

## **SECTION J**

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## STUDENT GOALS AND OBJECTIVES ON HOLD 1/09/06

### PREAMBLE

The Wayland School Committee recognizes the necessity in a public school system for creating an environment in which the human rights and responsibilities of all people who interact in any way with the schools represent important considerations in the actual functioning of the schools. Even more basic than rules, regulations, codes, negotiated agreements, and the like are the kind of ongoing interpersonal relationships which demonstrate clearly that all people in the schools value the human rights of others. The intent of this policy is to assure that every effort is made on the part of all concerned to have the schools operate in a humane manner -- one in which administrators, teachers, pupils, and parents behave in such a way that it is apparent to all that the inherent worth and dignity of every human being is valued in the schools. The School Committee accordingly directs that the Superintendent and staff members develop, implement, maintain, and evaluate appropriate regulations, procedures, and programs to carry out this policy.

### STATEMENT OF POLICY

A. Equality of Educational Opportunity Shall Be Provided for Every Pupil

Explication: The basic instructional program should be essentially the same in each corresponding grade level or school in the system. The purpose of this policy is not the promotion of sameness; it is, rather, to provide a learning environment that is maximally responsive to the educational needs and potential of each pupil. In essence, there should be no imposed constraints on any pupil from any socioeconomic or minority group background which might preclude his or her full participation in the curricular or cocurricular programs of the schools. Current practices with respect to activity fees, special assessments, "late" buses, and the like should be scrutinized carefully.

B. All School Policies, Rules, and Practices shall be Adopted and Implemented Consistent with the Requirements of Due Process and Equal Protection of the Laws

Explication: Openness, and mutual respect constitute essential fairness in all school personnel relationships. This policy also includes legally-based rights and responsibilities such as: the right to notice, hearings, and the presumption of innocence prior to the imposition of discipline.

C. Freedom of Expression Shall Be Encouraged and Protected and Limited Only By Respect of the Same Rights Due Other Participants

Explication: If the schools are to be an effective marketplace for the exchange of ideas and opinions, then writing, speaking, and other forms of free expression must be safeguarded and fostered. Pupils, faculty, administrators, and parents should have an opportunity for free expression and the responsibility to see that it is, in fact, safeguarded for all participants. This freedom should be exercised, of course, in ways that are respectful of the rights of others, including the common right to an effective, continuous educational program. Expression is truly free when it is accorded to those who dissent from the view of the majority.

D. The Right to Be Different Shall Be Recognized and Respected

Explication: All of us, pupils, parents, faculty, and administrators, bring to the school setting a wide range of appearances, attitudes, styles, and ideas. Our right to manifest such diversity is essential to effective education and an open society.

E. Respect for the Right to Privacy Should Be Accorded All School Participants

Explication: Information regarding the performance, abilities, and personal lives of pupils, parents, faculty, and administrators, should be regarded as privileged information. It should not be disclosed to nor discussed with a third party unless such action is vital to the proper functioning of the school or in the best interests of the individual involved.

F. The Schools Should Foster a Feeling of Freedom Either Of or From Religion

Explication: There shall be no religious exercises or activities in the public schools. The curriculum may include the study of religion as an area of intellectual inquiry. Rules and practices affecting pupils and staff should remain neutral with respect to religion, and the sanctity of religious belief or religious disbelief should be scrupulously respected.

G. Freedom of Association and To Petition Shall Be Accorded All School Personnel

Explication: Oral or written petitions relative to any of the school's activities or positions shall be received, considered fairly, and answered. There shall be no attempt to regulate or limit the out-of-school activities of staff members or students who are engaged in political activity or other voluntary association with legally constituted groups, organizations, or individuals.

H. The Foregoing Policy Statements Imply Concomitant Responsibilities on the Part of All Concerned

Explication: Each right enumerated under this policy has a concomitant responsibility which should govern the behaviors of all school personnel. For example, if political activities, free speech, or any other enumerated policy "right" impinges on the equal rights of other staff members or students or disrupts the school program, it shall be construed as an abridgement of the rights of others and as evidence of irresponsible behavior.

I. Nothing in this policy statement shall be deemed to derogate from the powers and responsibilities of the Wayland School Committee under the Statutes of the Commonwealth of Massachusetts or the rules and regulations of the State Board of Education.

New policy, December, 1972  
Revised 1/14/91

SOURCE: Wayland

**STUDENT POLICIES GOALS  
ON HOLD 01/09/06**

The student is the focal point of all operations of a school system. This top priority is shared with no one.

Consequently, the School Committee can expect to spend much of its time in study, deliberation, and policy formulation on matters directly related to students.

The Committee and staff will work together to establish an environment conducive to the very best learning for each student through meeting the following goals regarding students:

1. To individualize the learning program in order to provide appropriately for each student according to his/her specific background, capabilities, learning styles, interests, and aspirations.
2. To protect and observe the legal rights of students.
3. To enhance the self-image of each student by helping him/her feel respected and worthy in a learning environment that provides positive encouragement through frequent success.
4. To provide an environment in which students can learn and practice personal and civic responsibility for their actions through meaningful experiences as school citizens.
5. To deal with students in matters of discipline in a just and constructive manner.
6. To provide in every way possible for the safety, health, and welfare of students.
7. To promote faithful attendance and good work.

SOURCE: MASC

LEGAL REF.: 603 CMR 26:00

**NOTE: This category is for a statement in which the School Committee sets forth its own goals in the development of policies pertaining to students.**

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**STUDENT POLICIES GOALS  
ON HOLD 01/09/06**

NOTE: I DID NOT EDIT THIS AS THIS IS DIRECT QUOTE FROM THE LAW

Active Efforts

- (1) The School Committee of each school district shall establish policies, promote regulations and procedures, and implement monitoring and evaluation practices that support and promote affirmative action and stimulate necessary changes to ensure that all obstacles to equal access to school programs for all persons are removed, regardless of race, sex, color, national origin, age, disability, sexual orientation, religion or limited English-speaking ability, no matter how subtle or unintended. Such policies shall include a requirement for an annual evaluation of all aspects of the K through 12 school program to insure that all students regardless of race, color, sex, religion, disability, sexual orientation or national origin are given an opportunity to develop skills, competence, and experience, and to receive appropriate guidance so that they may be able to participate in all programs offered by the school including athletics and other extracurricular activities. Special attention shall be given to schools and programs in which students of either sex or of racial or national origin groups present in the community are markedly under-represented.
- (2) If participation in any school sponsored program or activity has previously been limited to students based on race, color, sex, national origin, disability, sexual orientation or religion, then the School Committee shall make active efforts to insure that equal access to all school sponsored programs or activities be provided within the system.
- (3) It shall be the responsibility of the School Committee and the Superintendent to provide necessary information and in-service training for all school personnel in order to:
  - (a) Advance means of achieving educational goals in a manner free from discrimination on account of race, color, sex, religion, disability, sexual orientation or national origin.
  - (b) Enhance consciousness of the kinds of discriminatory and prejudicial practices and behavior, which may occur in the public schools.
- (4) The Superintendent, as an agent of the School Committee, shall promote and direct effective procedures for the full implementation of 603 CMR 26.00, and shall make recommendations to the Committee for the necessary policies, program changes, and budget resource allocations needed to achieve adherence to 603 CMR 26.00.
- (5) At the beginning of the school year, the Superintendent of each school system shall be responsible for sending to the parents of all school age children, in their primary language, a notice of the existence of S. 1971 c.622 and its implications. Such notice shall include the information that all courses of study, extracurricular activities and services offered by the school are available without regard to race, color, sex, religion, disability, sexual orientation or national origin. This notice may be included with other communications sent to parents by the school system. Upon request, the Department of Education shall provide a translation in requested languages to assist Superintendents in complying with this section. The Superintendent shall inform the community of the existence of the law and of its implications through newspaper releases or radio or television announcements.

- (6) The Superintendent shall ensure that all students are annually informed in a manner certain to reach them of the existence of St. 1971, c.622 and its implications. Students shall be informed that all courses of study, extracurricular activities, services, and facilities offered by the school are available without regard to race, color, sex, religion, disability, sexual orientation or national origin.
- (7) The Superintendent of each school system shall make certain that employers who recruit new employees in and through the schools of that district, do not discriminate on account of race, color, sex, religion, disability, sexual orientation or national origin in their hiring and recruitment practices within the schools. Before any employer is allowed to recruit at or through any school, they shall be required to sign a statement that they do not discriminate in hiring or employment practices on account of race, color, sex, religion, disability, sexual orientation or national origin.
- (8) Since adults serve as role models for students, school authorities shall utilize adults in a variety of jobs, and as members of policy-making committees, to the extent consistent with their contractual obligations, without regard to race, color, sex, religion, disability, sexual orientation or national origin.
- (9) Adults serving on athletic regulatory boards shall fairly represent the interests of both male and female students.
- (10) Because selective secondary schools have had atypical student bodies in the past, such selective secondary schools, including but not limited to selective academic high schools, regional vocational-technical schools and trade schools, shall admit qualified applicants of each sex and racial and ethnic groups in numbers proportionate to the existence of members of such class in the secondary school population of the geographic area served by that school. After the period for application to the school has closed, if it is found that qualified applicants of one of the above classes have not applied in numbers sufficient to maintain this proportion, qualified students of the other categories may be selected to fill the remaining openings.
- (11) Any contributions to a school for activities and monetary awards within or sponsored by the school or for scholarships administered by the school made after the effective date of 603 CMR 26.00 by any person, group or organization shall be free from any restrictions based upon race, color, sex, religion, disability, sexual orientation or national origin.
- (12) The opportunity to receive guidance and counseling in a student's primary language should be made available to students from homes where English is not the primary language spoken.

SOURCE: MASC

LEGAL REF.: 603 CMR 26:00

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## **EQUAL EDUCATIONAL OPPORTUNITIES**

In recognition of the diverse 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, color, sex, gender identity, religion, national origin, sexual orientation, physical and intellectual differences, or pregnancy or pregnancy-related conditions.

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

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 Elementary and Secondary Education in compliance with this law will be followed.

SOURCE: MASC

LEGAL REFS.: Title VI, Civil Rights Act of 1964  
Title VII, Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972  
Executive Order 11246, as amended by E.O. 11375  
Title IX, Education Amendments of 1972  
M.G.L. c.76:5; 76:16 (Chapter 622 of the Acts of 1971)  
BESE regulations 603 CMR 26:00  
BESE regulations 603 CMR 28:00

CROSS REF.: AC, Nondiscrimination

School Committee Approval: December 17, 2012  
Approved to put out for public comment July 23, 2018  
Policy approved by School Committee September 12, 2018

## **STUDENT-TO-STUDENT HARASSMENT**

Harassment of students by other students will not be tolerated in the Wayland Public Schools. This policy is in effect while students are on school grounds, School District property or property within the jurisdiction of the School District, school buses, or while attending or engaging in school activities.

Harassment prohibited by the District includes, but is not limited to, harassment on the basis of race, sex, gender identity, creed, color, national origin, sexual orientation, religion, marital status, or disability. Students whose behavior is found to be in violation of this policy will be subject to disciplinary action up to and including suspension or expulsion.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in school programs or activities;
- Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student, or;
- Such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating or hostile learning environment.

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

- Verbal, physical or written (which includes texting, blogging, or other technological methods) harassment or abuse;
- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, or other school matters.
- Demeaning names, jokes, stories, or activities directed at the student.

The District will promptly and reasonably investigate allegations of harassment. The Principal of each building will be responsible for handling all complaints by students alleging harassment.

Retaliation against a student, because a student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to disciplinary action, up to and including suspension and expulsion.

The Superintendent will develop administrative guidelines and procedures for the implementation of this policy.

SOURCE: MASC

LEGAL REF.: M.G.L. c.151B:3A  
Title VII, Section 703, Civil Rights Act of 1964 as amended  
BESE 603 CMR 26:00

REFS.: *“Words that Hurt,”* American School Board Journal, September 1999  
National Education Policy Network, NSBA

School Committee Approval: December 17, 2012

## **ATTENDANCE AREAS**

Attendance areas for the various schools of the town will be drawn up by the Superintendent and approved by the School Committee. The primary considerations that govern the establishment of a school attendance area are school capacity and transportation issues. Generally, students will attend the school in the attendance area in which they live.

In establishing an attendance area, the following general guidelines will also be applied:

1. Use of safe walking conditions consistent with the Committee's transportation policies; where possible, major traffic thoroughfares and natural barriers will be used for boundaries.
2. Honoring community of interest; where possible, school attendance zones will incorporate community patterns.

From time to time, the development of new residential areas may require the establishment or change of previously established school attendance areas.

The Superintendent is authorized to make exceptions to attendance lines for individual children or groups of children in the best interests of the student(s) and/or the school.

LEGAL REFS.: M.G.L. c.71:37C; 71:37D; 71:37I; 71:37J  
Board of Education Regulations Pertaining to Section 8 of Chapter 636 of the Acts of 1974, Regarding Magnet School Facilities and Magnet Educational Programs, adopted 2/25/75  
Board of Education Regulations Pursuant to Chapter 636 of the Acts of 1974, adopted 9/10/74  
Board of Education Regulations Pertaining to the Preparation of Racial Balance Plans which Involve Redistricting, adopted 4/24/73

CROSS REF.: JCA, Assignment of Students to Schools

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## **ASSIGNMENT OF STUDENTS TO SCHOOLS**

Generally, students will be required to attend school in the attendance area in which they reside, unless the Superintendent has granted special permission.

Special permission may be granted for the following reasons:

1. If the change appears to be in the interests of the child, of the schools, and/or for disciplinary and administrative reasons.
2. If the legal residence of a child changes from one attendance area to another during the school year and the parents wish the child to remain in his/her former school; permission will not extend beyond the current school year.
3. To permit secondary school students to take courses not offered in their assigned schools.

School bus transportation will not be provided for students attending schools outside their attendance area unless they can be accommodated on existing bus routes and schedules, or an exceptional child is involved; or unless specific permission is granted by the School Committee.

LEGAL REFS.: M.G.L. c.71:37C; 71:37D; 71:37I; 71:37J  
Board of Education Regulations Pertaining to Section 8 of Chapter 636 of the Acts of 1974, Regarding Magnet School Facilities and Magnet Educational Programs, adopted 2/25/75  
Board of Education Regulations Pursuant to Chapter 636 of the Acts of 1974, adopted 9/10/74  
Board of Education Regulations Pertaining to the Preparation of Racial Balance Plans which Involve Redistricting, adopted 4/24/73

CROSS REF.: JC, Attendance Areas

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## **SCHOOL ATTENDANCE**

Each school should establish and disseminate attendance-taking procedures that include the following elements:

- Parents must notify the school in advance when they expect their child to be more than one hour late to school.
- School personnel will take student attendance within the first hour each day.

In the event that a student is marked absent from school and said student's parents/guardians have not notified the school to expect such an absence, the school staff will make every effort to contact the parents/guardians to verify the absence.

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## **ENTRANCE AGE**

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

1. Children who will be five years of age before August 31 of the school year during which they wish to enroll will be eligible to enter kindergarten in September.
2. Children who will be six years of age before August 31 of the school year during which they wish to enroll will be eligible to enter first grade in September.

In recognition that there may be an occasional need to consider children born shortly after August 31<sup>st</sup> (who therefore do not meet this eligibility requirement), school officials will review petitions to waive this requirement using the process outlined in the Guidelines for Consideration for Early Kindergarten and First Grade Entrance.

LEGAL REFS.:

M.G.L. c.15:1G

Board of Education Regulations for Entrance to First Grade and Kindergarten, adopted 7/20/71

School Committee Approval:

December 11, 2015

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## **SCHOOL ADMISSIONS**

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

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

LEGAL REFS.: M.G.L. c.15:1G; 76:1; 76:5; 76:15; 76:15A  
603 CMR 26:01; 26:02; 26:03

CROSS REF.: JFBB, School Choice

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## **NONRESIDENT STUDENTS**

- A. Nonresident students whose parents plan to move to Wayland during the school year may be permitted to enroll in the fall in the Wayland Schools in accordance with the Residency Guidelines.
- B. The child of a resident who moves from the community after February 1 may be permitted to finish the school year in the Wayland Schools.
- C. The child of a resident who moves from the community will be permitted to finish the entire senior year at Wayland High School provided that:
  - 1. Appropriate transportation or living arrangements shall have been made;
  - 2. The student's past school history, both personal and academic, has been thoroughly reviewed;
  - 3. The Superintendent approves of all arrangements and conditions under which the student will function during the senior year.

### Children of Nonresident Teachers

Any child of a nonresident teacher who fulfills the minimum age requirement for attendance in the Wayland Public Schools may be permitted by the School Committee to attend the Wayland Public Schools in accordance with the collective bargaining agreement with the Wayland Teachers Association.

### Children of Nonresident Administrators

Contingent upon School Committee approval, any child of a nonresident administrator who fulfills the minimum age requirement for attendance in the Wayland Public Schools shall be permitted to attend the Wayland Public Schools on the same basis as a child of a non-resident teacher.

LEGAL REF.:           Collective Bargaining Agreement with Wayland Teachers Association

Approved by School Committee 9/19/16

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## **HOMELESS STUDENTS: ENROLLMENT RIGHTS AND SERVICES**

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

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

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

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

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

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

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

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

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

LEGAL REFS.:            Title I, Part C  
                              No Child Left Behind Act, 2002

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## **SCHOOL CHOICE**

It is the policy of this School District not to admit non-resident students under the terms and conditions of the Inter-district School Choice Law (M.G.L. 76:12B). This decision must be reaffirmed annually prior to June 1<sup>st</sup> by a vote of the School Committee following a public hearing. In the event the Wayland School Committee votes to participate, the following local conditions would apply:

1. That by May 1 of every school year, the administration will determine the number of spaces in each school available to choice students.
2. That by June 1 of every school year, a public hearing will be held to review participation in the school choice program.
3. That the resident students be given priority placement in any classes or programs within the District.
4. That the selection of non-resident students for admission, when the number of requests exceeds the number of available spaces, be in the form of a random drawing. There will be two drawings for this purpose. The first will take place during the last week of the current school year, but no later than July 1st. The second will be conducted during the week immediately preceding the opening of the next school year and will be based on the possibility of unexpected additional openings.
5. Any student who is accepted for admission under the provisions of this policy is entitled to remain in the District until graduation from high school, except if there is a lack of funding of the program.
6. The School Committee affirms its position that it shall not discriminate in the admission of any child on the basis of race, color, religion, national origin, sex, gender identity, age, sexual orientation, ancestry, athletic performance, physical handicap, special need, academic performance or proficiency in the English language, or pregnancy or pregnancy-related conditions.

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

School Committee Approval: December 17, 2012  
Approved to put out for public comment July 23, 2018  
Policy approved by School Committee September 12, 2018

## **STUDENT ABSENCES AND EXCUSES**

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

Therefore, students may be excused temporarily from school attendance for the following reasons:

1. Illness or quarantine and medical appointments
2. Bereavement or serious illness in family
3. Weather so inclement as to endanger the health of the child
4. Observance of major religious holidays
5. Approved school-related activity

A child may also be excused for other exceptional reasons with approval of the school administrator.

A student's understanding of the importance of day-to-day schoolwork is an important factor in the shaping of his/her character. Parents can help their children by refusing to allow them to miss school needlessly.

Accordingly, parents will provide an explanation for the absence and tardiness of a child. This will be required in advance for types of absences where advance notice is possible. Teachers are not required to provide assignments in advance for known absences.

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

### **Student Absence Notification Program**

Each Principal, by whatever title he may be known, will notify a student's parent/guardian within 3 days of the student's absence in the event the parent/guardian has not informed the school of the absence.

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

## **Dropout Prevention**

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

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

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

SOURCE: MASC October 2014

LEGAL REFS.: M.G.L. [76:1](#); [76:1B](#); [76:16](#); [76:18](#); [76:20](#)

Approved 12/11/15

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## **EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE**

### Denial of Admission

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

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

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

Failure to meet the requirements of age by a student, as fixed by the School Committee as provided in Massachusetts General Laws;

Having been expelled during the same school year from this District or any district in the Commonwealth;

Not being a resident of the District (excluding the METCO program) and the District has opted not to participate in the School Choice Law;

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

LEGAL REFS.: M.G.L. c.71:37H; 76:12; 76:12A; 76:12B  
603 CMR 26:00

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## **STUDENT RIGHTS AND RESPONSIBILITIES**

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

Among these rights and responsibilities are the following:

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

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

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

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

LEGAL REFS.: M.G.L. c.71:37H; 71:82 through 71:86

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## **STUDENT INVOLVEMENT IN DECISION-MAKING**

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

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

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

### Student Advisory Committee

As required by state law, the Committee will meet at least once every other month while school is in session with its Student Advisory Committee, which is composed of five students elected by the High School student body. The chair of the Student Advisory Committee shall be an ex-officio nonvoting member of the School Committee, without the right to attend executive sessions unless such right is expressly granted by the School Committee.

LEGAL REF.: M.G.L. c.71:38M

CROSS REF.: BDF, Advisory Committees to the School Committee

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## **STUDENT CONDUCT ON SCHOOL BUSES**

The School Committee and its staff share with students and parents the responsibility for student safety during transportation to and from school. The authority for enforcing School Committee requirements of student conduct on buses will rest with the Principal.

The bus driver shall have responsibility to maintain orderly behavior of students on school buses and shall report misconduct to the school Principal for disciplinary action.

To ensure the safety of all students who ride on buses, it may occasionally be necessary to revoke the privilege of transportation from a student who abuses this privilege. Parents of children whose behavior and misconduct on school buses endangers the health, safety, and welfare of other riders will be notified that their children face the loss of transportation privileges in accordance with regulations approved by the School Committee.

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## **PROHIBITION OF HAZING**

In accordance with Massachusetts General Laws, Chapter 536 of the Acts of 1985, the School Committee hereby deems that no student, employee or school organization under the control of the School Committee shall engage in the activity of hazing a student while on or off school property, or at a school sponsored event regardless of the location. No organization that uses the facilities or grounds under the control of the School Committee shall engage in the activity of hazing any person while on school property.

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

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

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

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

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

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## **HAZING**

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

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

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

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

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

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

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

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

## BULLYING PREVENTION

The Wayland Public Schools is committed to providing a safe, positive and productive educational environment where students can achieve his/her own highest academic standards. No student shall be subjected to bullying, or cyber-bullying.

“Bullying” is the repeated use by one or more students or school staff members of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a target that:

- causes physical or emotional harm to the target or damage to the target’s property;
- places the target in reasonable fear of harm to him/herself, or of damage to his/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.

“Cyber-bullying” is defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by wire, radio, electromagnetic, photo-electronic or photo-optical systems, including but not limited to, electronic mail, internet communications, instant messages or facsimile communications:-

Cyber-bullying shall also include the creation of a web page or blog in which the creator assumes the identity of another person or knowingly impersonates another person as author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying.

Cyber-bullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

Bullying and cyber-bullying may occur in and out of school, during and after school hours, at home and in locations outside of the home. When bullying and cyber-bullying are alleged, parents or guardians of students involved in incidents of bullying, cyber-bullying or retaliation are expected to cooperate fully with the administration.

For the purpose of this policy, whenever the term bullying is used it is to denote either bullying, or cyber-bullying.

It is a violation of this policy for any student or school staff members to engage in Bullying, or for any employee of the Wayland Public Schools to condone or fail to report acts of bullying that

they witness or become aware of.

Bullying is prohibited:

- On school grounds;
- On property immediately adjacent to school grounds;
- At school-sponsored or school-related activities, functions or programs, whether on or off school grounds;
- At school bus stops;
- On school buses or other vehicles owned, leased or used by the school district; or,
- Through the use of technology or an electronic device owned, leased or used by the Wayland Public schools;

Bullying is also prohibited at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the Wayland Public Schools if the act or acts in question:

- create a hostile environment at school for the target;
- infringe on the rights of the target at school; and/or
- materially and substantially disrupts the education process or the orderly operation of a school, as determined by school administrators.

#### Prevention and Intervention Plan

The Superintendent and/or his/her designee shall oversee the development of a prevention and intervention plan, in consultation with all district stakeholders, which may include teachers, school staff, professional support personnel, school volunteers, administrators, community representatives, local law enforcement agencies, students, parents and guardians, consistent with the requirements of this policy, as well as state and federal laws. The Bullying Prevention and Intervention Plan shall represent the School District's philosophy of prevention built-on education, discipline, and intervention, and it shall set forth the administrative guidelines and procedures for the implementation of this policy. Such plan shall include, but not be limited to; procedures for reporting, responding to and investigating reports of bullying or retaliation; the range of disciplinary actions that may be taken against a perpetrator for bullying or retaliation or against someone for making a false accusation of bullying; procedures for remedying incidents of bullying and restoring a sense of safety for a target of bullying and assessing that target's needs for protection; strategies for protecting from bullying or retaliation a person who reports bullying or provides information during an investigation; any notification requirements consistent with applicable law; a strategy for providing counseling or referral to appropriate services for perpetrators, targets and family members; and provisions for informing parents about the School District's bullying prevention curriculum. The Bullying Prevention and Intervention Plan shall be reviewed and updated at least biennially.

The Principal is responsible for the implementation and oversight of the Bullying Prevention and Implementation Plan within his or her school.

## Reporting

Students, who believe that they are a target of bullying, observe an act of bullying, or who have reasonable grounds to believe that these behaviors are taking place, are strongly urged to report incidents to a member of the school staff. The target shall, however, not be subject to discipline for failing to report bullying. Parents or guardians, or members of the community, are encouraged to report an incident of bullying as soon as possible.

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

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

A member of a school staff (including but not limited to educators, administrators, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor, advisor to an extracurricular activity, or paraprofessional) who witnessed or becomes aware of alleged Bullying, Cyber-bullying or retaliation shall immediately report it to the school principal or ~~their~~ designee.

## Investigation Procedures

The Principal or their designee, upon receipt of a viable report of alleged bullying, shall promptly conduct an investigation. The investigation shall be completed within a reasonable amount of time from the date of the report. At a minimum the Principal or his/her designee shall contact the parents or guardians as to the status of the investigation on an as necessary basis.

The school principal or a designee will use a Bullying/Cyber-bullying Report Form during his/her investigation, which may include interviewing the alleged target, alleged perpetrator, staff members, students and/or witnesses. The school principal or designee may also contact the parents or guardians of the alleged target or perpetrator during the investigation.

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

If the school principal or a designee determines that bullying has occurred he/she shall:

- Notify the parents or guardians of the perpetrator;
- Notify the parents or guardians of the target. and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying, cyber-bullying or retaliation;
- Take appropriate disciplinary action; and
- Notify the police if the principal or designee, after consulting with the Superintendent of Schools, believes that criminal charges may be pursued against the perpetrator.

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

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

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

### Retaliation

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

### Target Assistance

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

### Training and Assessment

Annual training shall be provided for school faculty and staff in preventing, identifying, responding to, and reporting incidents of bullying.

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

### Publication and Notice

Annual written notice of the relevant sections of the bullying prevention and intervention plan shall be provided to students and their parents or guardians, in age-appropriate terms.

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

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

The bullying prevention and intervention plan shall be posted on the Wayland Public Schools website. Each building principal shall be responsible for the implementation and oversight of the Plan at his or her school. The building principal or designee shall assist students, parents and employees of the School District who seek guidance or support in addressing matters relating to any form of Bullying, Cyber-bullying or retaliation.



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

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

CROSS REFS.: AC, Nondiscrimination  
ACAB, Sexual Harassment  
JBA, Student-to-Student Harassment  
JICFA, Prohibition of Hazing  
  
JK, Student Discipline Regulations

APPROVED December 11, 2015

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

In view of the fact that the use of alcohol, tobacco, and/or drugs can endanger the health and safety of the user and others, and recognizing the deleterious effect the use of alcoholic beverages or drugs can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any drug or alcoholic beverage on school property, at any school function or at any school sponsored event.

A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled substance.

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

The school district shall utilize, in accordance with law, a verbal screening tool approved by the Department of Elementary and Secondary Education to screen students for substance abuse disorders. The tool shall be administered by trained staff on an annual basis at grades 7 and 9.

Parents/guardians shall be notified prior to the opening of school each year. Parents/guardians shall have the right to opt out of the screening by written notice prior to or during the screening.

All statements made by a student during a screening are confidential and shall not be disclosed except in the event of immediate medical emergency or in accordance with law. De-identified results shall be reported to the Department of Public Health within 90 days of the completion of the screening process.

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

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

### CROSS REF.:

GBEC, Drug Free Workplace Policy

IHAMA, Teaching About Drugs, Alcohol, and Tobacco

JLCD, Administering Medicines to Students Approved August 25, 2016

[note: this policy replaces the prior JICG and JICH]

Approved to put out for public comment July 23, 2018

Policy approved by School Committee September 12, 2018

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## **PREGNANT STUDENTS**

School-age mothers, unless they receive adequate assistance, might drop out of school without acquiring the necessary education or without marketable skills.

Pregnant students will be permitted to continue in school. The student and her physician, in cooperation with the school staff, will develop an appropriate educational plan if it is agreed she should no longer attend school regularly.

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

SOURCE: MASC

LEGAL REF.: M.G.L. 71:84

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## **SEARCHES AND INTERROGATIONS**

### Searches by Staff

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

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

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

### Interrogations by Police

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

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

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## **STUDENT FUNDRAISING ACTIVITIES**

In general, the Committee discourages fundraising in the community by students for school activities, or except as set forth below. Especially discouraged is the sale of goods produced by companies for profit, such as magazines, candy, and similar items.

Exceptions to this policy will be:

1. Sale of tickets to scheduled athletic events and school dramatic and musical performances.
2. Sale of advertising space in school publications.
3. A fundraising activity approved by the Superintendent or his/her designee.
4. Proposals to raise funds for charitable purposes or for benefit of the school or community (for example: American Field Service activities, United Nations, or scholarship funds) provided such proposals have been individually approved by the Superintendent or his/her designee.

Money (cash or check) collections of any kind may be held on school premises only with the specific consent of the Superintendent or his/her designee and with appropriate safeguards, such as a locked safe.

SOURCE: MASC

CROSS REFS.: [KHA](#), Public Solicitations in the Schools

Approved November 16, 2015

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## **STUDENT ACTIVITY ACCOUNTS**

Student funds may be raised to finance the activities of authorized student organizations. Student activity funds are considered a part of the total fiscal operation of the District and are subject to the Wayland Public Schools Student Activity Accounts Guidelines and Procedures Manual, approved by the School Committee and the Office of the Superintendent. The funds shall be managed in accordance with sound business practices, which include accepted budgetary and accounting practices.

In compliance with Massachusetts General Law Chapter 71, Section 47, as amended by Chapter 66 of the Acts of 1966, the School Committee:

1. Authorizes the Town Treasurer to establish and maintain a Student Activity Agency Account(s). The interest that is earned on such accounts shall be maintained in the Agency Account and distributed annually among the Student Activity Checking Accounts as directed by the guidelines and procedures approved by the School Committee.
2. Authorizes the Principals to accept money for recognized student activity organizations that currently exist, or from time to time may be revised. Monies collected in connection with these activities should be deposited into the Student Activity Agency Accounts, for the express purpose of conducting student activities.
3. Authorizes Student Activity Checking Accounts for use by the Principals with specific maximum balances approved for each school by School Committee policy. The initial balance and subsequent replenishment of said balance of the Student Activity Checking Account (not to exceed the maximum balance voted by the School Committee) must be made through the transfer of funds from the Student Activity Agency Account via the Town's warrant process. Funds disbursed from the Student Activity Checking Accounts must be expended exclusively for the School Committee approved student activity purposes.
4. Directs Principals to provide the Treasurer with a bond in an amount agreeable to the Treasurer to secure faithful performance.
5. There shall be an annual audit of the student activity accounts conducted in accordance with the guidelines issued by the Department of Elementary and Secondary Education and at least every two to three years by an outside accounting firm.

LEGAL REFS.: M.G.L. 71:47

School Committee Approval: October 17, 2016

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## LATE NIGHT TRAVEL AND OVERNIGHT STUDENT TRIP POLICY

The School Committee recognizes that firsthand learning experiences provided by trips can be an effective and worthwhile means of learning and enhancing the educational program.

All student trips which include late night travel (between the hours of midnight and 6:00 a.m.) or an overnight stay away from a student's home must have prior approval of the School Committee, after initial approval by the building principal and the Superintendent of Schools. Requests for late night or overnight travel must be submitted to the School Committee on the Initial Approval for Late Night or Overnight Travel Form. The School Committee will only approve school-sanctioned trips. Initial approval by the School Committee is required before engaging in fundraising activities. All fundraising activities must be approved in advance by the appropriate administrator. No student, parent or staff member may raise money on school property or use school-related resources (like computers, mailboxes, copiers) for any trip unless the trip is a school-sanctioned trip which has been approved pursuant to this policy. Consistent with the Massachusetts Conflict of Interest law, no staff member may receive any financial benefit in excess of \$50 from any company, agency, public or private entity for organizing, or making the arrangements for, any trip.

Late night and overnight trips should have a stated educational purpose that is related to Wayland's academic or co-curricular program. The faculty member leading the trip should have sufficient qualifications to lead the trip and expertise in the relevant academic or co-curricular area. The trip should offer significant educational benefits to students that clearly justify the time and expense of the trip. Such trips should be appropriate for the grade level. Trips should be scheduled so as to limit time away from school and conflicts with religious holidays. Grade-wide educational trips may occur during weeks in which school is in session.

All trips must have final approval of the building principal and superintendent. Such final approval shall be sought not less than 30 days prior to the scheduled trip. Final approval shall not be granted until all preparations for the trip have been completed in accordance with the Late Night or Overnight Travel Regulations and Guidelines, including but not limited to, all logistical details involving transportation, accommodation arrangements and fundraising efforts. The School Committee shall be notified of such final approval.

LEGAL REFS: Chapter 346 of the Acts of 2002  
M.G.L. ch. 69, section 1B  
M.G.L. ch. 71, section 37N  
Model Policy (adopted by the Board of Education December 16, 2003)  
Revisions Adopted: 11/30/09

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## ADDING/DROPPING A SPORT

If a sport (as opposed to a team, such as a freshman team or a sub-varsity team) is to be added (or dropped) from the offerings of the athletic program, the following considerations will apply.

The initial considerations are programmatic: (a) Does the sport, as a co-curricular and athletic experience meet (or fail to meet) the goals of the athletic program? (b) Is there a sufficient (or insufficient) number of athletes demonstrating a commitment or interest in the sport? and (c) Will the impact of the sport to be added (or dropped) on the program sustain the health of the overall program?

Following analysis of the above-mentioned criteria, consideration should then be given to (d) the availability and appropriateness of facilities for the disposition of unused facilities; and (e) the costs, both start-up and operational, of the program in question (and the disposition of unused resources). A decision to add (or drop) a sport is made upon the analysis of these five criteria. Further elaboration on these five criteria is provided below.

(a) Meets the goals and philosophy of the athletic program

The sport in question should encourage a broad participation and should contribute to the maintenance of a balance within the program with respect to gender equity issues. The sport should encourage the development of athletic abilities, good sportsmanship, character, extended learning, and positive life experiences.

(b) Interest

The numbers of participants, both current and future, should be in evidence. A program is expected to be operational for an extended period of time (five to ten years and beyond), and there should be a general sense that participation will not fall below a “critical level” by virtue of “feeder” programs either within the Town or regionally. It is understood that interest in a sport can often go in “cycles” depending upon the rise and fall of exposure and excitement related to a particular sport. The tradition of a sport in Wayland, Eastern Massachusetts, and/or in the United States of America may influence this decision. Consideration should be given to the long-term viability of the sport.

(C) Impact on the Program

This criterion should be examined in terms of whether the participants of the sport will join other teams (if the sport is discontinued) or will draw from other teams if it is added. Does the sport encourage participation in this sport only or does it encourage “connectivity” with other sports, e.g., volleyball with basketball, soccer with lacrosse, etc.? The decision to add (or drop) a sport should contribute to the maintenance or enhancement of a healthy overall program. A balance between offerings for boys and girls and a sufficient number of students, coaches, and administrative support to ensure a healthy program must also be considered. Sports that can be played by both girls and boys should be given special consideration.



(d) Facilities

The facilities needed to conduct this sport must be adequate, sufficient, and appropriate for the sport. The facilities available for a sport must be available and accessible in a reasonable manner to the athletes. When considering off-site, out-of-Wayland facilities, the question of liability for poorly maintained or distantly located facilities must be considered.

(e) Costs

The start-up costs (of an added sport), the redistribution of funds (of a dropped sport), as well as the annual operational, and long-term capital/operational costs must be taken into account before a decision to drop or add a sport is made, as should be the financial consequence of adding or dropping sports.

CROSS REF.: JJIBB, Financing of an Athletic Program

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## FINANCING OF AN ATHLETIC PROGRAM

It is the strongly preferred policy of the Wayland Public Schools that all operating costs associated with the athletic program be funded from within the regular operating budget of the school system.

In the event, however, that it is not possible for all expenses to be covered by the school budget, and if the Superintendent and/or School Committee wish to utilize alternative sources of funding of an athletic program, the following guidelines are applicable:

- (a) The schools, within the athletic budget, should pay for the following elements of a school athletic program:
  - (1) Coaches' stipends
  - (2) Transportation to games and, when necessary, practices
  - (3) Protective equipment (except footwear) which meets or exceeds the standards of the sport
  - (4) Officials' fees
  - (5) League or other dues or fees
  - (6) Uniforms
  - (7) Basic recognition items
- (b) Individual team fundraisers may generate revenues to be used by that specific team to supplement the above-listed expenses of the athletic program, subject to such limits as the Superintendent may establish. Examples of uses for funds raised by individual teams include transportation upgrades (for a long trip to a distant away game, a comfortable touring bus with a bathroom may be substituted for a standard school bus, the additional costs being fundraised) and non-essential equipment (gym/equipment bags, warm-up jackets, etc.)
- (c) Additional financial support for the athletic program comes from the town-wide Booster organization. Booster fundraising activities are general and the benefit is intended for no one exclusive sports team. Funds from Booster fundraisers may be used for such supplementary items as the following:
  - (1) Awards and trophies beyond basic recognition
  - (2) Wayland athletic jackets
  - (3) Facilities for making games more comfortable (e.g., operation of the concession stand behind the field house)
  - (4) Additional equipment for general use (e.g., weight room, non-sport specific equipment, etc.)

In addition, such supplementary financial support may, subject to approval by the Superintendent and School Committee, be received from private sources other than the Booster organization.

- (d) If the above application of funds and access to funding sources are inadequate, user fees, as determined by the Superintendent and approved by the School Committee, will be paid by all athletes who participate in the program. User fees should be limited for families

with multiple High School students in multiple sports. Funds collected through user fees are used to offset the athletic department costs in general.

- (e) Gate receipts collected from attendance at any athletic program are used to offset the Athletic Department costs in general.
  
- (f) In the event that, despite the presumption of this policy that the core operational costs of a sport be financed from within the school system's operating budget, consideration is given to permitting a sport to be financed entirely outside such operating budget, the following procedure shall be applicable, subject to the 2/3 School Committee vote set forth in subparagraph (f)(4) below:
  - (1) The sponsor (i.e., an individual or group wishing to add a sport not currently available with the Wayland Public Schools) shall present a proposal to the Athletic Director and School Principal at least 18 months before the sport is to begin. The proposal must be approved by the Athletic Director and the Principal on the basis of: (a) agreement with the overall philosophy of the athletic program; (b) a sufficient interest, as represented by the number of actual and potential athletes, in the sport; and (c) the impact on the athletic program of this additional sport.
  - (2) Upon approval of the Athletic Director and the Principal, the sponsor may then submit to the Superintendent of Schools a "Facilities and Financial Plan" detailing the facilities to be used and the method of financing the costs to operate the sport. The Superintendent will act upon the proposal no later than 12 months prior to the proposed beginning of the sport.
  - (3) The following considerations shall be applicable to sports proposed by a Sponsor for consideration under this policy:
    - (a) The Superintendent may require additional information.
    - (b) If approved by the Superintendent, the sport will operate within the scope of the Wayland Public Schools, subject to School Committee policy, and administered entirely by the Superintendent.
    - (c) A sum of money, not less than what the Superintendent determines is needed to operate the sport for two years, will be maintained in escrow under the control of the Superintendent, to be used if and when annual funding sources are sufficient to run the program.
    - (d) The sport, if approved and operating, even with the escrow account, is subject to reductions within the athletic department.
    - (e) The sponsor accepts responsibility to raise the funds for the escrow account and the annual operating costs, in the event the sport is not funded by the School Department budget.
    - (f) If the sport is discontinued, the money in the escrow account shall be returned to the Sponsor for final disposition.

- (4) Upon the Superintendent's approval of the "Facilities and Financial Plan", the proposal shall be presented to the School Committee for approval. A decision by the School Committee should be made no later than six months before the sport is to begin, with approval requiring a favorable vote by 2/3 of the members of the Committee. The Committee's decision shall be final.
- (5) This policy and procedure serves as guidelines and is subject to change when it is determined to be in the best interest of the Wayland Public Schools.

CROSS REF.: JJIBA, Adding/Dropping a Sport

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## **HOME EDUCATED STUDENTS PARTICIPATION IN WAYLAND HIGH SCHOOL ATHLETIC PROGRAMS**

Participation by home educated students in the Wayland High School athletic program is permitted if the home educated student meets the following criteria:

1. The Wayland High School Principal has indicated that high school-aged home schoolers are eligible to participate in the Wayland High School athletic program on the annual MIAA membership form and has included the names of all home schoolers in the annual MIAA report.
2. The Education Plan(s) for the home educated students who wish to participate in the Wayland High School athletic program has/have been approved by the Superintendent or his/her designee.
3. The Wayland High School Principal has determined appropriate high school grade level placement (9-12) for each home educated student in conjunction with chronological age and Education Plan.
4. The student resides in Wayland and must be living with his/her parent(s) or legal guardian(s) in the family residence.
5. The Wayland High School Principal is satisfied that the student meets the guidelines for athletic participation required for all other students as defined in the current MIAA Blue Book and Wayland High School Student Handbook. This should include, but not be limited to, those rules governing transfers, academic eligibility, age requirements, and the number of consecutive seasons of athletic eligibility beyond grade eight.
6. MIAA requirements relative to academic eligibility must be reviewed by the Principal at the same times that all other student athletes are to be certified as academically eligible.
7. If the Principal determines that all eligibility standards detailed above have been met, the Principal may declare the student immediately eligible to participate in interscholastic competition.

The rights, privileges, and responsibilities associated with all other student athletes attending MIAA member schools will apply to home educated students who have satisfied the requirements above.

SOURCE: MIAA

Revised: September 2009

Approved: September 21, 2009

*Wayland Public Schools*

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## **HEAD INJURY AND CONCUSSIONS IN EXTRACURRICULAR ATHLETIC ACTIVITIES POLICY**

It is the policy of the Wayland Public Schools to provide information and standardized procedures for persons involved in the prevention, training, management, and return to activity decisions regarding students who incur head injuries while involved in extracurricular athletic activities<sup>1</sup> including, but not limited to, interscholastic sports, in order to protect their health and safety as required by Massachusetts law and regulations<sup>2</sup>. The requirements of the law apply to all public middle and high schools, however configured, serving grades six through high school graduation. In addition to any training required by law, the following persons shall complete one of the head injury safety training programs approved by the Massachusetts Department of Public Health (DPH) as found on its website: coaches; certified athletic trainers; trainers; volunteers; school and team physicians; school nurses; athletic directors; directors responsible for a school marching band; guidance counselors; employees or volunteers; and students who participate in an extracurricular activity and their parents.

Upon the adoption of this policy by the Wayland School Committee, the Superintendent shall ensure that DPH receives an affirmation on school district letterhead that the district has developed a policy and the School Committee has adopted a final policy in accordance with law. This affirmation shall be updated as per the 105 CMR 201.000 Regulation.

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

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

1 Extracurricular Athletic Activity means an organized school sponsored athletic activity generally occurring outside of school instructional hours under the direction of a coach, athletic director or marching band leader including, but not limited to, Alpine and Nordic skiing and snowboarding, baseball, basketball, cheer leading, cross country, track and field, fencing, field hockey, football, golf, gymnastics, horseback riding, ice hockey, lacrosse, marching band, rifle, rugby, soccer, skating, softball, squash, swimming and diving, tennis, ultimate frisbee, volleyball, water polo, and wrestling.  
All interscholastic athletics are deemed to be extracurricular athletic activities.

2 This policy was adopted in response to Chapter 166 of the Acts of 2010. However, the School Committee recognizes that in certain situations, a concussion can be considered a disability under Section 504 of the Rehabilitation Act of 1973, and will be addressed in accordance with the District's policy and procedures under Section 504.

The Wayland Public Schools' Head Injury and Concussions in Extracurricular Athletic Activities Protocol provides the process to promote the ongoing health and wellness of students with suspected or diagnosed head injuries and their safe return to academic and extracurricular athletic activities. This protocol shall be reviewed yearly by the Wayland Public Schools' Middle and High School athletic department and/or principal, guidance department, and nurses. The Wayland Public Schools' Head Injury and Concussions in Extracurricular Athletic Activities Policy shall be included in the student and faculty handbooks.

Legal Reference(s): M.G.L c. 111 sec.222; 105 CMR 201.00  
Approved by School Committee: September 18, 2017

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## **STUDENT DISCIPLINE**

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

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

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

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

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

LEGAL REFS.: M.G.L. c.71:37H; 71:37H  $\frac{1}{2}$ ; 71:37H  $\frac{3}{4}$ ; 71:37L; 76:16; 76:17  
603 CMR 53.00

Approved by School Committee: June 19, 2017

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## **CORPORAL PUNISHMENT**

State law provides that:

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

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## **PHYSICAL RESTRAINT OF STUDENTS**

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

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

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

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

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

The Superintendent will develop procedures identifying:

- Appropriate responses to student behavior that may require immediate intervention;
- Methods of preventing student violence, self-injurious behavior, and suicide including crisis planning and de-escalation of potentially dangerous behaviors among groups of students or individuals;
- Descriptions and explanations of alternatives to physical restraint as well as the school's method of physical restraint for use in emergency situations;
- Descriptions of the school's training and procedures to comply with reporting requirements; including, but not limited to making reasonable efforts to orally notify a parent of the use of restraint within 24 hours of its imposition;
- Procedures for receiving and investigating complaints;
- Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;

- A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR [46.03\(1\)\(b\)](#), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR [46.00](#),
- A process for obtaining principal approval for a time out exceeding 30 minutes.

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

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

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

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

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

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

SOURCE: MASC

ADOPTED: August 2015

School Committee Approval: November 30, 2015

LEGAL REF.: M.G.L. [71:37G](#)

[603 CMR 46.00](#)

## **STUDENT INSURANCE PROGRAM**

A noncompulsory accident insurance plan totally administered by an insurance company may be made available to students. The District does not assume any responsibility regarding service, claims, or other matters relating to the insurance program.

All students participating in competitive athletics shall be required to be covered by a medical insurance plan.

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## STUDENT HEALTH SERVICES AND REQUIREMENTS

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

The District recognizes that parents bear primary responsibility for the health of their students. The school will cooperate with appropriate professional organizations associated with maintaining individual and community health and safety.

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

### Procedures for Emergency at School

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

Each year, parents shall supply information indicating where the student is to be taken in case of an emergency; the name, address, and phone number of a neighbor to be contacted in case the parent/guardian is not available; and any allergies or diseases the student might have.

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

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

### Student Illness or Injury

In case of illness or injury, the parent or guardian will be contacted and asked to pick up the student or provide necessary transportation.

Transportation of an ill or injured student is not normally to be provided by the school. If the parent cannot provide transportation and the student is ill or injured, an ambulance may be called. Expense incurred as a result of emergency ambulance use will not be borne by the District.

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

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

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

REF.: Wayland Emergency Response Manual

Approved: September 24, 2012 by Wayland School Committee

## **PHYSICAL EXAMINATION OF STUDENTS**

Every student will be examined for screenings\* according to requirements and regulations set forth by the Massachusetts Department of Public Health (MDPH). School screenings are intended to supplement, not supplant, oversight of care by the student's primary care provider (PCP). Families will be notified whenever a student does not meet the minimum standards of the screening to facilitate timely follow up by the student's PCP. For students who are referred to their PCP for vision concerns and/or diagnosed with a neuro-developmental delay, evidence of a comprehensive eye exam shall be provided to the School Health Office. A written plan will be developed by the school nurse if a student does not pass the vision or hearing screenings.

Every student will provide documentation of a general physical examination by their PCP within one year prior to entrance to school or within 30 days after school entry at intervals of either three or four years thereafter, typically grades 4, 7, and 10. Any student who does not have access to medical services because of a hardship may contact the Wayland Health Department for assistance with obtaining a physical free of charge. A student transferred from another school system shall be examined as an entering student. Health records transferred from the student's previous school may be used to determine compliance with this requirement. Every reasonable effort shall be made to link such students with a PCP. The results of examinations will be a basis for determining what corrective measures or modifications of school activities, if any, should be recommended. A record of all examinations and recommendations will be kept.

Every candidate for a school athletic team will present the signed (electronic) consent of parent or guardian in order to participate on a squad and will provide documentation of a current physical examination (done within the last 13 months). Documentation of this physical examination will comply with State regulations, to indicate the fitness of the student to participate in school athletics and signed by the PCP. This updated physical exam document will be provided to the School Health Office.

Whenever the Community Health Nurse within the school finds a child suffering from disease or medical problem, nursing judgment will be utilized to determine the best method of parent/guardian contact. This information will be kept within the student's Electronic Health Record (EHR).

The school physician shall provide consultation to the school health program administered through the Wayland Health Department. Consultation includes interpretation and assistance to the Community Health Nurses working with students, family, and staff to enable all children to obtain full benefit of educational opportunities. Reasonable measures for the control of communicable disease will be in place.

The Community Health Nurse maintains student health related data and complies with all State regulations to maintain the health and safety of students. Lack of compliance with this health policy may result in a student being excluded from the school environment. This includes school related athletics and activities before and after the school day.

The district will adhere to all requirements related to 105 CMR 200.

*\*NOTE: Department of Health Regulations call for vision screenings in the year of school entry, annually in grades K-5, once between grades 6-8, and once in grades 9-12; hearing screenings in the year of entry, annually from grades K-3, once in grades 6-8, and once in grades 9-12; BMI in grades 1, 4, 7, 10; postural screenings annually from grades 5-9.*

SOURCE: MASC

LEGAL REFS.: M.G.L. [71:53](#); [71:54](#); [71:56](#); [71:57](#)

105 CMR 200

CROSS REF.: [JF](#), School Admissions

Approved by School Committee: August 21, 2017



## **IMMUNIZATION OF STUDENTS**

No student shall attend a school program within the Wayland Public Schools without a certificate of immunization documenting that the child has been successfully immunized in accordance with current Massachusetts Department of Health (MDPH) required immunization schedules, developed in accordance with the recommendations of the Advisory Committee on Immunization Practices (ACIP) of the Centers for Disease Control and Prevention (CDC), or any successor committee serving a comparable function.

The above requirements shall not apply when the student, or the student's parent or guardian if the student is a minor, provides written documentation that he or she is immune, as defined in MDPH guidelines, or provides written documentation that he or she meets the standards for medical or religious exemption set forth in M.G.L. c. 76, § 15. Documentation of exemptions must be provided annually at the start of the school year.

Families who have difficulty accessing required school immunizations may be in contact with the Wayland Health Department for assistance.

LEGAL REF.: M.G.L. 76:15; 105 CMR 220.000

Approved to put out for public comment July 23, 2018  
Policy approved by School Committee September 12, 2018

## **COMMUNICABLE DISEASES**

The District is required to provide educational services to all school age children who reside within its boundaries. By law, however, admission to school may be denied to any child diagnosed as having a disease whereby attendance could be harmful to the welfare of other students and staff, subject to the District's responsibilities regarding students with an Individualized Education Plan (IEP)/ 504 Plan under the law.

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

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

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

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

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

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

SOURCE: MASC October 2016

LEGAL REF.: M.G.L. [71:55](#)

APPROVED: June 4, 2018

**AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME)  
SCHOOL ATTENDANCE POLICY**

Epidemiological studies show that AIDS is transmitted via sexual contact or blood to blood contact. To date, there is no recorded transmission of AIDS to family members having non-sexual contacts. This fact is also observed with medical personnel who directly care for and are exposed to AIDS cases. Since there is no evidence of casual transmission by sitting near, living in the same household, or playing together with an individual with AIDS, the following guidelines are recommended by the Governor's Task Force on AIDS for implementation in school systems throughout the Commonwealth.

1. All children diagnosed as having AIDS or with clinical evidence of infection with the AIDS associated virus, Human Immunodeficiency Virus (HIV), and receiving medical attention are able to attend regular classes.
  - A. If a child has cutaneous (skin) eruptions or weeping lesions that cannot be covered, he/she should not be in school.
  - B. If the child exhibits inappropriate behavior that increases the likelihood of transmission (i.e. biting or frequent incontinence), he/she should not be in school.
  - C. Children diagnosed with AIDS or with clinical evidence of infection with the AIDS associated virus (HIV) who are too ill to attend school should have an appropriate alternative education plan.
  - D. Siblings of children diagnosed as having AIDS or with clinical evidence of infection with the AIDS associated virus (HIV) are able to attend school without any further restrictions.
2. The child's personal physician is the primary manager of the child diagnosed as having AIDS or with clinical evidence of infection with the AIDS associated virus (HIV). Management includes acting as the "gatekeeper" for the child's attendance at school in accordance with the policy outlined above.
  - A. The child's personal physician, after consultation with the family, is responsible for reporting cases of AIDS to the Massachusetts Department of Public Health's Division of Communicable Disease. The Superintendent will be notified by the child's personal physician and will provide assistance in identifying those educational or health care agents with an absolute need to know.
  - B. Only persons with an absolute need to know should have medical knowledge of a particular student's AIDS condition. In individual situations, the Superintendent might notify one or more of the following:
    - . Principal
    - . School Nurse
    - . Teacher

- C. Notification should be by a process that would maximally assist patient confidentiality. Ideally, this process should be direct person to person contact.
  - D. If school authorities believe there is evidence of conditions described in #1 in a child diagnosed as having AIDS or with clinical evidence of infection with the AIDS associated virus (HIV), then school authorities can dismiss the child from the class and request authorization from the child's personal physician so that class attendance is within compliance with school policy.
  - E. If school authorities and the child's personal physician are in conflict, then the case should be referred to the Department of Public Health for review by an appointed physician who would determine the permissibility of school attendance.
3. Since the child diagnosed as having AIDS or with clinical evidence of infection with the Aids associated virus (HIV) has a somewhat greater risk of encountering infections in the school setting, the child should be excluded from school if there is an out-break of a threatening communicable disease (such as chicken pox or measles) until he/she is properly treated (possibly with hyperimmune gamma globulin) and/or the outbreak has no longer become a threat to the child.
  4. HIV screening is a blood test for detecting the presence of antibody to the HIV virus. Antibodies are substances produced by white blood cells that help fight infection caused by viruses or bacteria. Testing for HIV antibody is not recommended for any purposes other than to assist the child's personal physicians in a highly selected set of clinical decisions. Results of HIV antibody tests are confidential and should not be reported to schools.
  5. Blood or any other body fluids including vomit and fecal or urinary incontinence in any child should be treated cautiously. It is recommended that gloves be worn when cleaning up any body fluids.
    - A. These spills should be disinfected with bleach (one part bleach to ten parts water), or another disinfectant, by pouring the solution around the perimeter of the spill.
    - B. All disposable materials, including gloves, should be discarded into a plastic bag. The mop should be disinfected with the bleach solution described in 5A.
    - C. Persons involved in the clean-up should wash their hands afterward.
  6. In-service education of appropriate school personnel should ensure that proper medical and current information about AIDS is available.

## **ADMINISTERING MEDICINES TO STUDENTS**

Medication may not be administered to students while at school unless such medicine is given to them by the school nurse acting under specific written request of the parent or guardian and under the written directive of the student's personal physician. When the school nurse is not present, a student who needs medication during the school day may be called to the office at the scheduled hour and reminded by the secretary to take the medicine. This provision only applies when the correct dosage of the medication has been placed in an individual container clearly marked with the student's name, the dosage to be administered, and the time and/or conditions under which the medicine is to be taken. In addition, the student must be able to recognize the medicine that he/she or she is taking. No one but the school nurse, and those others listed in the medical administration plan acting within the above restriction, may give any medication to any student.

The school district shall, through the district nurse leader, register with the Dept. of Public Health and train personnel in the use of Epi-pens.

Following consultation with the school nurse, students who fall into the following exceptions may self-administer medications:

1. Students with asthma or other respiratory diseases may possess and administer prescription inhalers.
2. Students with cystic fibrosis may possess and administer prescription enzyme supplements.
3. Students with diabetes may possess and administer glucoses monitoring tests and insulin delivery systems.

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

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## **LIFE-THREATENING ALLERGIES**

The Wayland Public Schools (WPS) recognize the increasing prevalence of life-threatening allergies for many students. Some of the most common allergens that cause life-threatening harm include food, stinging insects, medications and latex. The WPS understand the importance to minimize risk of exposure that allergens pose as a threat to students; educate all members of the school community about the risks associated with life-threatening allergies; and plan for the individual needs of students and staff who have been identified with life-threatening allergies. The WPS cannot guarantee to provide an allergen-free environment for all students with life-threatening allergies. The WPS policies, protocols and guidelines aim to: (1) assist students to assume more individual responsibility for their health and safety, as they grow older; (2) optimize full participation in educational programs and all school sponsored activities; (3) and minimize risk of life-threatening allergens to students in the school environment.

Protocols and guidelines for the Management of Life-Threatening Allergies (LFTA) in the WPS will be published, reviewed periodically and modified as appropriate. The *Managing Life-Threatening Allergies in Schools* document developed by the Massachusetts Department of Elementary and Secondary Education (DESE) provides general guidance in the development of these protocols and guidelines. The protocol and guidelines will include the following information:

1. Registration through the Massachusetts Department of Public Health (MDPH) to *Permit Unlicensed School Personnel to Administer Epinephrine In A Life-Threatening Situation*. Epinephrine shall be administered in accordance with a written administration plan developed by the Community Health Nurse (RN), satisfying the requirements of *105CMR 210.005 and 210.009* updated annually.
2. Annual district-wide and building-based education and training provided to school personnel concerning the management of student allergies, recognition of signs of an allergic reaction, activation of the emergency response plan, and the administration of epinephrine via auto injector.
3. Discussion of the Allergy and Anaphylaxis Emergency Plan (AAP) and information around prevention, management, and individual emergency response will occur in collaboration with parents/guardians, health care providers and school staff/providers. Student specific allergy information will be coordinated through the Community Health Nurse or a designated staff member. In certain circumstances, a student's allergy may require application of Section 504 of the Rehabilitation Act of 1973.

4. Use of food as a reward or incentive during the school day is prohibited.
5. Children should not share food/drink with one another to respect the dietary needs of children and to prevent potential life-threatening allergic reactions.
6. Food/drink distributed to students before or after lunch (by students/parents/faculty, PTO, etc.) during school hours will be individually pre-packaged.
7. For any event in which food is made available that is not individually pre-packaged, such as curriculum activities, grade-wide events, or field trips, all such food will need to have an ingredient list available. Timely notification of these events to families should occur after consultation with the nurse and approval from the building principal or department head.
8. It is strongly recommended that any food/drink distributed to students (by faculty, PTO, etc.) be purchased directly through the Food Service Department. This is to ensure compliance with state regulations regarding nutritional guidelines, and to minimize food-related allergens.
9. Unless otherwise required by law, WPS staff are not responsible for implementing the Life Threatening Allergies and related protocols and guidelines during (1) school sponsored events beyond the school day that are open to the public (e.g. school athletic contests, plays, concerts or ceremonies) or (2) programs or events on WPS property that are sponsored by various parent, community, and private groups.

LEGAL REF: 105 CMR 210.00: The Administration of Prescription Medications in Public and Private Schools

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Policy approved by School Committee September 12, 2018

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## **TEEN DATING VIOLENCE**

Wayland Public Schools officials will intervene in teen dating violence among Wayland students through administrative procedures on file in the administrative offices of all schools in the district. These include a reporting procedure, an investigation procedure, possible disciplinary actions for incidents on school grounds, at school related events or as required through the courts, and also include provision of support services for the victim.

Efforts will be made to maintain maximum confidentiality for all students involved. Peer mediation is not appropriate for these situations. All school staff members are required to comply with statutory reporting obligations for suspected physical abuse, and to report instances of violations of existing restraining order and other criminal violations to local police.

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**STAFF PROCEDURE FOR REPORTING INCIDENTS OF  
CHILD ABUSE AND NEGLECT**

Under Massachusetts General Laws Chapter 119, Section 51A, any public or private school teacher, educational administrator, guidance or family counselor, nurse, or social worker, as well as certain other professionals, who in his/her professional capacity believes that a child under eighteen is suffering serious physical or emotional injury resulting from abuse or neglect, must immediately report such cases to the Department of Public Welfare.

Mandated reporters are specifically exempted from liability in any civil or criminal action by reason of such a report.

LEGAL REF.: M.G.L. c.119:51A.

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## STAFF PROCEDURES FOR REPORTING SUSPECTED CHILD ABUSE AND NEGLECT

Under Massachusetts General Laws Chapter 119, § 51A-51G, any public or private school teacher, educational administrator, guidance or family counselor, nurse, or social worker, as well as certain other professionals who in his/her professional capacity shall have reasonable cause to believe that a child under eighteen years is suffering serious physical or emotional injury resulting from abuse by a caretaker, including sexual abuse, or neglect, including malnutrition, shall immediately report such conditions to the Department of Social Services.

The guidelines below are written to assist Wayland Public Schools staff in the handling of suspected abuse and neglect cases.

1. Each Wayland Public School shall maintain a designated Child Abuse Team for assisting in the response to cases of suspected child abuse. The Child Abuse Team shall include the building Principal who, upon being notified by a staff member of suspected child abuse, shall then become responsible to make the report in the manner required by the law; a counselor, the school employee with the initial concern, and any other staff members whose membership might be helpful (e.g. teachers, METCO specialist, nurse).
2. The school employee who has the initial concern will contact a member of the Child Abuse Team.
3. The Team member will convene an immediate meeting of the Child Abuse Team to discuss steps to be taken in order to determine whether and when to file a 51A report. These steps may include:
  - a) Gathering additional information from the child.
  - b) Gathering additional information from other people familiar with the child and his or her situation.
  - c) Consulting with the Department of Social Services.
4. The Team then decides by consensus whether or not to file a report. ***Nothing in this procedure relieves any mandated reporter of his/her mandatory obligation to report cases of suspected child abuse and/or neglect as defined by the statute.***
5. If the **Team** decides that a 51A report will be filed, the Team determines who will telephone the report to DSS (Framingham Office 508-872-8122 between 9:00 AM and 5:00 PM, and after 5:00 PM or on the weekends, 1-800-792-5200). It is recommended that the school administrator complete the required written forms. DSS requires these forms to be submitted within 48 hours of the oral report.

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## CHILD ABUSE INFORMATION SHEET

### I. DEFINITIONS

The Department of Social Services regulations define child abuse and neglect as:

#### A. Abuse

“Abuse means the non-accidental commission of any act by a caretaker upon a child under age eighteen (18) which causes, or creates a substantial risk of, serious physical or serious emotional injury, or constitutes a sexual offense under the laws of the Commonwealth. This definition is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting.)

“Serious Physical Injury means:

- (a) death; or
- (b) fracture of a bone, a subdural hematoma, burns, impairment of any organ, and any other such nontrivial injury; or
- (c) soft tissue swelling or skin bruising depending upon such factors as the child’s age, circumstances under which the injury occurred, and the number and location of bruises; or
- (d) addiction to drug at birth; or
- (e) failure to thrive.

“Caretaker” means a child’s:

- (a) parent
- (b) step-parent
- (c) guardian
- (d) any household member entrusted with the responsibility for a child’s health or welfare
- (e) any other person entrusted with the responsibility for a child’s health or welfare, whether in the child’s home, a relative’s home, a school setting, a day care setting.

B. Neglect

“Neglect” means failure by a caretaker, either deliberately or through negligence or inability, to take those actions necessary to provide a child with minimally adequate food, clothing, shelter, medical care, supervision, emotional stability and growth, or other essential care; provided, however, that such inability is not due solely to inadequate economic resource or solely to the existence of a handicapping condition. This definition is not dependent upon location (i.e., neglect can occur while the child is in an out-of-home or in-home setting.)

“Serious Emotional Injury” means an impairment to or disorder of the intellectual or psychological capacity of a child as evidenced by observable and substantial reduction in the child’s ability to function within a normal range of performance and behavior.

C. Mandated Reporter

Chapter 110, §51A of the Massachusetts General Laws requires:

“Any physician, medical intern, medical examiner, dentist, nurse, public or private school teacher, educational administrator, guidance or family counselor, probation officer, social worker or policeman, who, in his/her professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering serious physical or emotional injury resulting from abuse inflicted upon him or her including sexual abuse or from neglect shall immediately report such condition to the Department of Social Services by oral communication and by making a written report within 48 hours after such oral communication.”

II. PROCEDURE FOR REPORTING

An oral report to the Department of Social Services, (508) 872-8 1 22, is to be followed within 48 hours by a written report.

III. CONFIDENTIALITY OF REPORT SOURCE

The Department of Social Services Regulations prohibit the release of the reporter’s name by its staff to the family. However, the Department will provide the reporter’s name to the District Attorney if the report is subsequently referred to the District Attorney’s Office. DSS may also be required to release the name of a reporter in response to a court order from a judge. It is recommended that the reporter notify the parents of the report.

IV. CONFIDENTIALITY OF STUDENT INFORMATION

School personnel may choose to keep their own log of suspected cases with date, notations of injuries or other signs for the purposes of documentation. However, copies of 51A reports already sent to the Department of Social Services are not required by law to remain in school files. According to Massachusetts student record Regulation 603 CMR 23, records that need to remain in a school file are those records that “reflect the student’s educational progress”. Therefore, a principal may decide that the Section 51A report does not meet the “educational progress” criterion and need not keep a copy of same on file. If 51A reports are not to remain in the school file, it is recommended that they be destroyed at the school. (Source: Worcester Area Child Sexual Abuse Task Force Manual, September, 1986, p. 22)

V. PENALTIES FOR NOT REPORTING

Mandated reporters who fail to make the oral or written reports described above are subject to a fine of not more than one thousand dollars. The reporting of a child is notification of suspicion only. The Department of Social Services determines if abuse or neglect actually exists.

VI. IMMUNITY FROM LIABILITY

Mandated reporters are not liable in any civil or criminal action by reason of reporting, as long as the report was made in good faith and the reporter did not inflict the abuse or cause the neglect. Employers are prohibited from retaliating against a mandated reporter who has made such a report in good faith.

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## FEES AND COLLECTION PROCESS

### **Fees Charged to Students:**

The School Committee recognizes that it may be necessary to charge fees to fund certain school-related services, programs and activities, such as Transportation, Full-Day Kindergarten, Athletics, Computer Maintenance, Elementary Instrumental Music, Lost Books, extra-curricular and after-school/summer activities. A school may exact a fee or charge only upon School Committee approval, however the schools may:

- Charge students enrolled in certain courses for the cost of materials used in projects that will become the property of the student.
- Charge for lost and damaged books, materials, supplies, and equipment.

The School Committee may waive/reduce the fee for any student providing evidence of financial hardship. This process shall be confidential. Exempt students are still responsible for charges as a result of lost and damaged books, locks, materials, supplies, and equipment.

All fees, both optional and required, will be made accessible to students and families. The notice will advise students that fees are to be paid and of the penalties for their failure to pay them. Permissible penalties include the denial of participation in extra-curricular class activities while the student is enrolled in this District.

Any fee or charge due to any school in the District and not paid at the end of the school year will be carried forward to the next succeeding school year, as such debts are considered to be debts of the student to the District and not to a particular school.

### **Checks Returned for Non-Sufficient Funds (NSF) and Balances Owed with No Response by Parent/Guardian:**

If a student's account is not in good standing at the end of the school year, the administration may take one or more of the following actions, unless or until the deficit balance is paid in full:

- Prohibit participation of the student in the program.
- Prohibit participation of student or students in the student's household from participating in any future fee-based program, extra-curricular activity, or non-curricular school activity; or until or unless outstanding balances are resolved.
- Referral to small claims court and/or District Attorney's Office.
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## **STUDENT RECORDS**

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

The Superintendent will provide for the proper administration of student records in keeping with state and federal requirements, and shall obtain a copy of the state student records regulations (603 CMR 23.00). The temporary record of each student enrolled on or after June 2002 will be destroyed no later than seven years after the student transfers, graduates or withdraws from the School District. Written notice to the eligible student and his/her parent of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following his/her graduation, transfer, or withdrawal from the school system.

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

LEGAL REFS.:       Family Educational Rights and Privacy Act of 1974,  
                          P.L. 93-380, Amended  
                          P.L. 103-382, 1994  
                          M.G.L. 66: 10 71:34A, B, D, E, H  
                          Board of Education Student Record Regulations adopted 2/10/77,  
                          June 1995 as amended June 2002.  
                          603 CMR: Dept. of Elementary and Secondary Education 23.00 through  
                          23:12 also  
                          Mass. Dept. of Elementary and Secondary Education publication Student  
                          Records: Questions, Answers and Guidelines, Sept. 1995

SOURCE:            MASC

CROSS REF:         KDB, Public's Right to Know

School Committee Approval: February 4, 2013

## STUDENT RECORDS

603 CMR 23.00 is promulgated by the Board of Education pursuant to its powers under M.G.L.c.71, s.34D, which directs that “the board of education shall adopt regulations relative to the maintenance of student records by the public elementary and secondary schools of the Commonwealth,” and under M.G.L.c.71, s.34F which directs that “the board of education shall adopt regulations relative to the retention, duplication and storage of records under the control of school committees, and except as otherwise required by law may authorize the periodic destruction of any such records at reasonable times.” 603 CMR 23.00 was originally promulgated on February 10, 1975, and was reviewed and amended in June 1995. 603 CMR is in conformity with federal and state statutes regarding maintenance of and access to student records, and is to be construed harmoniously with such statutes.

### Application of Rights

603 CMR 23.00 is promulgated to ensure parents’ and students’ rights of confidentiality, inspection, amendment, and destruction of students’ records and to assist local school systems in adhering to the law. 603 CMR 23.00 should be liberally construed for these purposes.

- (1) These rights shall be the rights of the student upon reaching 14 years of age or upon entering the ninth grade, whichever comes first. If a student is under the age of 14 and has not yet entered the ninth grade, these rights shall belong to the student’s parent.
- (2) If a student is from 14 through 17 years of age or has entered the ninth grade, both the student and his/her parent, or either one acting alone, shall exercise these rights.
- (3) If a student is 18 years of age or older, he/she alone shall exercise these rights, subject to the following. The parent may continue to exercise the rights until expressly limited by such student. Such student may limit the rights and provisions of 603 CMR 23.00 which extend to his/her parent, except the right to inspect the student record, by making such request in writing to the school Principal or Superintendent of Schools who shall honor such request and retain a copy of it in the student record. Pursuant to M.G.L. c.71, s.34E, the parent of a student may inspect the student record regardless of the student’s age.
- (4) Notwithstanding 603 CMR 23.01(1) and 23.01(2), nothing shall be construed to mean that a School Committee cannot extend the provisions of 603 CMR 23.00 to students under the age of 14 or to students who have not yet entered the ninth grade.

### Definition of Terms

The various terms as used in 603 CMR 23.00 are defined below:

Access: shall mean inspection or copying of a student record, in whole or in part.



Authorized school personnel: shall consist of three groups:

- (1) School administrators, teachers, counselors and other professionals who are employed by the School Committee or who are providing services to the student under an agreement between the School Committee and a service provider, and who are working directly with the student in an administrative, teaching, counseling and/or diagnostic capacity. Any such personnel who are not employed directly by the School Committee shall have access only to the student record information that is required for them to perform their duties.
- (2) Administrative office staff and clerical personnel, including operators of data processing equipment or equipment that produces microfilm/microfiche, 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. Such personnel shall have access only to the student record information that is required for them to perform their duties.
- (3) The evaluation team that evaluates a student.

Eligible student: shall mean any student who is 14 years of age or older or who has entered 9<sup>th</sup> grade, unless the School Committee 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 9<sup>th</sup> grade.

Evaluation Team: shall mean the team, which evaluates school-age children pursuant to M.G.L.c.71B (St. 1972, c.766) and 603 CMR 28.00.

Parent: shall mean a student's father or mother, or guardian, or person or agency legally authorized to act on behalf of the child in place of or in conjunction with the father, mother, or guardian. Any parent who by court order does not have physical custody of the student is considered a non-custodial parent for purposes of M.G.L. c. 71, s.34H and 603 CMR 23.00. This includes parents who by court order do not reside with or supervise the student, even for short periods of time.

Release: shall mean the oral or written disclosure, in whole or in part, of information in a student record.

School-age child with special needs: shall have the same definition as that given in M.G.L. c. 71B (St. 1972, c.766) and 603 CMR 28.00.

School Committee: shall include a school committee, a board of trustees of a charter school, a board of trustees of a vocational-technical school, a board of directors of an educational collaborative and the governing body of an M.G.L. c.71B (Chapter 766) approved private school.

Student: shall mean any person enrolled or formerly enrolled in a public elementary or secondary school or any person age three or older about whom a school committee maintains information. The term as used in 603 CMR 23.00 shall not include a person about whom a school committee maintains information relative only to the person's employment by the School Committee.

The student record: shall consist of the transcript and the temporary record, including all information, recording and computer tapes, microfilm, microfiche, or any other materials, regardless of physical form or characteristics concerning a student, that is organized on the basis of the student's name or in a way that such student may be individually identified, and that is kept by the public schools of the Commonwealth. The terms as used in 603 CMR 23.00 shall mean all such information and materials regardless of where they are located, except for the information and materials specifically exempted by 603 CMR 23.04.

The temporary record: shall consist of all the information in the student record which is not contained in the transcript. This information clearly shall be of importance to the educational process. Such information may include standardized test results, class rank (when applicable), extracurricular activities, and evaluations by teachers, counselors, and other school staff.

Third party: shall mean any person or private or public agency, authority, or organization other than the eligible student, his/her parent, or authorized school personnel.

Log of Access: A log shall be kept as part of each student's record. If parts of the student record are separately located, a separate log shall be kept with each part. The log shall indicate all persons who have obtained access to the student record, stating: the name, position and signature of the person releasing the information; the name, position and, if a third party, the affiliation if any, of the person who is to receive the information; the date of access; the parts of the record to which access was obtained; and the purpose of such access. Unless student record information is to be deleted or released, this log requirement shall not apply to:

- (a) authorized school personnel under 603 CMR 23.02(9)(a) who inspect the student record;
- (b) administrative office staff and clerical personnel under 603 CMR 23.02(9)(b), who add information to or obtain access to the student record; and
- (c) school nurses who inspect the student health record.

Access of Eligible Students and Parents. The eligible student or the parent, subject to the provisions of 603 CMR 23.07 (5) shall have access to the student record. Access shall be provided as soon as practicable and within ten days after the initial request, except in the case of non-custodial parents as provided in 603 CMR 23.07 (5). Upon request for access, the entire student record regardless of the physical location of its parts shall be made available.

- (a) Upon request, copies of any information contained in the student record shall be furnished to the eligible student or the parent. A reasonable fee, not to exceed the cost of reproduction, may be charged. However, a fee may not be charged if to do so would effectively prevent the parents or eligible student from exercising their right, under federal law, to inspect and review the records.
- (b) Any student, regardless of age, shall have the right pursuant to M.G.L. c. 71, section 34A to receive a copy of his/her transcript.
- (c) The eligible student or the parent shall have the right upon request to meet with professionally qualified school personnel and to have any of the contents of the student record interpreted.

- (d) The eligible student or the parent may have the student record inspected or interpreted by a third party of their choice. Such third party shall present specific written consent of the eligible student or parent, prior to gaining access to the student record.

Access of Authorized School Personnel. Subject to 603 CMR 23.00, authorized school personnel shall have access to the student records of students to whom they are providing services, when such access is required in the performance of their official duties. The consent of the eligible student or parent shall be necessary.

Access of Third Parties. Except for the provisions of 603 CMR 23.07(4)(a) through 23.07(4)(h), no third party shall have access to information in or from a student record without the specific, informed written consent of the eligible student or the parent. When granting consent, the eligible student or parent shall have the right to designate which parts of the student record shall be released to the third party. A copy of such consent shall be retained by the eligible student or parent and a duplicate placed in the temporary record. Except for information described in 603 CMR 23.07(4)(a), personally identifiable information from a student record shall only be released to a third party on the condition that he/she will not permit any other third party to have access to such information without the written consent of the eligible student or parent.

- (a) A school may release the following directory information: 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 without the consent of the eligible student or parent; provided that the school gives public notice of the types of information it may release under 603 CMR 23.07 and allows eligible students and parents a reasonable time after such notice to request that this information not be released without the prior consent of the eligible student or parent. Such notice may be included in the routine information letter required under 603 CMR 23.10.
- (b) Upon receipt of a court order or lawfully issued subpoena the school shall comply, provided that the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance.
- (c) A school may release information regarding a student upon receipt of a request from the Department of Social Services, a probation officer, a justice of any court, or the Department of Youth Services under the provisions of M.G.L. c. 199, sections 51B, 57, 69 and 69A respectively.
- (d) Federal, state and local education officials, and their authorized agents shall have access to student records as necessary in connection with the audit, evaluation or enforcement of federal and state education laws, or programs; 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; and such personally identifiable data shall be destroyed when no longer needed for the audit, evaluation or enforcement of federal and state education laws.

- (e) A school may disclose information regarding a student to appropriate parties in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. This includes, but is not limited to, disclosures to the local police department and the Department of Social Services under the provisions of M.G.L. c. 71, section 37L and M.G.L. c. 119, section 51A.
- (f) Upon notification by law enforcement authorities that a student, or former student, has been reported missing, a mark shall be placed in the student record of such student. The school shall report any request concerning the records of the such child to the appropriate law enforcement authority pursuant to the provisions of M.G.L. c. 22A, section 9.
- (g) Authorized school personnel of the school to which a student seeks or intends to transfer may have access to such student's record without the consent of the eligible student or parent, provided that the school, the student who is leaving, or has left, gives notice that it forwards student records to schools in which the student seeks or intends to enroll. Such notice may be included in the routine information letter required under 603 CMR 23.10.
- (h) School health personnel and local and state health department personnel shall have access to student health records, including but not limited to immunization records, when such access is required in the performance of official duties, without the consent of the eligible student or parent.

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

- (a) A non-custodial parent is eligible to obtain access to the student record unless:
  - 1. the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or
  - 2. the parent has been denied visitation, or
  - 3. the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or
  - 4. there is an order of a probate and family court judge which prohibits the distribution of student records to the parent.
- (b) The school shall place in the student's record documents indicating that a non-custodial parent's access to the student's record is limited or restricted pursuant to 603 CMR 23.07(5)(a).
- (c) In order to obtain access, the non-custodial parent must submit a written request for the student record to the school principal.

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

At least once during every school year, the school shall publish and distribute to students and their parents in their primary language a routine information letter informing them of the following:

- (a) The standardized testing programs and research studies to be conducted during the year and other routine information to be collected or solicited from the student during the year.
- (b) The general provisions of 603 CMR 23.00 regarding parent and student rights, and that copies of 603 CMR 23.00 are available to them from the school.

In those school systems required under M.G.L. c. 71A to conduct a bilingual program, all forms, regulations, or other documents regarding 603 CMR 23.00 that a parent receives or is required to receive shall be in the language spoken in the home of the student, provided that it is a language for which the school system is required to provide a bilingual program.

LEGAL REFS:           Family Educational Rights and Privacy Act of 1974  
                          P.L. 93-380, Amended  
                          P.L. 103-382, 1994  
                          M.G.L. 66:10 71:34 A, B, D, E, H  
                          Board of Education Student Record Regulations adopted 2/10/75, as  
                          amended June 2002  
                          603 CMR: Department of Elementary and Secondary Education 23.00  
                          through 23:12  
                          Mass. Dept. of Elementary and Secondary Education publication Student  
                          Records; Questions, Answers and Guidelines, Sept. 1995

CROSS REF: KDB, Public's Right to Know

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