violence laws of the jurisdiction of the District, or a

- person similarly situated to a spouse of the victim;

- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate

- partner;

- Shares a child in common with the victim; or

- Commits acts against a youth or adult victim who is protected from those

- acts under the family or domestic violence laws of the jurisdiction; or

- Stalking meaning 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

The following additional definitions apply:

“Complainant” means:

- A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination.

“Complaint” means an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged discrimination under Title IX or its regulations. The Title IX Coordinator will file this complaint if the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the District from ensuring equal access on the basis of sex to its education program or activity. The following factors go into the decision by the Title IX Coordinator:

- The complainant’s request not to proceed with initiation of a complaint;
- The complainant’s reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the parties, including whether the respondent is an employee of the District;
- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- Whether the District could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

“Disciplinary sanctions” means consequences imposed on a respondent following a determination under Title IX that the respondent violated the District’s prohibition on sex discrimination.

“Relevant” means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

“Remedies” means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District’s education program or activity

limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after a District determines that sex discrimination occurred.

"Respondent" means a person who is alleged to have violated the District's prohibition on sex discrimination.

"Retaliation" means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- Provide support during the District's grievance procedures or during an informal resolution process.

"Parental status" means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- A biological parent;
- An adoptive parent;
- A foster parent;
- A stepparent;
- A legal custodian or guardian;
- In loco parentis with respect to such a person; or
- Actively seeking legal custody, guardianship, visitation, or adoption of such a person

"Pregnancy or related conditions" means:

- Pregnancy, childbirth, termination of pregnancy, or lactation;
- Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
- Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Complaints and Reports of Sexual Harassment

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the District investigate and make a determination about alleged discrimination under Title IX:

A “complainant,” which includes:

- a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of the District who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the District’s education program or activity;
- a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- the District’s Title IX Coordinator

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of the District; or
- Any person other than a student or employee who was participating or attempting to participate in the District’s education program or activity at the time of the alleged sex discrimination.

The District may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. The District cannot consolidate if it would violate FERPA. Consolidation would not violate FERPA when a District obtains prior written consent from the parents or eligible students to the disclosure of their education records.

The District will address a sex- based hostile environment allegation under its education program or activity, even when some conduct alleged to be contributing to the hostile environment occurred outside the District’s education program or activity or outside the United States.

Obligation to Report

All employees must notify the building principal or the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX.

Informal Resolution

In lieu of resolving a complaint through the District's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The District does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Facilitators of informal resolution will be designated by the Title IX Coordinator and must not be biased against any of the parties. Prior to beginning informal resolution, the Title IX Coordinator will send notice to the parties of the process and their rights.

Informal resolution is entirely voluntary. Parties may elect to pursue formal procedures at any step in the process of making their complaint, including prior to filing one.

If the complainant and the respondent feel that their grievances have been sufficiently addressed via informal resolution, then no further action needs to be taken. This voluntary conversation must occur within thirty (30) school days after receiving the allegations, unless both parties agree otherwise. The results of an informal resolution shall be maintained by the facilitator, in writing.

Supportive Measures

Upon receiving actual notice of alleged sexual harassment without a formal complaint, staff members must notify the Title IX Coordinator. The Title IX Coordinator must then contact the complainant within five school days of receiving the complaint and do the following:

- Discuss and offer supportive measures;
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a complaint;
- Determine whether the complainant wishes to file a complaint; and
- Explain to the complainant the purpose of filing a complaint.
-

The Title IX Coordinator must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided.

A respondent will be offered supportive measures if the District has initiated a Title IX complaint or if the District has offered informal resolution. If the Title IX Coordinator is initiating the complaint, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

Supportive measures may include 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 or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair

the ability of the District to provide the supportive measures.

If the complainant or respondent is a student with a disability, the Title IX Coordinator will consult with one or more members, as appropriate, of the student's IEP or 504 Team to determine how to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

Grievance Process Overview

During the grievance process, the District will treat complainants and respondents equally. The District requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

The District presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The District has established the following timeframes for the major stages of the grievance procedures:

- Within five business days, the District will decide whether to dismiss or investigate a complaint.
- Within sixty business days, the District will investigate and decide on the complaint.
- The parties will have ten calendar days to appeal a decision from the decision-maker or of a decision to dismiss the complaint. The District will decide an appeal within thirty calendar days of receipt.

The District will provide all parties with a reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. If a party is seeking an extension, they should request an extension from the Title IX Coordinator in writing, explaining the reasons for the requested extension. The Title IX Coordinator will rule on the extension in writing to all parties. If the District requires an extension for good cause, it will notify all the parties of the reasons.

The District will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The District will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e.,

will not be accessed or considered, except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of the District's Title IX grievance procedures, the District will notify the parties of the following:

- the District's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

If, in the course of an investigation, the District decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the District will notify the parties of the additional allegations.

Dismissal of a Complaint:

- The District may dismiss a complaint of sex discrimination if:
- the District is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the District's education program or activity and is not employed by the District;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the
- Title IX Coordinator declines to initiate a complaint, and the District determines that,

without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or

- the District determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the District will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the District will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The District will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the District will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
- If the dismissal is appealed, the District will:
- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the District will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the District's education program or activity.

Investigation:

The District will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the District—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The District uses a single investigator/decision-maker.

The District will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The District will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The District will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- the District will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence;
- the District will provide a reasonable opportunity to respond to the evidence; and
- the District will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.
- Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

The District will require the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination. The decisionmaker will question witnesses and parties directly to make this determination.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the District will:

Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.

The decisionmaker will:

- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the District's education program or activity.
 - Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
 - Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Following a determination that sex-based harassment occurred, the District may impose disciplinary sanctions, which may include revocation of privileges, detentions, suspensions or expulsions. The District may also provide remedies, which may include supportive measures, counseling, stay away orders, class switches or any additional measures that are appropriate.

After the grievance process, the District may as appropriate, modify or terminate supportive measures. If the District does so, it will provide the parties to timely seek from an appropriate and impartial employee, modification or reversal of the District's decision to provide, deny, modify, or terminate supportive measures applicable to them. The impartial employee will be someone other than the employee who made the challenged decision and must have authority to modify or reverse the decision, if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measures. The District will also provide a party with the opportunity to seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

Appeal

The District offers the following process for appeals from a determination whether sex discrimination occurred:

- Any party may appeal the decision in writing to the Superintendent within ten (10) school days of receipt of the findings of the formal procedure.

- The school district will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- The Superintendent or designee, as a further impartial decision-maker, will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

Contact information for the Superintendent:

Dr. Peter Dillon, Superintendent
 Berkshire Hills Regional School District
 50 Main Street - P. O. Box 617
 Stockbridge, MA 01262
 413-298-4017

Training

All employees will be trained annually and upon hire on:

- the District’s obligation to address sex discrimination in its education program or activity;
- The scope of conduct that constitutes sex discrimination, including the definition of sex-based harassment; and
- All applicable notice and information requirements.

All investigators, facilitators of informal resolution, decisionmakers and other persons responsible for supportive measures/Title IX process will have additional training on:

- The District’s grievance procedures;
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- The meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance; and
- rules and practices associated with the district’s informal resolution process and on how to serve impartially, including by avoiding conflicts of interest and bias.

In addition, the Title IX Coordinator and designees will receive training on their specific responsibilities, recordkeeping and any other training necessary to implement Title IX.

Records

A record will be maintained for a period of seven years of any actions, including supportive measures or informal resolution, taken in response to a report or complaint and district staff will document the basis for the district’s conclusion that its response was not deliberately indifferent.

External Grievance Procedure

Any student, parent or employee who chooses not to use the District’s internal grievance procedures or who is not satisfied with the District’s internal grievance procedures may file a

complaint of discrimination or harassment with an appropriate state or federal agency.

For complaints related to discrimination/harassment of students:
The Office for Civil Rights, US Department of Education
5 Post Office Square, 8 th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

For complaints related to discrimination/harassment of parents:
The Office for Civil Rights, US Department of Education
5 Post Office Square, 8 th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

For complaints related to discrimination/harassment of employees:
The Office for Civil Rights, US Department of Education
5 Post Office Square, 8 th Floor
Boston, MA 02109-3921
Telephone: 617-289-0111, FAX: 617-289-0150, TDD: 877-521-2172

OR

The Massachusetts Commission Against Discrimination
One Ashburton Place
Sixth Floor, Room 601
Boston, MA 02108
Phone 617-994-6000, TIY: 617-994-6196

OR

The Equal Employment Opportunities Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
Phone: 1-800-669-4000

Referral to Law Enforcement, Other Agencies

Some alleged conduct may constitute both a violation of District policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or District policy, and inform the complainant/ alleged victim of the right to file a criminal complaint.

Retaliation

Complainants and those who participate in the complaint resolution process or who otherwise oppose in a reasonable manner an act or policy believed to constitute discrimination are protected from retaliation by law and District policy. The coordinator or designee will inform all involved individuals that retaliation is prohibited, and that anyone who feels that they have experienced retaliation for filing a complaint or participating in the resolution process should inform the coordinator. The coordinator will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

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

Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections 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 higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Pregnancy

The District does not discriminate in its education program or activity against any student based on the student's current, potential, or past pregnancy or related conditions.

Title IX Coordinator

When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student's pregnancy or related conditions, unless the employee reasonably believes that the Title IX Coordinator has been notified, the employee will promptly provide that person with the Title IX Coordinator's contact information and inform that person that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the

student's equal access to the District's education program or activity.

Reasonable Modifications

Specifically, the District must make reasonable modifications to its policies, practices, or procedures as necessary to prevent sex discrimination and ensure equal access to the District's education program or activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the District will consult with the student. A modification that would fundamentally alter the nature of its education program or activity is not a reasonable modification. The student has discretion to accept or decline a reasonable modification.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

The student may voluntarily take a leave of absence from the District's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When the student returns to the District's education program or activity, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began. To request tutoring in these circumstances, a family must fill out the home-hospital form.

The District will ensure that the student can access a lactation space, which will be a space other than a bathroom, that is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.

The District will only require supporting documentation that is necessary and reasonable to determine reasonable modifications. The District will not request documentation for reasonable modifications such as when a student who is pregnant needs a bigger uniform; when the student has previously provided the recipient with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs.

Certification to Participate

The District will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the recipient's class, program, or extracurricular activity unless:

- The certified level of physical ability or health is necessary for participation in the class,

- program, or extracurricular activity;
- The recipient requires such certification of all students participating in the class, program, or extracurricular activity; and
- The information obtained is not used as a basis for discrimination.

Restitution

Students and their parents are held responsible for loss of or damage to textbooks, equipment, and materials that have been assigned to them and for loss, damage or destruction of school property for which the student has been judged responsible by the administration. The administration shall establish the repair or replacement cost of the property in question and the student will be billed accordingly. The student or parent shall make restitution payable to DBRMS. Total payment must be made prior to the next school year.

Substance Abuse Policies

1. A student voluntarily acknowledges to school personnel the presence of a substance abuse concern outside of the G. L. c. 71, § 97 screening process. (Note that the process for responding to these concerns during screening is governed by that statute, which prohibits disclosure of the statement without written student consent).

School Procedure

- A. The administration shall be immediately notified.
- B. The student shall be referred to school counselors.
- C. The student's legal guardian(s) shall be notified and a meeting of the student, guardian(s) and school officials shall be held to discuss appropriate options for treatment.
- D. A designated school official will follow up with students and families at dates, times, and at a frequency agreed upon by all involved parties to support the student and family in finding and maintaining appropriate treatment.

2. A student is suspected to be under the influence of drugs or alcohol for reasons unrelated to the aforementioned screening process.

School Procedure

- A. The administration shall be immediately notified.
- B. The administration, in cooperation with the school's nurse, will assess the student and situation to determine if further evaluation or care is necessary.
 - *If further evaluation or care is not necessary*, administration will investigate the claim and report all findings to parents and school counselors to determine next steps.
 - *If further evaluation or care is necessary*, administration will work with the nurse to determine the severity of the impairment so that emergency care can be sought if necessary.
- C. If no emergency care is necessary, the student will be supervised by the school nurse until they can be returned to the care of their parent or guardian.

- D. School consequences, specific to the incident, will be issued at this time. Local law enforcement may be notified of the incident at this stage.
- E. Once the student is ready to return to school, a meeting will be scheduled, and a support plan, designed to prevent a recurrence of the behavior, will be created. A designated school official will follow up with students and families at dates, times, and at a frequency agreed upon by all involved parties.

3. A student is found to be in possession of a drug, alcoholic beverage or drug paraphernalia either for personal use or sale.

School Procedure

- A. The administration shall be immediately notified.
- B. The administration, in cooperation with the school’s nurse, will assess the situation according to section II (student use).
- C. The parent/guardian shall be notified and the student may be removed from school property for the remainder of the day.
- D. School administration will conduct a full investigation in order to determine appropriate school action including logical next steps to support the involved student. Investigators will consider the following circumstances when reaching a decision:
 - The student’s engagement, or willingness to engage, in treatment programs related to substance use and abuse or behaviors that may be contributing to substance abuse
 - The number of prior incidents involving drugs, alcohol, or nicotine
 - Whether or not the student possessed the substance for the purpose of selling it to others
 - Specific factors related to the type and quantity of the substance
 - Other specific factors related to the present incident
- E. School consequences, specific to the incident, will be issued at this time. Local law enforcement is notified of the incident at this stage, and any confiscated contraband may be turned over to police.
- F. Once the student is ready to return to school, a meeting will be scheduled, and a support plan, designed to prevent a recurrence of the behavior, will be created. A designated school official will follow up with students and families at dates, times, and at a frequency agreed upon by all involved parties.

4. A student not enrolled in Berkshire Hills Regional School District is believed to be under the influence of a drug or in possession of a drug or drug paraphernalia.

School Procedure

- A. The administration ~~is~~ shall immediately be notified.
- B. School administration will take all necessary steps to arrange for the safe removal of the student from campus including assessing the situation according to section 2 (student use).
- C. If appropriate, the parent/guardian shall be notified.

- D. Contraband will be turned over to the police.
- E. The administration of the student's sending school will be notified.

School appropriate disciplinary actions increase with subsequent offenses.

NICOTINE REGULATIONS

In order to create and ensure an environment that is mindful of, and responsive to, the health and wellness of all students, W. E. B. Du Bois observes a policy designed to educate students on the dangers of nicotine use while honoring the right of all students to learn in a smoke and nicotine free environment. The following procedures are designed to uphold the law, educate students about the dangers of nicotine use and abuse, and help students struggling with nicotine use to find safe pathways to cessation.

If a student is found to be using tobacco, chewing tobacco, a Juul, vape, or any other type of device designed to aid in the use of nicotine, outside of the building:

1. The student will be allowed due process.
2. School administration will meet with the student and their guardian either in person or via telephone to discuss the circumstances of the infraction and to determine a school appropriate response.
3. A school appropriate response to nicotine use can include any combination of the following:
 - student assignment to a school sponsored substance abuse cessation program
 - an agreement between the family and school on an appropriate outside program to address nicotine abuse or the behaviors that manifest the abuse.
 - a school appropriate step designed to repair the harm done to the school community.
 - a school consequence appropriate to the specific details of the offense and the number of prior offenses incurred by the student.

MEDICATIONS

All medications are kept securely the nurse's office, except for the following medications that may be self-administered by a competent child: inhalers, enzyme supplements for cystic fibrosis, glucose monitoring tests and insulin delivery systems for diabetes, and epinephrine pens. All requests for students with disabilities to self-administer medications may be directed to their 504 or IEP Teams, or to the school nurse. With all other medications, an adult must deliver medications directly to the nurse and students are not to bring in their own medications. The school nurse administers prescription medications with an order from the prescribing doctor. Over the counter medications can be administered with written consent from the legal guardian. This includes sunscreen and insect repellent.

DUE PROCESS FOR SUSPENSIONS

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ALTERNATIVE REMEDIES FOR DISCIPLINARY CONSEQUENCES

Prior to issuing any disciplinary consequences pursuant to G.L. c. 71, § 37H ³/₄ and not subject to G.L. c. 71, §§ 37H and 37H ¹/₂, as discussed below, the Principal or designee will consider alternative remedies to such consequences. This policy applies only to short-term or long-term suspensions, emergency removals or in-school suspensions, or expulsions that are not issued under G.L. c. 71, §§ 37H and 37H ¹/₂. This policy does not apply to disciplinary consequences issued under G.L. c. 71, §§ 37H and 37H ¹/₂, which include: assault of educational staff, possession of controlled substances or a dangerous weapon on school grounds, and felony charges or conviction.

The Principal or designee will consider methods to re-engage the student in the learning process when deciding disciplinary consequences for the student. Specifically, the Principal or designee will consider and use alternative remedies including but not limited to mediation, conflict resolution, restorative justice, and collaborative problem solving. The use and results of such alternative remedies will be documented in writing. The Principal or designee will consider, use to the extent possible, and document in writing such alternative remedies before the Principal or designee may suspend or expel a student. The Principal will also implement school or district models to re-engage students in the learning process, including positive behavioral intervention and support models and trauma sensitive learning models. The Principal or designee will not implement such models in direct response to a specific incident.

The Principal or designee will document specific reasons where alternative remedies are unsuitable or counter-productive, and/or 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 on another while in school.

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NOTICE OF PROPOSED SUSPENSION

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§37H or 37H¹/₂ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent/guardian with written and oral notice of the proposed out-of-school suspension, an opportunity to be heard at hearing, and the opportunity to participate at the hearing.

Notice shall set forth in plain language:

1. the disciplinary offense;
2. the basis for the charge;
3. the potential consequences, including the potential length of the student's suspension;
4. the opportunity for the student to have a hearing with the principal concerning the
5. proposed suspension, including the opportunity to dispute the charges and to present
6. the student's explanation of the alleged incident, and for the parent/guardian to attend
7. the hearing;
8. the date, time, and location of the hearing;
9. the right of the student and student's parent/guardian to interpreter services at the
10. hearing if needed to participate;

The principal shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent/guardian present, the principal must be able to document reasonable efforts to include the parent/guardian.

Reasonable effort is presumed if the principal sent written notice and documented at least two attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency situations.

All written communications regarding notice of proposed suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

SHORT-TERM SUSPENSIONS: HEARING AND PRINCIPAL DETERMINATION

A short-term suspension is the removal of the student from the school premises and regular classroom activities for ten (10) consecutive days or less. Out-of-school short-term suspensions which do not cumulatively over the course of the school year exceed ten (10) days of suspension shall be conducted in accordance with this section.

Principal Hearing. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts. A parent/guardian present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances.

Based on the available information, including mitigating circumstances, the principal will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal will provide notification in writing of his/her determination in the form of an update to the student and parent/guardian, and provide reasons for the determination. If the student is suspended, the principal shall inform the parent/guardian of the type and duration of the suspension, and shall provide an opportunity for the student to make up assignments and other school work as needed to make academic progress during the period of removal. If the student is in grades pre-k through 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, before the short-term suspension takes effect. All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

LONG-TERM SUSPENSIONS: HEARING AND PRINCIPAL DETERMINATION

A long-term suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year. The purpose of the hearing with the principal is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the

charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts, that the principal will consider in determining whether alternatives to suspension such as loss of privileges, detention, an apology, a student contract, restitution, and/or probation are appropriate. It is also the principal's responsibility to provide the parent, if present, with an opportunity to discuss the student's conduct and offer information, including mitigating circumstances for the principal's consideration.

Additionally, the student shall have the following additional rights:

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

Based on the evidence submitted at the hearing the principal shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports) what remedy or consequence will be imposed. If the principal decides to impose a long-term suspension, the written determination shall:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out key facts and conclusions reached by the principal;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive a specific list of education services to make academic progress during removal, and the contact information of a school member who can provide more detailed information.
5. Inform the student of the right to appeal the principal's decision to the superintendent or his/her designee (only if a long-term suspension has been imposed) within five (5) calendar days, which may be extended by parent/guardian request in writing an additional seven (7) calendar days.

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 grades pre-k through grade 3, the principal shall send his/her determination to the superintendent and explain the reasons prior to imposing an out-of-school suspension, whether short-term or long-term, before the suspension takes effect.

All written communications regarding the hearing and principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the provided by the parent/guardian for school communications (or other method agreed to by the principal and parent/guardian) in English, and in the primary language in the home if other than English, or by other means of communication where appropriate.

APPEAL OF LONG-TERM SUSPENSION

A student who is placed on a long-term suspension shall have the right to appeal the principal's decision to the superintendent if properly and timely filed. A good faith effort shall be made to include the parent/guardian at the hearing. The appeal shall be held within three (3) school days of the appeal, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, which the superintendent shall grant.

The student and parent/guardian shall have the same rights afforded at the long-term suspension principal hearing. Within five (5) calendar days of the hearing the superintendent shall issue his/her written decision which meets the criteria required of the principal's determination. If the superintendent determines the student committed the disciplinary offense, the superintendent may impose the same or a lesser consequence than that of the principal. The superintendent's decision shall be final.

EMERGENCY REMOVAL

A student may be temporarily removed prior to notice and hearing 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 temporary removal shall not exceed two (2) school days, following the day of the emergency removal. During the emergency removal the principal shall make immediate and reasonable efforts to orally notify the student and student's parent/guardian of the emergency removal and the reason for the emergency removal. The principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation. The principal shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal, student, and parent/guardian.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a principal's determination in a long-term suspension.

IN-SCHOOL SUSPENSION UNDER 603 CMR 53:02(6) & 603 CMR 53.10

In-school suspension is defined as the removal of a student from regular classroom activities, but

not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year. An in-school suspension may be used as an alternative to short-term suspension.

A Principal may impose an in-school suspension as defined above according to the following procedures:

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 (10) days, cumulatively or consecutively, in a school year. On the same day as the in-school suspension decision, the principal shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. 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 (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

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 above, 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 by other method of delivery agreed to by the principal and the parent.

SUSPENSION OR EXPULSION FOR DISCIPLINARY OFFENSES UNDER M.G.L. 71

§§37H and 37H1/2 The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses:

- Possession of a dangerous weapon, possession of a controlled substance, or assault of staff. A student may be subject to expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of educational staff.

The Principal shall notify the student and parent(s)/guardian(s) in writing of the opportunity for a hearing, and the right to have representation at the hearing, along with the opportunity to present evidence and witnesses. After said hearing, a principal may, in his/her discretion, decide to levy a suspension rather than expulsion. A student expelled for such an infraction shall have the right to appeal the decision to the Superintendent. The expelled student shall have ten (10) days from the date of the expulsion in which to notify the Superintendent of his/her appeal. The student has the right to counsel at the hearing before the Superintendent. The subject matter of the appeal shall not be limited solely to a

factual determination of whether the student was guilty of the alleged offense.

- Felony complaint or issuance of felony delinquency complaint

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the Principal may suspend a student for a period of time determined appropriate by the Principal if the Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The Principal shall notify the student in writing of the charges, the reasons for the suspension (prior to such suspension taking effect), and the right to appeal. The Principal will also provide the student and parent(s)/guardian(s) the process for appealing the suspension to the Superintendent. The request for appeal must be made in writing within five (5) calendar days. The hearing shall be held within three (3) days of the request. The suspension shall remain in effect prior to any appeal hearing before the Superintendent. At the hearing, the student shall have the right to present oral and written testimony, and the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing.

- Felony conviction or adjudication/admission in court of guilt for a felony or felony delinquency

The Principal may expel a student convicted of a felony, or has an adjudication or admission of guilt regarding a felony, if the Principal 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 the proposed expulsion. The student shall also receive written notification of his right to appeal the decision to the Superintendent, as well as the appeal process. The expulsion shall remain in effect prior to any appeal hearing conducted by the Superintendent.

The student shall notify the Superintendent in writing of his/her request for an appeal the decision no later than five (5) calendar days following the date of the expulsion. The Superintendent hearing shall be held with the student and parent(s)/guardian(s) within three (3) calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony, and shall have the right to counsel. The Superintendent has the authority to overturn or alter the decision of the Principal. The Superintendent shall render a decision on the appeal within five (5) calendar days of the hearing. Any student expelled from school for such an offense shall be afforded an opportunity to receive educational services and make academic progress.

SCHOOL-WIDE EDUCATION SERVICE PLAN FOR STUDENTS ON SHORT- OR LONG-TERM SUSPENSION

(1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion shall have the opportunity to earn credits, as applicable, make up

assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

(2) Any student who is expelled or suspended from school for more than ten 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, through the school-wide education service plan.

(3) Each school has a process for developing school-wide education service plans for education services that the school district will make available to students who are expelled or suspended from school for more than ten consecutive days.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion;

Enrollment

Reporting.

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

DISCIPLINE OF STUDENTS WITH DISABILITIES (IEP/504)

Procedures for suspensions of students with disabilities when suspensions exceed 10 consecutive school days or a pattern has developed for suspensions exceeding 10 cumulative days; responsibilities of the Team; responsibilities of the district.

1. A suspension of longer than 10 consecutive days or a series of suspensions that are shorter than 10 consecutive days but constitute a pattern are considered to represent a change in placement.
2. When a suspension constitutes a change of placement of a student with disabilities, district personnel, the parent, and other relevant members of the Team, as determined by the parent and the district, convene within 10 days of the decision to suspend to review all relevant information in the student's file, including the IEP or 504 Plan, 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 or 504 Plan— "a manifestation determination."
3. If district personnel, the parent, and other relevant members of the Team determine that the behavior is NOT a manifestation of the disability, then the suspension or expulsion may go forward consistent with policies applied to any student without disabilities, except that the district must still offer: a. services to enable the student, although in another setting, to continue to participate in the general education curriculum and to progress toward IEP goals; and b. as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, to address the behavior so that it does not recur.

4. Interim alternative educational setting. Regardless of the manifestation determination, the district may place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days a. on its own authority if the behavior involves weapons or illegal drugs or another controlled substance or the infliction of serious bodily injury on another person while at school or a school function or, considered case by case, unique circumstances; or b. on the authority of a hearing officer if the officer orders the alternative placement after the district provides evidence that the student is “substantially likely” to injure him/herself or others. Characteristics. In either case, the interim alternative education setting enables the student to continue in the general curriculum and to continue receiving services identified on the IEP, and provides services to address the problem behavior.
5. If district personnel, the parent, and other relevant members of the Team determine that the behavior IS a manifestation of the disability, then the team completes a functional behavioral assessment and behavioral intervention plan if it has not already done so. If a behavioral intervention plan is already in place, the Team reviews and modifies it, as necessary, to address the behavior. Except when he or she has been placed in an interim alternative educational setting in accordance with part 4, the student returns to the original placement unless the parents and district agree otherwise or the hearing officer orders a new placement.
6. Not later than the date of the decision to take disciplinary action, the school district notifies the parents of that decision and provides them with the written notice of procedural safeguards. If the parent chooses to appeal or 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.

Procedural requirements applied to students not yet determined to be eligible for special education.

1. If, prior to the disciplinary action, a district had knowledge that the student may be a student with a disability, then the district makes all protections available to the student until and unless the student is subsequently determined not to be eligible. The district may be considered to have prior knowledge if:
 1. The parent had expressed concern in writing; or
 2. The parent had requested an evaluation; or
 3. 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 evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.
2. If the district had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the district must have procedures consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
3. If the student is found eligible, then he/she receives all procedural protections subsequent to the finding of eligibility

Restraint of Students in Public Schools

In December 2014, the Department of Elementary and Secondary Education (DESE) officially approved changes to the physical restraint regulations applicable to public education programs. The definitions of what constitutes a physical restraint have been amended substantially. Furthermore, the regulations impose additional due process, incident reporting, and data review requirements.

New procedures are in place to assure that every physical restraint is reported and logged in the main office; that the principal (or designee) notifies the parents verbally and in writing of every restraint; that parents/students have the opportunity to comment on the restraint or a report of the restraint; that a principal (or designee) personally approves every restraint over 20 minutes and every time-out over 30 minutes; that the principal (or designee) has a weekly review of individual student restraint data; and that the principal (or designee) reviews school-wide restraint data on a monthly basis.

BHRSD complies with the provisions of 603 CMR 46.00 dealing with restraint of students in the public schools. To that end, the District's policy is developed pursuant to those regulations and is available upon request from the central office.

District Policies

All policies can be found at:

http://www.edline.net/pages/bhrsd/General_Info/BHRSD_Policy_Manual/Policy_Indexes

Forms

PARENT OR GUARDIAN CONSENT FORM ELECTRONIC INFORMATION POLICY

I have read the Berkshire Hills Regional School District's Electronic Information Resources Policy and understand that access to the electronic information resources is designed for educational purposes. I understand that it is impossible for the District to restrict access to all the controversial materials and I will not hold the District responsible for controversial materials my student acquires utilizing the district's electronic information resources. I agree to report any misuse of the electronic information resources to the District's System Administrator of School Administration. Misuse comes in many forms, but can be viewed as any messages sent or received that include/suggest pornography, unethical or illegal solicitation, racism, sexism, inappropriate language, and other issues described previously.

I hereby give my permission for my student to access the District's electronic information resources. I understand that this permission shall remain effective during the time my student is enrolled as a student in Berkshire Hills Regional School District, or until I give the District written notice that the permission given is revoked. I further understand that any amendments or revisions to the Electronic Information Resources Policy will be printed in the Student Handbook and that no other notice of amendment or revision to the Electronic Information Resources Policy will be given to me unless it is to be effective prior to publication in the Students Handbook.

Student's Name (please print) _____

Parent/Guardian Name (please print) _____

Signature _____ Date _____

I do not give the Berkshire Hills Regional School District permission for my student to access the District's electronic information resources.

Student's Name (please print) _____

Parent/Guardian Name (please print) _____

Signature _____ Date _____

(See Section I, Policy IJNDB-E of the BHRSD Policy Book for full Policy). (This is an example of a letter you will have to sign to allow your child to use the internet services)

BHRSD CHROMEBOOK USER AGREEMENT AND PROTECTION PLAN
2024-25 school year

****PLEASE FILL OUT BOTH SIDES OF THIS FORM**

BHRSD is committed to ensuring that students' learning meets the expectations of the 21st century. To that end, the District will issue a chromebook to every student in grades 7-12 who does not have a personal device.

The following expectations apply to all students in grades 7-12:

- Students are required to bring a device to school, fully charged, every day.
- Students are expected to keep their devices safely with them at all times, or in their lockers.
- Activities on school Chromebooks are monitored in school and at home. Students are expected to comply with all aspects of the BHRSD Acceptable Use Policy and the school handbook.
- Although schools may have a small supply of loaners on hand, students who forget their devices and/or bring uncharged devices to school *should not* expect a replacement to be available. It is always a student's responsibility to complete alternate work or catch up on digital work at home.
- BHRSD strongly encourages families to participate in our district Chromebook Protection protection plan for \$25. More information about covered/uncovered costs is on the reverse side of this form.
- If an accident or damage occurs and a school-issued Chromebook is in need of repair, it is a student's responsibility to report it immediately.

Student name printed: _____ **Grade:** _____

- I accept the device, including charger, and all responsibilities outlined above.

OR

- I decline a school-issued Chromebook and will have a personal device that I will take with me to school daily, at my own risk.

I have reviewed and explained to my child the conditions of this agreement.

Parent/Guardian name printed: _____

Parent/Guardian signature: _____ Date: _____

****PLEASE FILL OUT BOTH SIDES OF THIS FORM**

BHRSD CHROMEBOOK PROTECTION PLAN

The BHRSD Chromebook Protection Plan protects BHRSD chromebooks from accidental damage, theft, natural disasters, and more. The plan provides full replacement coverage, which is transferable to a replacement unit.

For \$25, the full value of the Chromebook is protected; without the plan, families are responsible for the \$275 replacement cost.

Coverage includes:

- Accidents
- Fire, flood, natural disasters, power surge by lightning
- Theft
- Vandalism by other parties

Coverage does not include:

- Removed keys, graffiti, permanent stickers, and writing on device
- Unexplained loss or damage
- Lost chargers
- Destruction by student

Complete if you ARE participating in the protection plan:

Parent/Guardian name printed: _____

Parent/Guardian signature: _____ Date: _____

OFFICE USE ONLY: Chromebook ID: _____ **Date:** _____ **by** _____

\$25 protection plan fee received: YES - cash YES - check # _____ NO

Families who would like to purchase a Protection Plan, but for whom the fee would create a financial hardship, should contact the school principal.

Only complete this box if you ARE NOT participating in the protection plan:

PROTECTION PLAN WAIVER - Acknowledgement of Liability

If you choose **NOT TO PURCHASE** protection for your student's device, you are responsible for any and all damage done to the Chromebook after it is received. The full replacement cost of a Chromebook is \$275.

If you have decided NOT TO PURCHASE the protection plan, parents/guardians are required to sign below to accept full responsibility for your student's device.

Parent Guardian signature: _____

Date: _____

DISTRIBUTION OF MEDICINE LETTER

September 2023

Dear Parent/Guardian:

Our school district requires that the following forms must be on file in your child's health record before we begin to give any medicine at school, whether prescription medication or non-prescription medication (such as Tylenol).

1. **Signed consent by the parent or guardian to give the medicine.** Please complete the enclosed consent form and give it to the health office.
2. **Signed medication order.** The written medication order form should be taken to your child's licensed prescriber (your child's physician, nurse practitioner, etc.) for completion and returned to the school nurse. This order must be renewed as needed and at the beginning of each academic year.

Medicines should be delivered to the school in a pharmacy or manufacturer-labeled container by you or by the student as long as the school nurse is notified. Please ask your pharmacy to provide separate bottles for school and home. No more than a thirty day supply of the medicine should be delivered to the school.

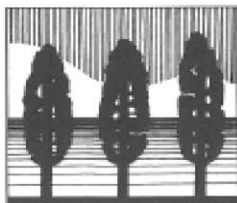
If you have further questions concerning this policy, please do not hesitate to call me at 644-2300.

Sincerely,

Hillary Bashara, RN
School Nurse

(See Section J, Policy JLCD-E of the BHRSD Policy Book)(This is an example of a letter you will have to sign to allow the school to dispense medications.)

STUDENT RECORDS LETTER



BERKSHIRE HILLS REGIONAL SCHOOL DISTRICT

GREAT BARRINGTON • STOCKBRIDGE • WEST STOCKBRIDGE

50 MAIN STREET • P.O. BOX 617 • STOCKBRIDGE, MA 01262 • (413) 298-4017

Dear Parent or Guardian,

Recently, some changes were made in the regulations dealing with student records. As you know, in cases where parents have divorced or separated, there are different rules set by the state for which parent can see and get copies of his/her child's student records. The parent(s) who have physical custody, as identified in the custody agreement or order, has the right to see and get copies of his/her child's student records with no limitation. However, the parent who does not have physical custody of the child (non-custodial parent), even if he/she has legal custody or visitation rights, may or may not have access to his/her child's student records.

A non-custodial parent is eligible to see and get copies of his/her child's student records unless the school or district has been given documentation that:

1. the non-custodial parent has been denied legal custody based on a threat to the safety of the student or to the custodial parent, or
2. the non-custodial parent has been denied visitation or has been ordered to supervised visitation, or
3. the non-custodial parent's access to the student or to the custodial parent has been restricted by a temporary or permanent protective order.

It is necessary for divorced or separated parents to submit a copy of the custody agreement or order so that the school system may identify which of the parents has physical custody of the child, and then to determine if one of the conditions above exists. The non-custodial parent must request in writing that he/she be permitted to look at or copy his/her child's student records. However, the school can allow the non-custodial parent to have access to the child's records only after the school has notified the custodial parent and twenty-one (21) days has elapsed from this notification. During that twenty-one day period, the custodial parent can obtain a court order restricting access to the child's records or can submit a copy of any outstanding protective orders; if such orders are provided to the school system, then the school cannot release records.

Very truly yours,

Peter Dillon
Superintendent of Schools

RECEIPT OF PARENT/STUDENT HANDBOOK

Each parent, guardian or the student him/herself (if over 18 years old) must sign the acknowledgment form below, indicating that he/she has received and read a copy of the handbook. If the signed acknowledgment form is not received by September 15, then the school district will nonetheless presume that the parent, guardian or student him/herself (if over 18 years of age) has received and read the handbook. Signing this handbook does not in any way create or indicate the existence of a contractual relationship between the parent/ student and the W. E. B. Du Bois Regional Middle School.

I have received and read the W. E. B. Du Bois Regional Middle School Handbook for the 2023-2024 school year.

Student Name

Parent Signature

Date

Please return to Crew Leader.