

## **POLICY SUBCOMMITTEE MEETING 7/7/20**

### **REVIEW AND APPROVE MINUTES**

- Review and approval of minutes from 6/8/20 meeting
- Review and approval of minutes from 6/25/20 meeting

### **PUBLIC PARTICIPATION IN SCHOOL COMMITTEE MEETINGS**

- Continue discussion and review of Policy 6409 (Public Participation at School Committee meetings)

### **POLICIES READY FOR FINAL REVIEW AND REFERRAL TO FULL COMMITTEE**

- 4105 Staff Conduct with Students
- 5416 Physical Restraint Policy

### **ACADEMIC POLICIES STILL UNDER DISCUSSION OR NEEDING FOLLOW UP**

- 5217 Student Publications (members wanted to follow up with the SAC – we did not finish this one at the last meeting; )
- 5221 Co-Curricular and Extra-Curricular Programs

### **BUS TRANSPORTATION POLICY # 3601**

- Please see new proposed edits to SC Policy 3601 following the 5/18/20 meeting. New changes include:
  - Including EL newcomers among those with no mileage restrictions and no fees
  - Identifying cases where transportation is the barrier to attendance and asking Supt. To track these and work to address the barrier
  - Keeps the Supt exception and annual review in the last section

### **OTHER ITEMS ON THE HORIZON**

- Discuss possible formation of new policy for ALICE drills (to be numbered 3504.01)
- 5213 Field Trips and Excursions – suggested revisions discussed, need to look at MASC recommendation (question about when a school uses outside transportation – Jill will ask Kristin)

Salem Public Schools  
Policy Subcommittee  
Meeting Minutes  
June 8, 2020

On June 8, 2020 at 5:30 p.m. the Policy Subcommittee held a meeting using the Zoom on-line meeting platform.

In Attendance: Ana Nuncio, Manny Cruz, Mary Manning, Kimberley Driscoll, Kathleen Smith, Jill Conrad

Absent: James Fleming

**Policy 6409 Public Participation at School Committee Meetings**

Ms. Nuncio began the discussion on policy 6409. She would like the committee to make a decision about bringing this back to the full committee for a vote. There was a lengthy discussion on the policy. Ms. Nuncio had concerns about the public using public comment as a means to promote themselves. Ms. Manning had concerns about commenting in a negative way. This leaves the meeting on a bad note. Mayor Driscoll thinks the committee is on the right track. The Mayor thinks we have enough votes to support this change. The Mayor agrees public comment should be at the beginning of the meeting so people can address agenda items.

Mr. Cruz suggested the possibility of moving the order of public comment so it is not the last item on the agenda. The Committee decided they are in support of having one comment. Mayor Driscoll then discussed the possibility of developing a parent council. The Mayor thinks this will allow parents to have an opportunity to speak with us.

Ms. Nuncio made a motion to move the policy to the full committee. Mr. Cruz suggested we wait until the Equity and Engagement Committee met as they may have something to add to the policy in respect to developing a parent council. He would support a second reading once they have met. Ms. Manning had concerns about waiting for the Equity and Engagement Subcommittee to make decisions on this. There was additional discussion on this. Ms. Nuncio again motioned to move the policy to the full committee. Ms. Manning explained her concerns about the public understanding this is a working meeting.

Ms. Nuncio asked about making changes to the policy to incorporate public comment is not immediately addressed at the committee meeting. Mayor Driscoll added the possibility of having a parent open house prior to a school committee meeting. This would be a great opportunity for parents to engage with the Committee. This is something to do until the Equity and Engagement committee gets set up. She also explained we may need many parent meetings with the upcoming budget discussions. Dr. Conrad suggested amending the policy and develop a timeline for completion. She suggested adding a family engagement line.

After further discussion the Committee the Committee decided it would be best to hold an additional subcommittee meeting and add additional language to the policy and to make some amendments. These amendments can include parent engagement and address the on-line meeting component.

### **Meeting Minutes**

Ms. Nuncio then explained the March 12, 2020 meeting minutes will be reviewed once we return to the buildings. She then requested a motion to approve the May 18, 2020 meeting minutes. Ms. Manning noted a couple of changes. Ms. Manning motioned to approve with the changes noted. Mr. Cruz seconded. Ms. Nuncio called the roll to approve the May 18, 2020 meeting minutes;

Ms. Manning:           Yes  
Mr. Cruz:                Yes  
Ms. Nuncio:            Yes

Superintendent Smith asked if Mr. Fleming was invited to the meeting. Ms. Nuncio stated he is not attending these meetings. She further would like him listed as absent on the minutes.

The committee discussed their next meeting. It was decided to hold the next meeting on June 16, 2020 at 3:00 pm.

The Committee then discussed the possibility of holding future meetings on zoom. The Committee discussed having a technology person at a meeting. Jill suggested having Marc at the meeting.

Adjourn:

Ms. Nuncio motion to adjourn and Mr. Cruz seconded. Vote by rollcall:

Ms. Nuncio:            Yes  
Mr. Cruz:                Yes

Motion carried and meeting adjourned at 6:45 p.m.

Respectfully submitted by,

*Jennifer A. Gariepy*  
Executive Assistant to the School Committee  
& the Superintendent

**Salem School Committee  
Policy Subcommittee  
Meeting Minutes  
June 25, 2020**

On June 25, 2020 the Policy Subcommittee held a meeting at 1:30 p.m. using the Zoom on-line meeting platform.

**In Attendance:** Ana Nuncio, Mary Manning, Manny Cruz, Kathleen Smith,  
Jill Conrad

Ms. Nuncio opened the meeting at 1:32 p.m. Mr. Cruz motioned to call the meeting to order and Ms. Nuncio seconded. Vote by roll-call:

Mr. Cruz: Yes  
Ms. Nuncio: Yes

Superintendent Smith opened the meeting with news about additional money being awarded to assist with re-opening in the fall. She informed the members of the committee she was told not to discuss the reopening plan but then read it in the newspaper. Mr. Cruz explained the department needs to do a better job of embargo.

**6409 Public Participation at School Committee Meetings**

Dr. Conrad discussed policy number 6409 Public Participation at School Committee Meetings. She referred to item number 3. This was in reference to remote comments. She recommended using technology for public comments.

At this time the Committee stopped the discussion as Ms. Nuncio lost internet connection.

The meeting resumed at 2:00 p.m. Ms. Nuncio asked to review item number 3 again. Dr. Conrad discussed where to place the comment section on the agenda. The Committee discussed several changes and additions for the policy as it pertained to both in person meetings and remote meetings. Ms. Nuncio asked about a time limit to submit comments. Dr. Conrad reminded everyone that even with a cut off time for submitting comments, we have never denied anyone an opportunity to speak.

Mr. Cruz recognized there will be growing pains as we move to a hybrid of online and in person meetings. He doesn't see a value of developing a cut-off time for the public to submit comments. This is something we should re-evaluate. Dr. Conrad suggested once the Committee moves into the agenda then comments should be closed. Additionally, we could allow people to comment but not allow them to be read during the meeting. The Committee discussed possibly including the unread comments in the minutes as an addendum.

Ms. Nuncio recognized the need to adjourn the meeting. The Committee would like to hold its next meeting in person. A future date of July 7<sup>th</sup> was discussed. Dr. Conrad will check with Dr. Zrike about an in-person meeting.

Ms. Nuncio requested a motion to adjourn. Mr. Cruz motioned and Ms. Nuncio seconded.  
Vote by roll-call:

Mr. Cruz: Yes

Ms. Nuncio: Yes

The meeting adjourned at 2:35 p.m.

Respectfully submitted by  
Jennifer Gariepy  
Executive Assitant to the School Committee  
& the Superintendent

<b>STUDENTS AND INSTRUCTION</b>	<b>5000</b>
<u>INSTRUCTIONAL PROGRAM</u>	<u>5200</u>
USE OF PHYSICAL RESTRAINT	5416

**RESTRAINT OF STUDENTS IN THE SALEM PUBLIC SCHOOLS**

To the extent required by law, the **Salem** Public Schools complies with the Department of Elementary and Secondary Education (hereinafter “DESE”) restraint regulations, which can be found at 603 CMR 46.00 et seq. (hereinafter “Regulations”). According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property.

**Commented [NN1]:** Salem & Salem Public Schools is in bold throughout the policy. I would delete the bold.

A brief overview of the Regulations is provided below.

**Purpose.** The purpose of this policy is to ensure that every student attending the **Salem** Public Schools is free from the unlawful use of physical restraint. Physical 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.

School personnel shall use physical restraint with two goals in mind:

- (a) To administer a physical restraint only when needed to protect a student and/or a member of the school community from assault or imminent, serious, physical harm; and
- (b) To prevent or minimize any harm to the student as a result of the use of physical restraint.

**Use of Restraint.** Physical restraint<sup>1</sup> shall be considered an emergency procedure of last resort and shall be prohibited in public education programs except when a student’s behavior poses a threat of assault, or imminent, serious, physical harm to self or others and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions and/or alternatives<sup>2</sup>, or such interventions and/or alternatives are deemed to be inappropriate under the circumstances. Prone restraint<sup>3</sup> shall be prohibited in public education programs except to the

**Commented [NN2]:** (1)Delete bolding of FN 2.  
 (2)This reads like it is a note to add a list of descriptions/explanations of alternatives to physical restraint & method of physical restraint in emergency situations. Regulations (45.04(1)(c)) do state that the policy & procedures are supposed to address this topic. I know, though, that our firm’s model policy just had the sentence as it appears in SPS’s policy, but our model did not have a FN2.

<sup>1</sup> **Physical restraint** shall mean direct physical contact that prevents or significantly restricts a student’s freedom of movement. Physical restraint does not include: brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

<sup>2</sup> **List description/explanation of school’s alternatives to physical restraint and method of physical restraint in emergency situations.**

<sup>3</sup> **Prone restraint** shall mean a physical restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the face-down position.

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<u>INSTRUCTIONAL PROGRAM</u>	<u>5200</u>
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extent allowed by law. All physical restraints, including prone restraints where permitted, shall be administered in compliance with 603 CMR 46.05.

Physical restraint shall not be used:

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

Mechanical restraint<sup>4</sup>, medication restraint<sup>5</sup>, and seclusion<sup>6</sup> shall be prohibited in public education programs. Seclusion does not include a time-out, as defined within the Regulations.<sup>7</sup>

The Regulations do not limit the protection afforded publicly funded students under other state or federal laws, including those laws that provide for the rights of students who have been found eligible to receive special education services.

**Proper Administration of Physical Restraint.** Only Salem personnel who have received training pursuant to the Regulations shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not

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<sup>4</sup> Mechanical restraint shall mean the use of any device or equipment to restrict a student's freedom of movement.

<sup>5</sup> Medication restraint shall mean the administration of medication for the purpose of temporarily controlling behavior.

<sup>6</sup> Seclusion shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving.

<sup>7</sup> Time-out shall mean a behavioral support strategy developed pursuant to 603 CMR 46.04(1) in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming. During time-out, a student must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. The space used for time-out must be clean, safe, sanitary, and appropriate for the purpose of calming. Time-out shall cease as soon as the student has calmed.

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participate in the restraint. Nothing in this policy shall preclude a teacher, employee or agent of the **Salem Public Schools** from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm. When administering a physical restraint, trained staff shall comply with the requirements regarding use of force, method, duration of the restraint, and safety, as set forth in the Regulations.

**Staff Training.** All school staff must receive training with respect to the district’s restraint prevention and behavior support policy and requirements when restraint is used. Training shall include information on the role of various individuals in preventing restraint, the restraint prevention and behavior support policy and procedures, interventions that may preclude the need for restraint, types of permitted physical restraints and related safety considerations, and administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans applicable to an individual student.

Additionally, the school must identify specific staff who are authorized to serve as school-wide resources to assist in ensuring proper administration of physical restraint. These individuals must participate in in-depth training in the use of physical restraint and implementation of the Regulations.

**Reporting Requirements.** Program staff shall report the use of any physical restraint, as required by the Regulations. The staff member who administered the restraint shall notify the principal verbally as soon as possible and in writing no later than the next school working day. The report shall be maintained by the school and made available for review by the Parent(s) or the DESE upon request.

The principal or designee shall make reasonable efforts to inform the Parent(s) of the restraint within 24 hours of the event and shall notify the Parent(s) by written report within three school working days of the restraint. The information in the report shall be in conformance with 603 CMR 46.06(4). The written restraint report must be provided to the Parent(s) in the language in which report cards and other necessary school-related information are customarily provided.

The Principal or designee shall review restraint data and determine necessary next steps, if any, as set forth in the Regulations.

As required by the Regulations, all physical restraints must be reported to the DESE.

**Prevention of Dangerous Behavior.** As set forth in the Regulations, the **Salem Public Schools** shall develop methods for preventing student violence, self-injurious behavior, and suicide, including individual crisis planning and de-escalation of potentially dangerous behavior



occurring among groups of students or with an individual student, including by having widespread Safety

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Care Training as well as building-based school adjustment counselors, behavior specialists and therapeutic staff trained in multiple methods of de-escalation, therapeutic intervention and crisis management.

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**Parent Engagement.** In accordance with the regulations, the Salem Public Schools shall engage Parents in discussions about restraint prevention and the use of restraint solely as an emergency procedure. Such discussions shall may occur at Individual Education Program (IEP) meetings for individual student concerns and at Parent Advisory Committee (PAC) meetings for district level concerns.

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(2) I deleted SST because I'm assuming parents aren't involved in SST meetings, but if my assumption is incorrect, then I can see keeping the SST reference in here.  
(3) Delete bold.

**Complaints.** Complaints and investigations regarding restraint practices should be directed to Salem's Executive Director of Pupil Personnel Services, who can be reached at 978-740-1249.

**Additional information.** including a copy of the regulations, can be obtained from the Executive Director of Pupil Personnel Services who can be reached at 978-740-1249. A copy of the regulations may also be obtained at [www.doe.edu/lawsregs/603cmr46.html](http://www.doe.edu/lawsregs/603cmr46.html).

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Approved: September 3, 2019

**PERSONNEL 4000**

**ALL EMPLOYEES 4100**

**STAFF CONDUCT WITH STUDENTS 4105**

**PHYSICAL CONTACT BETWEEN EMPLOYEES AND STUDENTS AT SCHOOL AND DURING SCHOOL SPONSORED FUNCTION**

**INTRODUCTION**

The purpose of this policy statement is to provide all employees with guidance and direction with respect to physical contact between employees and students at school and during school sponsored functions. It is an area of educational policy, judgment, and law, which is fraught with uncertainties and changing standards.

**GENERAL PRINCIPLES**

All physical contact between employees and students must have a valid educational purpose and objective, meeting only the student's needs.

The use of physical contact or force in order to impose the staff member's will upon a student, except in an emergency situation, is strictly prohibited.

Employees who observe physical contact between students and employees, which they deem to be inappropriate, are expected to report said observations to the building principal and/or the superintendent as soon as possible. If the contact is perceived to be immediately harmful, by the observer, prompt intervention to prevent further harm is expected. The principal shall relate the incident, in writing, to the superintendent within 24 hours.

Instances of inappropriate physical contact initiated, encouraged, practiced and/or tolerated by employees, in even a single instance, will result in disciplinary action, which may include dismissal.

Related Policies: SC Policy 5416 Use of Physical Restraint

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<b>FISCAL MANAGEMENT &amp; NON-INSTRUCTIONAL OPERATIONS</b>	<b>3000</b>
<b><u>TRANSPORTATION</u></b>	<b>3600</b>
<b>STUDENT TRANSPORTATION SERVICES</b>	<b>3601</b>

**1. Statement of Purpose & Scope of Policy**

**A.** The purpose of school transportation is to get pupils who live an unreasonable walking distance from home to school and back in an efficient, safe, and economical manner. Other purposes consistent with this definition include the provision of transportation for academic field trips in direct support of the curriculum and transportation for the support of the co-curricular program (e.g., music, drama, athletics).

**B.** It is the intention of the School Committee to comply with the letter and spirit of the Massachusetts General Laws Chapter 71, Section 68 and other laws pertinent to the transportation of pupils, and these shall govern any questions not covered by specific declaration of policy herein.

MGL Ch. 71, section 68 states that “if the distance between a child’s residence and the school s/he is entitled to attend exceeds two (2) miles and the nearest school bus stop is more than one mile from such residence ..., the school committee (city) is responsible for providing transportation to students in grades K-6.

The school committee may assess fees to the transported students in grades 7-12 up to the amount sufficient to cover the costs incurred by the district; provided however, that no student eligible for free or reduced lunch, under the federal school lunch program, shall be required to pay the fee.

**2. Mileage Limits for Entitlement to District-Provided Transportation**

**A.** The Salem School Committee has determined that student bus transportation shall be provided at no cost for students in grades K-6 in accordance with MGL CH. 71, section 68. The School Committee shall review and consider changes in these mileage limits on an annual basis as the transportation system and budget allow.

**B.** The School Committee, at its discretion and to the extent permitted by Massachusetts’ law, shall authorize transportation for a fee to students who are not entitled to District-provided transportation to and from school as stated above.

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**C.** No mileage restrictions nor any fees, shall apply to the transportation of a student whose individualized education program (IEP) or Section 504 plan includes entitlement to school transportation. In addition, students who are identified newcomers by the English Language Learner office shall be eligible for bus transportation at no cost and with no mileage restrictions.

D. Students whose school attendance is negatively impacted by a lack of transportation to school may also be eligible for bus transportation. The Superintendent shall review these situations and identify options for reducing transportation as a barrier to attendance.

**D.** A bus pass shall be required for each student who is transported by the Salem Public School District and will be issued to each eligible student. The bus pass is a valuable document and must be retained in order for students to ride the bus.

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<b>FISCAL MANAGEMENT &amp; NON-INSTRUCTIONAL OPERATIONS</b>	<b>3000</b>
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<b>STUDENT TRANSPORTATION SERVICES</b>	<b>3601</b>

E. Neither rerouting an established bus route when said bus is at capacity ridership, nor the addition of a bus to create a new route, shall be required to accommodate a request for transportation for a fee. When either rerouting or adding a bus is the only way to accommodate a request for paid transportation, that request will be denied. The last student who purchased transportation (or receives FRL ride privileges) on a given route would be the first student to be denied transportation if that route should exceed capacity. Prorated fees would be refunded.

F. When a student transported for a fee is suspended from school, due to a violation of her or her school’s code of conduct, or is denied transportation due to violation of the transportation code of conduct for students, neither the student nor his or her parent or guardian shall be entitled to reimbursement of any part of the fee paid for transportation, except when the suspension is for the remainder of the school year. Reimbursement shall be made pro rata, based on division of the fee by the number of months in the school year.

**G. Eligibility for Transportation and Controlled Choice**

Under the Salem School Committee’s student assignment policy, parents have the opportunity to select a school other than their neighborhood school. Busing will be provided for those children who enroll in a school other than their neighborhood school only if they meet the distance eligibility requirements detailed above and are consistent with the objectives of policy 5103 “Controlled Choice Student Assignment Policy.” For all others, transportation is the responsibility of the parent.

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**H. Late Bus Transportation**

“Late bus” transportation is for those students who stay past the normal dismissal times for school-related purposes at the middle school and high school. On occasion, when funds allow, “late bus” service will be provided to students at the elementary school level in conjunction with academic support programs.

**I. Rider Eligibility**

Any persons who are not employees and/or Salem students are not entitled to District transportation and are prohibited from Salem School District busses.

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**3. Superintendent Exception and Annual Review**

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In special circumstances, and in a limited number of cases, the Superintendent shall have the authority to make exceptions to this policy when a students’ or families’ circumstances may require additional supports. The School Committee shall review this policy annually.

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▲ Legal Reference: Policy 5103, “Student Assignment”  
M.G.L. c. 71 §§ 7A, 68  
29 U.S.C. §794 (Sec. 504 of the Rehabilitation Act of 1973)  
34 C.F.R. Part 104

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Approved by School Committee June 15, 2015

Reviewed by the Policy Subcommittee on 11/26/19, 12/10/19, 2/27/20, and 5/18/20.

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**STUDENTS AND INSTRUCTION**

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**INSTRUCTIONAL PROGRAM**

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**STUDENT PUBLICATIONS**

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Commented [JC2]: See other sample policies from MASC – policy JICE

The School Committee commits to insuring freedom of expression by its students and will encourage student publications for their educational benefit and as a means for students to express responsibly their views.

The right of students to freedom of expression in the Salem Public Schools shall not be abridged, provided that such right shall not cause any disruption or disorder within the school, as defined by MGL Chapter 71, Section 82. Disagreement with, or offense taken at, the views expressed by a student shall not amount to a “disruption or disorder” within the meaning of this policy. Freedom of expression shall include without limitation, the rights and responsibilities of students, collectively and individually, (a) to express their views through speech and symbols, (b) to write, publish and disseminate their views, (c) to assemble peaceably on school property for the purpose of expressing their opinions. Any assembly planned by students during regularly scheduled school hours shall be held only at a time and place approved in advance by the school principal or his/her designee.

The School Committee recognizes that in order to achieve the goal of determining whether or not a student publication will cause disruption or disorder within the school, as defined by Section 82 of Chapter 71 of the general laws, prior review of the student publication by the administration is necessary. The faculty advisor shall deliver the student publication with time and date stamped upon it for review by the school administrator designated by the superintendent for the sole purpose of determining whether or not such publication will cause disruption or disorder within the school as defined by the statute before print or online publication. The designated administrator shall not delay or prevent such publication unless he/she finds that such publication will cause disruption or disorder within the school as defined by the statute. Such a determination by the designated administrator shall be made in writing to the superintendent, faculty advisor, and student editors of the publication within five (5) school days after receiving such publication, exclusive of Saturdays, Sundays, and legal holidays. After receipt of the publication from the faculty advisor, a failure to respond in writing by the designated administrator within the prescribed timeframes shall operate as a determination that such publication will not cause disruption or disorder within the school as defined by the statute and the publication may be published and distributed without further review or delay.

Commented [JC4]: Policy SC wants to discuss with Student Advisory Council and SHS school leaders to better understand how this works now in practice.

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<b>STUDENTS AND INSTRUCTION</b>	<b>5000</b>
<u>INSTRUCTIONAL PROGRAM</u>	5200
STUDENT PUBLICATIONS	5217

Regardless of such review by the school administrator designated by the superintendent, no expression made by students in the exercise of such rights shall be deemed to be an expression of school policy and no school officials shall be held responsible in any civil or criminal action for any expression made or published by the students.

Legal Reference: MGL 71:82

Approved: 5/3/04

APPROVED: 1/9/06

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**Reviewed: October 2015**

**Reviewed by Policy Subcommittee on 2/6/20 – seek input from SAC and SHS and bring back to 2/13 meeting**

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<b>STUDENTS AND INSTRUCTION</b>	<b>5000</b>
<u>INSTRUCTIONAL PROGRAM</u>	5200
CO-CURRICULAR AND EXTRA-CURRICULAR PROGRAMS	5221

The School Committee endorses the following guidelines:

Each student activity must be clear in the contribution it can make to the learning and development of youth;

The student activity program must be continually changing. It must adjust to the needs and interests of students in the same way as the academic program;

Participation should be equally available to all students with restrictions related only to competency and interest in the given activity. There must be no secret balloting for admission.

**Reviewed by Policy Subcommittee: October 2015**