

## SECTION A: FOUNDATIONS AND BASIC COMMITMENTS

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## 1. SCHOOL DISTRICT LEGAL STATUS

As clearly set forth in the statutes, education in the Commonwealth of Massachusetts is a function of the State. The Commonwealth delegates the actual operation of schools to local administrative units under the guidance, supervision and control of the State Board of Education. The City of Beverly is authorized and required to maintain a school system for the residents of Beverly.

**M.G.L. Chapter 71, Section 1**  
**Constitution of Massachusetts Part 11, Chapter V, Section 11**

Adopted: August 27, 2001  
Revised: January 10, 2007

## 2. THE PEOPLE AND THEIR SCHOOL DISTRICT

The School Committee of Beverly is a corporate body created by the statutes of the Commonwealth of Massachusetts. Its members are State officials whose duties and powers are derived from State law.

The Committee has complete authority, within State law, over all school affairs in the City of Beverly. Individually, board members have no authority over school affairs. The authority is vested in the corporate body.

The principle function of the Committee is that of policy-making, while execution of that policy is ordinarily assigned to the Superintendent employed by the Committee.

**M.G.L. Chapter 71, Section 1**  
**Constitution of Massachusetts Part 11, Chapter V, Section 11**

Adopted: August 27, 2001  
Revised: January 10, 2007

### 3. SCHOOL DISTRICT MISSION AND PHILOSOPHY

To enable all students to reach their full potential through an academically challenging and diverse education.

Adopted: February 9, 1993  
Revised: March 9, 2005

## 4. DISCRIMINATION AND HARASSMENT

### **Preamble**

It is the policy of the Beverly Public Schools to provide a safe and secure learning and work environment for all its students and employees without distinction. All programs, activities and employment opportunities are offered without regard to race, color, sex, religion, national origin, sexual orientation, age and/or disability. The Beverly School Committee is committed to the prevention, remediation, and accurate reporting of discrimination and harassment, bias incidents, and civil rights violations based upon sex/gender, race, color, national origin, ancestry, religion, age, disability, sexual orientation, and any other class or characteristic protected by law. The School Committee has developed this policy to ensure that the educational opportunities of all students, and the employment conditions of all employees are not threatened or limited by such violations of discrimination or harassment; to ensure that differences are respected and individuals are free to work and learn; develop relationships without fear of intimidation, humiliation, or degradation. Discrimination, sexual and bias-motivated harassment, and violations of civil rights disrupt the educational process and work place and will not be tolerated.

This policy defines: (a) unlawful and prohibited conduct; (b) reporting and investigation procedures; and (c) disciplinary sanctions. It shall be a violation of this policy for any employee or student of the Beverly Public Schools to harass or discriminate against another employee, adult member of the school community, student, applicant for employment, or other person having business to conduct with the Beverly Public Schools, through conduct or communications.

The intent of this policy is not merely to provide rules to prohibit inappropriate or illegal behavior, but also to support and educate all members of our school community as to appropriate behavior, which is consistent with individual dignity and respect of others.

### **Unlawful and Prohibited Conduct Defined**

Discrimination occurs when an individual is treated differently and/or unfairly in an educational or employment context, solely on the basis of the individual's sex/gender, race, color, national origin, ancestry, religion, age, disability or sexual orientation. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment. In all cases, such actions will be considered unwelcome for the very young (elementary school age students).

Harassment based on a person's sex/gender, race, color, national origin, ancestry, religion, age, disability or sexual orientation consists of conduct that: (a) has the purpose or effect of creating an intimidating, hostile, humiliating, or offensive work or educational environment; (b) has the purpose of substantially or unreasonably interfering with a persons work, academic performance; and/or (c) otherwise adversely effects a persons academic standing or employment opportunities.

In this school district, discrimination, sexual harassment, harassment, including teasing and bullying is unacceptable and will not be tolerated. Discrimination and harassment are unlawful and hurt all people.

### **Sexual/Gender Harassment Defined**

Unlawful and prohibited conduct consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct, communication of a sexual nature when: (a) submission to, or rejection of such conduct or communication is made explicitly or implicitly a term or condition of employment, education or academic achievement; (b) submission to, or rejection of such behavior is used as a basis for employment or academic decisions; and (c) such behavior unreasonably interferes with an individual's work or academic performance, or creates an intimidating, hostile, humiliating, offensive work or educational environment.

Sexual harassment can be based on gender or sexual orientation. Sexual harassment can include advances, requests, conduct directed from male to female, female to male, male to male, female to female, student to student, student to employee, employee to student, employee to employee.

**Examples of behavior prohibited by this policy shall include, but not be limited to:**

Verbal Conduct

Use of negative or offensive racial, ethnic, religious or sexual slurs or epithets; name calling, or making offensive noises, teasing, jokes, or other derogatory or dehumanizing remarks by an individual or group, as in verbal bullying; when it is based on an individual's sex/gender, race, color, national origin, ancestry, religion, age, disability, or sexual orientation, or any other class or characteristic protected by law.

Written Conduct

Use of symbols, notes, cartoons, calendars, graffiti, offensive or graphic posters, pictures, book covers, drawings, computer terminal messages, including internet and email of a threatening, sexual, harassing, or pornographic nature, or designs on clothing meant to offend another on the basis of sex/gender, race, ethnicity, national origin, ancestry, religion, age, disability, sexual orientation or other identifying characteristic.

Visual Conduct

Suggestive looks or gesturing of a suggestive or obscene nature.

Physical Contact

Unwelcome touching of a person or person's clothing in a sexual or aggressive manner; restraining a person's movements; blocking exits; or any other act of physical intimidation or bullying.

Bullying

Bullying, one or more individuals deliberately hurting, humiliating, intimidating or frightening others through verbal, written, physical interaction, or other communications, is further prohibited.

Retaliation

Acts taken against any individual for opposing acts of discrimination or harassment, or for filing a complaint or participating in an investigation. Revengeful behavior with the intention to adversely affect another individual's scholastic achievement or employment status due to their participation in a discrimination/harassment complaint.

These behaviors are prohibited on school grounds, during school activities, en route to and from school, either personally or electronically. If certain conduct is not listed in the foregoing list but does fall into any other class or characteristic protected by law, said behavior will be considered inappropriate and prohibited. Inappropriate conduct not listed will be subject to investigation and disciplinary action under this policy.

**Responsibilities**

The Beverly Public Schools are responsible for the dissemination of this policy. The Superintendent will develop procedures to guarantee implementation of the policy. All students, teachers, administrators, and all other school personnel of the Beverly Public School District are responsible for conducting themselves in a manner consistent with the spirit and intent of this policy.

The District will:

- develop a method of discussing this policy with students and employees;
- provide appropriate training to administrators and others, who are assigned the responsibility to implement the procedures of this policy;

- see that this policy is reviewed by the Superintendent's Office, at least annually, for compliance with State and Federal laws;
- send an updated Title(s) VI, IX advisory to all parents and employees by October 1<sup>st</sup> of each school year.

Principals and supervisors are responsible to ensure that this policy is conspicuously posted in each classroom, school office, and other appropriate student/employee work areas, and that it is printed in each school student handbook. The posting shall include the name, mailing address, and telephone number of each school's Equity Coordinator(s) as well as the name, address, and telephone number of the Title(s) VI, IX Coordinator.

Any employee who becomes aware of an incident of discrimination or harassment must promptly report the incident to a school administrator or equity coordinator in their respective school building. Failure of an employee of the Beverly Public Schools to report such incidents of discrimination or harassment may result in disciplinary action. All employees are expected to promote the spirit of this policy.

The response to and resolution of complaints will be guided by the following goals:

- focus on education and changing behavior rather than simply punishing the offender;
- engage students and staff in dialogue so that they understand the impact of behavior and attitudes;
- maintain the confidentiality of victims, offenders, witnesses, and others who report harassment or participate in the investigation of complaints to the extent possible; (
- protect the complainant, witnesses, and others who report discrimination and/or harassment or participate in the investigation of complaints from retaliation;
- insure prompt and thorough attention to all complaints.

### **Reporting Procedures**

Any person who believes that a student, teacher, administrator, or other school or non-school personnel has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, should report the alleged prohibited conduct as soon as possible to the appropriate individual listed on the list of contact persons (see Attachment I). The reporting party or complainant is encouraged to use the report form (see Attachment II) available from the Principal, Supervisor, or Equity Coordinator of each school, or available from the Central Office. Oral reports will be addressed as well.

- If the complainant does not choose to file a written complaint to the Equity Coordinator, supervisor, principal, or Title(s) VI, IX Coordinator, then the Equity Coordinator, Supervisor, Principal or Title(s) VI, IX Coordinator will record the complaint in writing, using the complainant's own words.
- Nothing in this policy shall prevent any person from reporting alleged prohibited conduct directly to the Title(s) VI, IX Coordinator or to the Superintendent. Further, nothing in this policy will prevent any person from reporting alleged prohibited conduct to an administrator other than the administrator designated, or in the case of a student, to any district employee.
- If the complaint involves an administrator, principal, or the designated Title(s) VI, IX Coordinator, the complaint shall be made or filed directly with the Superintendent. If a complaint involves the Superintendent, the report will be filed directly with the School Committee.
- Equity Coordinators will provide information to employees and students about the District policy and procedures against discrimination/harassment. They will be available to discuss any concern a student, parent, or employee may have. They will facilitate the complaint process for colleagues, and function as a "first level" investigator for student complaints.

- Central Office Equity Coordinators will receive and investigate reports of alleged prohibited conduct from Central Office staff, including clerical, custodial, cafeteria and transportation employees.
- Persons who are involved in implementing these procedures must report to and keep the Title(s) VI, IX Coordinator apprised of each complaint and the status of the investigation.
- The Equity Coordinator and/or the Title(s) VI, IX Coordinator will maintain any and all documentation. Important information must be documented, including the nature, the allegation(s) and the circumstances surrounding the complaint, the individual(s) involved, the chronology of events, and the investigation summary with outcomes and recommendations. Irrelevant information will be expunged from any and all formal records. Information may be shared with the Superintendent of Schools, Title(s) VI, IX Coordinator, other Equity Coordinators, and/or the supervisor or building principal.
- Equity Coordinators will attend training and workshops as directed. Notice of each building Equity Coordinator will be posted in a prominent location in each school.

### **Students**

Students who believe that they are victims of discrimination or harassment should report such occurrences to a teacher, counselor, principal or administrator, who will in turn notify an Equity Coordinator, or students may report directly to an Equity Coordinator or to the Title(s) VI, IX Coordinator. Verbal or written reports will be accepted.

All Beverly Public School employees must respond to student complaints of discrimination or harassment by promptly notifying (within twenty-four hours) the building principal or appointed Equity Coordinator of all information concerning the possible (alleged) harassment/discrimination. They must always take every complaint of discrimination/harassment seriously and in accordance with the procedures outlined in this policy.

### **Employees**

Employees who believe that they are victims of discrimination/harassment should report such occurrences to their immediate supervisor, to an Equity Coordinator, to their building principal, to the Title(s) VI, IX Coordinator or to the Superintendent of Schools or his/her designee.

### **Investigation Procedures**

The Beverly Public Schools will investigate all forms of discrimination or harassment based on our policy. Such investigation may include discussions with all involved parties, identification and questioning of witnesses and other appropriate actions.

- Reports of discrimination/harassment and related information will be kept confidential in a manner consistent with the district's obligations under law, to the extent possible, without handicapping the ability to perform an investigation, or the need to take appropriate action to fulfill the obligation to protect others.
- Attempts will be made to address and resolve the complaint informally. The Beverly Public Schools may elect to utilize a formal or informal process, depending on the nature and severity of the conduct alleged.
- The District will employ interim steps to protect parties, and to prevent the possible continuation of discrimination or harassment during informal and formal investigations. The complainant and respondent will be apprised of the status of the processing and investigation regularly throughout the process.

- The Equity Coordinator or Title(s) VI, IX Coordinator will either verbally or in writing make any recommendation(s) for resolving the complaint and present it to the complainant, the respondent, and the respective principal and/or supervisor(s).
- Any complainant or respondent may request records as the law allows. This request would be made through the Title(s) VI, IX Coordinator.
- All materials gathered in the course of the investigation, including the complaints, responses, witness statements, investigators' notes, and supporting documentation will be maintained in separate, confidential, investigative files in the Central Office.

### **Informal Complaints**

The informal complaint will be given to the Equity Coordinator or to the Title(s) VI, IX Coordinator to investigate. The Equity Coordinator or the Title(s) VI, IX Coordinator will process student complaints.

The Title(s) VI, IX Coordinator will process employee complaints. The Title(s) VI, IX Coordinator or the Superintendents designee will process complaints involving administrators or principals.

The Central Office Equity Coordinators will perform an investigative role and make recommendations to the Title(s) VI, IX Coordinator and the Superintendent regarding corrective action concerning Central Office complaints.

If all of the parties involved within the complaint process agree to extend the informal process, the 14-day process requirement may be waived.

The Equity Coordinator or Title(s) VI, IX Coordinator will explain the normal course of action, ask what the student/employee would like, explain prohibition against retaliation, and may advise the complainant to talk first to the respondent, if the complainant so chooses, and proceed with an internal review of the complaint.

At the conclusion of the informal and review levels, the complainant and the respondent will be informed, either verbally or in writing of the decision.

### **Formal Complaints**

- If the response was insufficient to satisfy the complainant, or if the complainant and/or respondent are not satisfied with the informal resolution, or if the complaint is determined to be of such magnitude and/or seriousness, a formal process will be instituted.
- The complainant may file a formal and/or written grievance with the Equity Coordinator, principal, or Title(s) VI, IX Coordinator within 14 (fourteen) calendar days after the response to an informal complaint was made.
- The Title(s) VI, IX Coordinator will assist the Equity Coordinator with the investigation, may assume responsibility for the investigation, or may authorize an investigation by a third party who shall report to the Title(s) VI, IX Coordinator.
- The allegation(s) will be properly drafted and the investigative procedure will be explained to the complainant.
- The Title(s) VI, IX Coordinator will work with the Equity Coordinator to gather as much relevant information as possible concerning the complaint.
- Any witnesses who have direct knowledge of the alleged discriminatory/harassing act(s) will be interviewed.

- If the evidence shows there is no reasonable cause to believe discrimination or harassment occurred, the complainant and respondent will be notified in writing. If the evidence shows there is reasonable cause to believe discrimination or harassment occurred, attempts will be made, through corrective action(s) and/or discipline, to persuade the respondent to voluntarily cease and remedy such unlawful action(s).
- The Title(s) VI, IX Coordinator will give periodic reports to the Superintendent on the status and outcome of formal complaints.
- At the close of a formal investigation, the complainant and respondent will be informed in writing that the alleged harassment was substantiated or not substantiated. In accordance with State and Federal law regarding date or records privacy, the complainant will also be informed that appropriate corrective action has been taken.
- If the complainant is dissatisfied with the response of the Equity Coordinator, or Title(s) VI, IX Coordinator, he/she may submit a written request for review to the Superintendent of Schools and/or his/her designee within 14 (fourteen) calendar days. The Superintendent of Schools and/or his/her designee must respond, in writing, within 7 (seven) calendar days. The Superintendent reserves the right to extend the 7-day response period where business needs so require, upon notice to the parties.
- Records of any grievance filed by a complainant will not be placed in the complainant's personnel file or school record.

### **Student Complaints**

The Equity Coordinator or administrator will gather all pertinent facts from the complainant and provide an explanation as to the formal and informal procedures. The Equity Coordinator will investigate the allegations and conduct interviews with witnesses. The investigation will be initiated expeditiously, and will be completed in a timely manner.

The Equity Coordinator will share his/her findings with the building principal and Title(s) VI, IX Coordinator, making recommendations for corrective action. If a complaint is substantiated, a report of the incident and its resolution may be placed in the offender's discipline file. Discipline, if indicated, will be administered by the building principal, supervisor or designee.

### **Staff Member - Student Complaints**

In a situation involving a charge of discrimination/harassment between a staff member and a student, the information should be brought to the attention of the principal and Title(s) VI, IX Coordinator immediately. They will inform the Superintendent of Schools or his/her designee and an investigator will be appointed. The investigation will be initiated immediately, and will be completed in a timely manner. Representation in this process is the right of any employee.

A report of the incident and its resolution may be placed in the personnel file of the staff person. Discipline, if indicated, will be administered by the building principal or supervisor

If an alleged sexual harassment constitutes sexual abuse of a child by a "caretaker" (e.g. a school staff member), the principal will report the suspected abuse to the Department of Social Services, as required by M.G.L. 119, Section 5 IA and to the Superintendent of Schools.

### **Staff Member - Staff Member Complaints**

In a situation involving a charge of staff member to staff member of discrimination or harassment, the Equity Coordinator should notify the building principal and the Title(s) VI, IX Coordinator. The principal will inform the Superintendent of Schools or his/her designee. The investigation will be initiated immediately, and will be completed in a timely manner, corresponding to respective collective bargaining grievance procedures. Any employee has the right to representation in this process.

The investigator will not be an association/union member in the same bargaining unit as the accused. A report of the incident and its resolution may be placed in the personnel files of the staff person(s). All complainants will have the opportunity to provide more information during and after the investigative. Additionally, the complainant and respondent will have an opportunity to request a review by the Title(s) VI, IX Coordinator or Superintendent of Schools or designee. Any staff member or student who is dissatisfied with the results or progress of the schools investigation may discuss his/her dissatisfaction directly with the Title(s) VI, IX Coordinator or the Superintendent of Schools.

All complainants will have the opportunity to provide more information during and after the investigation. Additionally, the complainant and respondent will have an opportunity to request a review by the Title(s) VI, IX Coordinator or Superintendent of Schools.

These aforementioned procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Massachusetts Department of Education, Massachusetts Commission Against Discrimination, Equal Employment Opportunity Commission, and the Office of Civil Rights of the U. S. Department of Education, initiating civil action or seeking redress under criminal statutes and/or federal law.

An employee, student, or parent acting for a student may file a complaint with the following agencies:

**The U.S. Equal Employment Opportunity Commission  
(Boston Area)**

J. F. Kennedy Federal Building, Room 475  
Government Center  
Boston, MA 02203  
Telephone: 617-565-3200

**Massachusetts Commission Against Discrimination  
Boston Office:**

One Ashburton Place, Room 601  
Boston, MA 02108  
Telephone: 617-727-3990

**Massachusetts Commission Against Discrimination  
Springfield Office:**

436 Dwight Street, Room 220  
Springfield, MA 01103  
Telephone: 413-739-2145

**United States Department of Education  
The Office for Civil Rights**

**Boston Office:**  
33 Arch Street, Suite 900  
Boston, MA 02110-1491  
Telephone: 617-289-0111

**Attorney General's Office  
Civil Rights Division**

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108  
Telephone: 617-727-2200

**Essex County District Attorney's Office**

10 Federal Street  
Salem, MA 01970

Telephone: 978-745-6610

### **Corrective Action**

Upon completion of an investigation and substantiation of the complaint, the School District will take appropriate corrective action. Such action may include, but is not limited to, a written or verbal apology, direction to stop the offensive behavior, parent/supervisory conference, counseling, training or remediation. School District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Massachusetts and federal laws, and School District policies. In accordance with State and Federal law regarding date or records privacy, the complainant will also be informed that appropriate corrective action has been taken.

If the complainant (student or employee) does not agree to the corrective action or cannot agree to a resolution, he/she may appeal to the Superintendent of Schools, take the complaint to the Office for Civil Rights, Department of Education or the US Equal Employment Opportunity Commission.

If the offender (student or employee) refuses to agree to the corrective and/or disciplinary action, the Beverly Public Schools may order appropriate corrective and/or disciplinary action without consent, and may refer the complainant to the Massachusetts Commission Against Discrimination or Office of Civil Rights.

In the case of substantiated discrimination/harassment by an employee, the Superintendent or designee, will include a written statement of the findings, a summary of investigative materials, the corrective action taken, and the consequences of continued discrimination/harassment in the individual's personnel file.

### **Discipline**

Any student or staff member of the Beverly Public Schools who is found to be in violation of this discrimination/harassment policy is subject to appropriate disciplinary action, up to and including warning, suspension, legal action, exclusion, expulsion, transfer or discharge.

If the student's discriminating and/or harassing conduct warrants, disciplinary procedures exercised by the principal will be instituted in accordance with the student handbook and the policy of the Beverly Public Schools. An incident report to the Juvenile Police Officer of the Beverly Police Department will be filed.

Employee disciplinary action will be consistent with the requirement of applicable collective bargaining agreements, Massachusetts and Federal laws and school district policies.

Any third parties, such as vendors or contractors doing business with the Beverly Public School System, found to have engaged in discrimination or harassment may be subject to legal action and contract termination consistent with federal and state law.

### **Retaliation**

The School Administration will discipline or take appropriate action against any student, teacher, administrator or school personnel who retaliates in any form against a person who makes a complaint, reports or participates in an investigation of a discrimination/harassment complaint. Acts of retaliation may result in immediate disciplinary action, including expulsion or dismissal, even if underlying discrimination/harassment is not proven. Retaliation is an independent prohibited and unlawful act.

Adopted: September 15, 2000

Revised: January 12, 2005

## 5. RELIGION & THE SCHOOLS

Beverly Public Schools are committed to respecting cultural and religious diversity. The goal of this advisory or policy is to provide an environment that best protects every student while still being respectful of all citizens' rights and differences.

The First Amendment requires that public schools not prohibit students, acting on their own, from expressing their personal religious views or beliefs solely because they are of a religious nature. In addition, the First Amendment states that schools may not endorse religious activity or doctrine, nor may they coerce participation in religious activity. This means that school officials may not organize, mandate, or participate in student religious activities, including prayer. In schools, it is permissible to teach about religion in the context of history, literature, art, music or other core subjects. The tone and spirit of school activities must respect the many religious differences in the school population, neither promoting any particular religion nor inhibiting a student's right to his or her own religion. Students of all religious backgrounds or no religion should know that the schools respect their beliefs. In summary, school officials may not "compel students to participate in prayer or other religious activities," nor may teachers, school administrators and other school employees, when acting in their official capacities as representatives of the state, encourage or discourage prayer, or participate in such activities with students.

Religion and religious convictions are treated with fairness and respect in the Beverly Public Schools. Students have the same right to engage in individual or group prayer and religious discussion in a non-disruptive manner during the school day, when not engaged in school activities or instruction, as they do to engage in other comparable activities. Although school officials may impose rules of order and other pedagogical restriction on student activities, they will not structure or administer such rules to discriminate against religious activities or speech.

Students may pray in a non-disruptive manner during the school day, when not engaged in school activities or instruction, subject to the same rules of order that pertain to other types of student expression. Students in informal settings, such as cafeterias and hallways, may pray and discuss their religious views with each other, subject to the same rules of order as apply to other student activities and speech. Individual students are free to pray, alone or in groups, read their scriptures, discuss their faith, and invite others to join their particular religious group. Only if a student's behavior is disruptive or coercive, will it be prohibited. No student will be allowed to harass or pressure others regarding religious expression. Religious expression must be truly voluntary and student-initiated. For example, students are permitted to gather around the flagpole for prayer before school begins, as long as the school does not sponsor the event and other students are not pressured to attend. Students do not have the right to force a captive audience to participate in religious exercises.

Students have the right to express their religious views during a class discussion or as part of a written assignment or art activity, if it is relevant to the subject under consideration. Students may speak to and try to persuade their peers with regard to religious topics in the same manner in which they engage their peers regarding other issues, such as political topics. School staff, however, must intercede to stop student speech that constitutes harassment aimed at a student or group of students.

- Our approach to religion in the curriculum must be academic not devotional. Study about religion belongs in the curriculum wherever it naturally arises. On the secondary level, the social studies, literature and the arts offer many opportunities for the inclusion of information about religions-their ideas and practices. On the elementary level, natural opportunities arise in discussions of the family and community life and in instruction about festivals and different cultures.
- Religious holidays offer opportunities to teach about religion. Teaching about religious holidays, which is permissible, is different from celebrating religious holidays, which is not. Study of holidays serves academic goals of educating students about history and cultures as well as about the traditions of particular religions. During the course of each school year, it is important that a balance be maintained in teaching about the holidays of various religions and cultures. Self-expression about a student's holiday and religious traditions is always permissible.

- The use of religious symbols as examples of religious or cultural heritage is permissible as a teaching aid or resource only during the period of instruction. These religious symbols are not permitted in public spaces such as hallways, cafeterias, or common spaces and no such symbol may be visible from outside the school facility.
- Student music performances may contain pieces chosen for their musical content and representing a variety of religious and cultural traditions. School concerts that present a variety of selections may include religious music. The use of music, art, drama, or literature with religious themes is permissible if it serves a sound educational goal in the curriculum, but not if used as a vehicle for promoting religious belief.
- Students who must wear religious garb such as head scarves or yarmulkes should be permitted to do so in school. Students may also display religious messages on clothing to the same extent that other messages are permitted.
- Students have a right to distribute religious literature on public school campuses subject to reasonable time, place and manner restrictions imposed by the school. This means that the school may specify at what times the distribution may occur (e.g., lunch hour or before or after classes begin), where it may occur (e.g., outside the school office), and how it may occur (e.g., from fixed locations as opposed to roving distribution). These restrictions should be reasonable and must apply evenly to all non-school student literature. Beverly Public Schools may prohibit the distribution of some literature altogether. Some examples would be materials that are obscene, defamatory, or disruptive of the educational environment. Students who intend to disseminate religious literature on school grounds should first review their intent and the literature with the principal.
- The Supreme Court has long recognized that public schools may choose to create off-campus release time programs as a means of accommodating the religious needs of students and parents. The schools may not encourage or discourage participation, or penalize students who do not attend.
- The Equal Access Act requires public schools to treat all student-initiated groups equally, regardless of the religious, political, philosophical or other orientation of the groups. This means that, once a school opens its facilities to student-initiated clubs, it must allow religious clubs to use those facilities. The Equal Access Act applies to public secondary schools that receive federal funds and have designated certain facilities as a "limited open forum." A "limited open forum" is created when a public secondary school allows one or more "non-curriculum related student groups to meet on school premises during non-instructional time." A non-curriculum related student group is a club that focuses on an issue or activity "not directly related" to the courses offered by the school. Student religious clubs have equal access to school facilities for meetings, and equal access to school media for publicizing their activities. The Equal Access Act places certain restrictions on non-curriculum related student groups. The group must be student-initiated, student-sponsored and student-led, and participation in the group must be voluntary. Outsiders "may not direct, conduct, control, or regularly attend activities of student groups." School personnel, including teachers, may not initiate, sponsor, promote, lead or participate in religious club meetings, although teachers may be required to monitor club meetings. Beverly Public Schools are free to prohibit any club activities that are illegal or that would cause substantial disruption in the schools.
- School officials will try to accommodate the requests of parents and students for students to be excused from a particular activity that is objectionable on the basis of religion or personal belief or practice. If focused on a specific discussion, assignment, or activity, such requests should be routinely granted in order to strike a balance between the student's religious freedom and the school's interest in providing a well-rounded education.

**Equal Access Act (1984), 20 U.S.C. Sections 4071-74**  
**M.G.L. Chapter 71, Sections 1A, 1B and 31A; Chapter 76, Section; Chapter 151, Section 2B**  
**No Child Left Behind Act 2002, Section 9524**

Adopted: June 16, 2004  
Revised: November 12, 2008

## 6. DRUG FREE SCHOOLS

The Beverly Public Schools are committed to providing a drug and alcohol-free learning environment and workplace. It is the policy of the school district that no person may use, possess, sell or distribute alcohol or other controlled substances on school premises or at school sponsored activities, as outlined in the student handbook. Violation of this prohibition is punishable by fine or imprisonment.

Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance, may be subject to disciplinary action including expulsion, as determined by the building principal in accordance with the student handbook.

**M.G.L. Chapter 71, Section 37H; Chapter 272, Section 40H**

Adopted: August 27, 2001  
Revised: December 13, 2006

## 7. SMOKING ON SCHOOL PREMISES

As required by state law, it is the policy of the Beverly Public Schools that no person may smoke or use any tobacco product within any school building or school facility, on school grounds, or in school busses.

To help ensure compliance with the above, it is also the policy of the Beverly Public Schools that no student may possess any tobacco product or smoking materials while in a school building or facility, or on school grounds or a school bus.

Under the direction of the Superintendent, principals will develop age-appropriate strategies for ensuring compliance with this policy. These strategies will include preventative, enforcement, and disciplinary measures. The disciplinary measures include provisions for dealing with infractions by students, (as outlined in student handbooks) employees and others.

Within one year of the enactment of this policy and annually thereafter, the Superintendent will report to the School committee the measures being taken at each level and an assessment of the effectiveness of these measures, including statistical information regarding the number of infractions in each building since the past report.

### **M.G.L. Chapter 71, Section 37H**

Adopted: January 9, 1995

Revised: April 5, 2006

## 8. SAFE SCHOOLS

### I. Statement of Purpose and Compliance

This policy is adopted by the Beverly School Committee for purposes of notifying members of the public, students, teachers and other staff of the Districts standards and procedures to assure school building security and safety of students and school personnel. This policy is intended to be in accordance with standards for classroom safety adopted by the Board of Education.

### II. Standards of Safety and Security

- A. The School Committee shall encourage the creation and maintenance of a safe and secure learning environment in every school building. The creation of a safe learning environment will be enhanced by the provision of sufficient resources for procurement and maintenance of appropriate safety personnel and devices.
- B. Administration, staff and students in each school building shall strive to create an educational environment which is reasonably safe and secure in order to:
  1. facilitate learning and teaching.
  2. preserve the physical and mental well being of all lawful occupants of the building.
- C. The Superintendent, building principals, and other district personnel shall review on an annual basis the current standards and procedures with appropriate police contacts, in addition to other parties whom the Superintendent and building principals determine to have relevant information.
- D. The Superintendent is responsible for implementing any changes or recommendations deemed appropriate, including an assessment of cost and risk management.

Factors to be considered in making requests for appropriations for safety and security devices, equipment, and personnel include but are expressly not limited to the present system of advising students and staff of safety concerns, placement in school buildings of security devices such as, for example, locking doors, cameras, metal or motion detectors, and other devices to monitor or restrict access to school buildings; increased use of personnel such as attendance or security officers, lighting, escort services for evening activities, placement of emergency telephones in designated locations, practices related to the regular inspection of and reporting on the condition of the premises, design or architectural features which advance or inhibit safety, procedures for maintaining an ongoing process for reporting complaints to local law enforcement officials, and procedures for reference and criminal records checks of employees.

**M.G.L. Chapter 69, Section 1B**

**M.G.L. Chapter 71, Section 37H**

**Massachusetts Association of School Superintendents Legal Office**

Adopted: December 15, 1998

Revised: August 29, 2007

## 9. FOOD SAFETY

Efforts will be made to assure that all food served by the school district is safe for consumption by children and adults.

- Food brought from home for consumption in the classroom must be purchased ready-to-eat and be wrapped in the original packaging.
- Vending companies supplying food for vending machines must be documented that they follow a Hazard Analysis Critical Control Point (HACCP) program or Good Manufacturing Practices (GMPs).
- External groups that use the school kitchen must do so under the supervision of a food safety certified food service employee designated by the district food service director and must purchase food from approved vendors.
- When external caterers are used, the safety of food purchased is the responsibility of the caterer and the party responsible for serving the food.
- The “Helper in Charge” of each school kitchen will be trained and certified in food safety.
- Cafeteria Helpers will be trained in food safety.
- The food service program will have a HACCP program in place, which will be reviewed and updated as revisions to the State and Federal Food Code are implemented.
- Use of kitchen facilities must be approved by the school food service director.
- Food safety education should be provided to students.

Adopted: June 28, 2006

## 10. RECOGNITION FOR ACCOMPLISHMENTS

The School Committee may, as part of their regular monthly meeting schedule, recognize outstanding service and/or accomplishments on behalf of the school district by students, staff members, Committee members or other citizens.

The Superintendent is responsible, in consultation with the Committee President, for preparing a list of individuals to be recognized at each meeting. The names of individuals or groups so honored will be given to the press.

Adopted: August 27, 2001

Revised: January 10, 2007