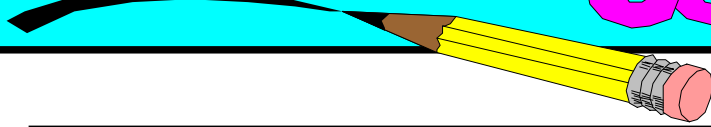
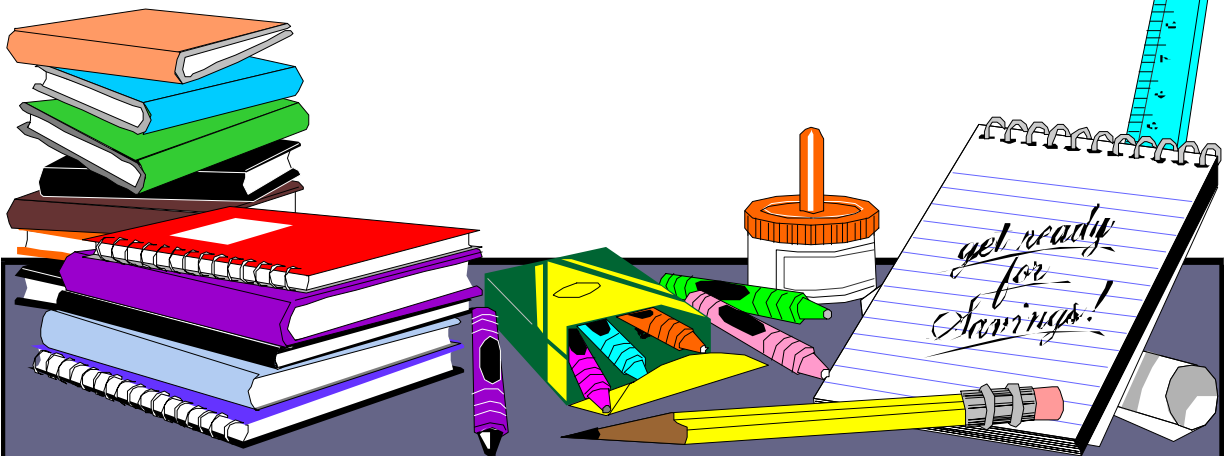


**GET READY FOR SCHOOL**



Hope  
Elementary  
School  
Student  
Handbook  
2009-2010



# Hope Elementary School Scituate School Department

September 2, 2009

Dear Students and Parents,

Welcome to Hope Elementary School. A school "Where Children Come First." It is our goal to make your years with us challenging, rewarding and happy.

This handbook should serve as a guide for you. The information, regulations and requirements outlined in this book have been developed to help give you the best education possible, to protect your health and safety, and to enable all of us to work and live together harmoniously. As a resource this handbook is invaluable. However, as with many handbooks it is impossible to cover every situation and consider all circumstances. Please do not hesitate to ask a question or seek clarification.

It is most important that we maintain strong lines of communication therefore, we invite all parents to become involved in our educational community. An energetic PTA has played a significant role in the success of our school and your contributions of time and talent to this organization would be most welcome. Our volunteer program has also been successful. Many parents and members of the community volunteer countless hours each year. We invite you to consider joining our volunteer program.

As you become involved in the school and its programs, you may have some questions. If you need help, please do not hesitate to ask. We are all interested in you and your success during your years in Hope Elementary School.

Sincerely,

PLEASE BE SURE TO SIGN AND  
RETURN THE LAST PAGE  
INDICATING YOU HAVE  
RECEIVED A COPY OF THIS  
HANDBOOK. STATE LAW  
REQUIRES 100% COMPLIANCE.

Janice L. Mowry, Principal  
Along with the Faculty and Staff

## Hope Elementary School Mission Statement

The mission of the Hope Elementary School community is to provide all students with a strong foundation of knowledge and skills by creating a safe and nurturing environment to become responsible, successful and contributing citizens in a continually changing world.

*"Where Children Come First"*

# Hope Elementary School Scituate School Department

## Scituate School Committee

Mrs. Patricia Archambault  
Mrs. Marylou Umbriano - Clerk  
Mrs. June Guglielmi  
Mr. Brian LaPlante  
Mr. Ernie Marcure- Chairperson

Dr. Paul R. Lescault, Superintendent  
Dr. Larry Fillipelli, Assistant Superintendent  
Dr. Edward Myers, Central Office Consultant

## Contacting the Superintendents Office

Telephone (401) 647-4100 Facsimile (401) 647-4102  
Superintendent's E-Mail: plescault@scituateri.net Assistant Superintendent's E-Mail: lfillipelli@scituateri.net

School Committee meetings are held on the first Tuesday of the month and begin at 7:00 pm in the Town Council Chambers. Other locations will be announced and posted with due notice.

Your elected School Committee is made up of dedicated citizens who spend long hours working with the Superintendent of Schools in order to continually improve the education offered in the Scituate Schools. Please support their programs and attend their meetings.

## School Hours

Morning Kindergarten	8:45 am to 11:30 am
Afternoon Kindergarten	12:15 pm to 3:00 pm
Grades 1-5	8:45 am to 3:00 pm

## Contacting Hope Elementary School

391 North Road, Hope, RI 02831-1243  
Telephone: (401) 821-3651 Facsimile: (401) 823-4976  
Principal's e-mail: jmowry@scituateri.net Home Page: <http://www.scituateri.net/hope/>

## PTA

The Hope Elementary School PTA is a dynamic group that has added immeasurably to the success of our school. The PTA sponsors a number of cultural programs, provides interesting and meaningful adult evening meetings and involves itself in numerous important student activities. Our PTA is comprised of quality individuals and families who care about the youth of Scituate. Please consider joining this outstanding organization. For your convenience, mail may be sent to the PTA in care of the Hope Elementary School.

## School Publicity

The school may take candid photographs of students as they participate in school events or classroom activities. These photographs are for our records and may appear in our publications, District publications or may be submitted to the media for publication. Children may be video taped as part of classroom plays, projects, school concerts and activities. If you have concerns about having your child's picture or videos used in this manner, please let the principal know in a written communication.

## Weather Delays

During winter the potential for inclement weather increases the option of using a one-hour delayed opening of school. On these days all students will be picked up one hour later than normal. School will open at 9:45 am instead of 8:45 am. The morning kindergarten session will change. The morning session will start at 9:45 am and end at 11:30 am.

The afternoon session will begin at 12:15 pm and end at 3:00 pm. On days with longer delays, the morning session of kindergarten only, will be cancelled.

Students should not arrive at school prior to 8:15 am. On a one-hour delayed opening day, students should not arrive prior to

*"Where Children Come First"*

## **Hope Elementary School Scituate School Department**

9:15 am. On days with longer delays, students should not arrive prior to thirty (30) minutes before the start of school.

### Early Closing and No School Announcements

Please discuss with your child(ren) the procedure he/she should follow in the event that no one is at home when an early dismissal occurs. The Scituate School department participates in the ALERT NOW Rapid Communication System. In the event of inclement weather or school emergency, families will be contacted directly by telephone land lines, cell phones, or email of any changes to the school schedule. It is critical that all families and staff keep the office informed of up to date contact numbers and addresses. In addition to the ALERT NOW System, we suggest you listen to one of the following radio or television stations: WPRO=630AM, WSNE=93.3FM, WWBB=101.5FM, WWLI=105.1FM, Channels 6, 10 & 12. It is for your child's safety that we attempt to keep our school phone lines open during inclement weather. We are usually notified after the Superintendent's Office has notified the media.

### A Reminder

For all kindergarten students, if no one is at the bus stop to meet your child, the bus driver will attempt to gain your attention by beeping the horn. If no one appears, the driver will return your child to the school or the bus garage and personnel will try to contact you by phone to let you know where your child should be picked up. No child will be left at an unattended home.

### **Daily Dismissal**

Children will wait in their rooms, ready for dismissal soon after 2:55 pm. Parent Pickups will be announced first. The children will then walk to the gymnasium where they will meet the adult. Parents and students are asked to leave as soon as possible to alleviate the traffic congestion with the buses. Teachers will dismiss children to the buses when the P.A. announces the arrival of their bus. Walkers and bicycle riders will also be called by P.A. announcement. Students will board buses from the loading area only.

Many students are picked up every day by parents or guardians rather than taking the bus home. In order to eliminate time lost from instruction in class and unnecessary disturbance to the classes still in session, the following procedure will be in effect. Parents must come into the gymnasium and sign their child out using the book with the teacher assistant. Parents are then asked to wait in the Gymnasium, not in the lobby until the students are called to the gymnasium. Parents may park in the North Road off-street parking area, on the sand kickball field inside the recess fence or the parking area at Ryefield Park. At no time is parking on the asphalt recess area permitted. Parents are asked not to park in the faculty parking area or across the street at Hope Library. At no time will a teacher dismiss a student to anyone who just appears at his or her classroom door. Parents are asked not to go to their child's room to ask for dismissal. Playground equipment is not available for public use until 3:25 pm.

School Department policy states that we DO NOT dismiss children to anyone under 18 years of age (including a sibling, even with parental permission).

### **Early Dismissal**

We ask parents to refrain from scheduling medical appointments as well as tutoring, music and dance lessons during times, which would require early dismissal from school. If such an appointment is unavoidable, written permission, signed, dated and addressed to the child's teacher, must accompany the child to school on that day. Only in an emergency will other students be called from class for early dismissal prior to the 3:00 pm dismissal time.

### **Bicycle Riders**

Children riding bicycles to school will walk their bicycles while on school grounds, lock the bicycle to the railing and enter the building through the playground entrance. Written permission must be on file in the office for students to ride bikes to and from school. Riding on school grounds, leaving before the buses depart or reckless riding will result in loss of bike-riding privileges. Children riding bicycles to school should not arrive earlier than 8:15 am.

### **Bus Transportation**

The Scituate School Department provides bus service for students who reside more than a specified distance from their schools, depending on their age. Generally pupils should ride home on the bus to which they are assigned. In the event that it becomes absolutely necessary for a child to ride a bus other than the one to which he/she is assigned, a note must be submitted to the teacher for processing. It is most helpful if you address this note to your child's teacher and not to the office or the bus driver. Notes are sent to the office for approval and then returned to the teacher so the child can take a pass to the bus driver. Switching buses will only be allowed on a "Space Available," basis. Please be warned that there are days when the buses run at capacity and switching can not be accommodated.

## **Hope Elementary School Scituate School Department**

To ensure the safety of students, who ride the buses, it is imperative that we have the cooperation of everyone involved: parents, students, bus drivers, bus monitors, safety patrol and school personnel.

Should a problem arise, the procedure followed will be as follows:

1. The driver reports chronic misbehavior or a serious incident to the Principal who will discuss the problem with the student.
2. Should a second report be necessary, the matter is discussed with the student and the parent is notified by a referral form.
3. A third incident requires that the child lose bus privileges for a period of time.
4. Any further report will require a parent conference and further disciplinary action.

In cases where the offense is of such gravity as to endanger the safety and well being of other occupants of the bus, the above procedure may be disregarded and immediate suspension effected, after the parent is duly notified. In cases of vandalism to the bus, the student and parents are responsible for correcting or repairing the damages.

Please discuss bus behavior and responsibility with your child(ren), to ensure the safety of all who ride our bus fleet.

### **Scituate School Department Bus Rules: Elementary Grades**

1. Behave in a manner that is appropriate, courteous and respectful.
2. Respect the property of the bus company and the property of other riders.
3. Conduct oneself in a manner that does not distract the bus driver.
4. Cooperate with the bus driver and monitor by following all their directions.
5. All students must be seated and facing forward.
6. Keep hands and feet in your own space.
7. Talking with other students is permitted. Use quiet voices when talking.
8. Use respectful language only. Using words or actions that humiliate or harass another student is not permitted.
9. Limited cell phone use is at the discretion of the bus driver. The camera function of cell phones is prohibited as well as displaying images.

### **Parental Transportation**

Parents who wish to transport pupils to school are asked to abide by the following regulations:

Mornings: School begins at 8:45 am. No child should be brought to school before 8:15 am. There is No supervision available prior to that time. Children being driven to and from school in private cars shall be discharged in the off-street area in front of the recess field and will walk onto the playground. In inclement weather, you may discharge children in the recess area, being careful not to impede a school bus or to hit a basketball backstop. Parents must not leave their car running and unattended in the off-street area or in the recess area without the driver. Cars must not be parked as to block the driveway gates to the recess field. This is the 24-hour emergency access point to the school.

Afternoons: Written permission is necessary if a child is planning to deviate from his/her usual schedule. When the Principal is asked to make a decision concerning a request to change a child's schedule, it may not be granted without written permission. For legal reasons and your child's protection, we ask you to only use the telephone for emergency changes. We ask that your child's after school play plans be arranged at home. The school telephone will not be used for this purpose.

### **Security**

Hope Elementary School is a safe and secure environment for your child. The Scituate School Department insists on each building being locked during the day. Video surveillance of our entrance doors and lobby area is maintained. Doorbells are located at the entrances to announce your arrival at school. Visitors will first be identified prior to being electronically allowed entry to the school. All visitors are required to proceed to the school office and register upon arrival. Identification badges will be issued to all visitors. The ID badge must be returned to the office by the person it was issued to at the end of the visit.

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Parents are asked to telephone the School Office prior to 9:20 am, when their child will be tardy or absent from school on that day. When your child will be absent, tardy or being picked up for early dismissal, you will be requested to provide us with their security number as a safeguard for your child's safety.

Parents and visitors are informed that all cars driven onto school property have given implied permission for search/seizure (The car may not necessarily belong to the parent or visitor, but it still can be searched). Students, parents and staff are hereby informed that all bags and backpacks on field trips are subject to possible search. The Principal or his designee may conduct the search of all bags and backpacks.

Each student is assigned a computer generated five-digit security number upon enrolling in our school. This number will be shared with the parent or guardian early in September. This number remains with your child for their entire elementary school career.

### **Evacuation and Lock-down Drills**

Please discuss the importance of an evacuation drill and the participation of your child. State law mandates 15 evacuation drills per year. Please note; we will not answer our telephones during evacuation or lock-down drills.

1. Children walk, single file, out the designated exit and move quietly to the designated area.
2. Children will listen for instructions.
3. Teachers will check attendance when they are clear of danger.
4. Children will return quietly at the all-clear signal.

### **School Lunch Services**

The Scituate School Department provides a school breakfast and lunch program for those who wish to avail themselves of this service. Our program is provided by Aramark. Students bringing lunch from home may purchase 2%, chocolate or coffee milk. We encourage families to send in cash or a check at any time to be placed on your child's account. Parents are free to inquire about their child's account at any time. Students will be given a personal code to enter into the computer each day as they check out their lunch. We will ask all students to memorize their code to expedite the service time of our lunches. Lunch is available each day for \$2.10 milk included. Milk may be purchased separately for 50 cents. The cost of breakfast is \$1.25.

### **Health Office Policies, Procedures and Service**

1. Students with a suspected communicable disease, should be seen by their physician, or parents may contact the school nurse by phone before sending their child to school. All communicable diseases and/or conditions must be reported to the nurse. Examples are: Strep, Head Lice, Conjunctivitis, Impetigo, Chicken Pox, Ringworm, Pinworms, etc.
2. Parents are to call the school on the first day of a student's absence and the pupil must bring a written excuse when returning from an illness or for any other reason.
3. Pupils will be required to participate in the full and regular program unless excused in writing by a Doctor: e.g. recess, gym.
4. Children who are sent home with a temperature over 100 F. should remain home until they have had no fever for at least 24 hours before returning to school.

### **Attendance and Health**

Your child should attend school each day he/she is well. Every absence, even part of the school day, interferes with your child's progress at school. Each subject is taught in sequence, which builds understanding and correct habits of study. In order to be ready for new steps in learning, your child must have mastered the previous steps and be sufficiently ready to profit from new materials.

For the protection of your child and others, please do not send your child to school with symptoms of any of the following:

- |                           |                        |                     |                                  |
|---------------------------|------------------------|---------------------|----------------------------------|
| 1. Vomiting               | 4. Rash Swollen glands | 7. Earache          | 10. Other communicable illnesses |
| 2. Runny nose with a cold | 5. Swollen glands      | 8. Persistent cough |                                  |
| 3. Fever                  | 6. Diarrhea            | 9. Sore throat      |                                  |

Please notify the school as soon as possible as to the reason for any absence. If your child is injured or becomes ill at school, parents will be notified. If the parents are not available then the person designated to be called in an emergency will be contacted. Be sure to keep the school notified of any changes in telephone numbers, cell phone numbers, address, places of work and emergency contacts.

## **Hope Elementary School Scituate School Department**

Each child has a permanent Health Record on which pertinent health information is recorded. Please keep the school notified of any health problems. All information is held confidential. Please call the school to discuss any health problems or attendance concerns.

Note: Parents of students accumulating 12% absences and/or tardies after 60, 90 or 120 days of school, will receive an attendance letter as a reminder of their child's participation rate.

### Our Nurse/Teacher suggests:

1. Each child should eat three well-balanced meals each day.
2. A nutritious breakfast is particularly important to combat morning fatigue and stomachache.
3. No child should come to school feeling ill.

### **Medication Policy**

In accord with General Laws 16-21-7, it is the policy of the Scituate School Committee that:

1. Except in the case of an emergency situation, only certified nurse-teachers or parents are authorized to dispense medication to students.
2. In no instance can a parent or legal guardian delegate to another person (neighbor, relative, friend) the authority to come into the school to administer medication.
3. No student is allowed to transport medication to and from school. All medication must be transported to and from schools by the parent or another adult.
4. Prescription and Non-Prescription medications will be dispensed by the school nurse teacher to students only when:
  - A. Received by the school nurse-teacher in the original labeled container from the pharmacy,
  - B. Is requested in writing by the attending physician, and
  - C. Is authorized in writing by the parent or legal guardian of the student.
5. Inhalers, epinephrine auto-injectors, or other medications may be self-administered with written authorization from both parent and physician. These medications are to be stored in the office/health room unless written authorization from a physician states otherwise.
6. Regarding field trips: inhalers and epinephrine auto-injectors should be carried by the teacher unless written authorization from the physician and parent states otherwise. Students may self-carry and/or self-administer other medication on field trips only when it is requested in writing by the physician, is authorized in writing by the parent or legal guardian and is decided in consultation with the school nurse/teacher and the school administration.
7. In an emergency life-threatening situation, all school personnel are authorized to administer medication.

("Good Samaritan" statute insulates a person who voluntarily and gratuitously renders emergency assistance from liability for civil damages unless the Samaritan is guilty of "gross negligence or wanton conduct." General Laws 9-1-27.1)

### **General School Rules**

It is our responsibility to establish an environment, whereby each student will have the opportunity and the right to learn, and each teacher will have the opportunity and the right to teach. To insure this, we will abide by the following:

1. Follow directions the first time they are given.
2. Keep hands, feet and objects to yourself. We respect others.
3. Use appropriate language. Swearing, teasing, bullying and name-calling will not be tolerated.
4. Treat all school property and the property of others with respect.
5. Leave all distracting, dangerous or destructive items at home.
6. Radios, televisions, personal listening devices, electronic games, laser pointers and cell phones are not allowed at school or on the buses. This includes field trips.
7. Rolling backpacks and book bags must be carried at all times at school and on the bus.
8. Hope School; its grounds and our buses are "Bully Free", "Weapon Free" and "Smoke Free" zones.

### Hallway and Common Area Guidelines Rules:

1. Follow all general school rules.
2. Walk quietly at all times, so that classes are not disturbed.
3. Leave pencils and crayons in the classroom unless told otherwise.

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## Hope Elementary School Scituate School Department

4. Walk up and down stairs and steps, one at a time, safely.

Consequences:

1st time	Warning
2nd time	15 minute recess in the office
3rd time	Two 15 minute recesses in the office
4th time	Conference with parents, student and Principal
Severe Clause	Sent to the Principal immediately

Dining Room Management Rules:

1. Follow all general school rules.
2. Be courteous and use a conversational tone of voice at all times.
3. Food is for eating; only eat your own food and do not touch another student's food.
4. Leave a clean table and dining area.
5. Stop all talking when directed to do so.

Consequences:

1st time	Warning
2nd time	Time out in designated quiet area
3rd time	Remainder of lunch in a directed environment
4th time	Sent to Principal, who will notify parents...next lunch session in a directed environment
5th time	Conference with parents...one week of restricted dining room privileges
Severe Clause	Sent to the Principal immediately

**Playground Management Rules:**

1. Follow all general school rules.
2. Remain within the designated area.
3. Share and use equipment as directed by the Physical Education Teacher or a staff member.
4. Place all litter in the appropriate containers.
5. Be courteous and avoid interference with others' activities.
6. Safety first at all times.
7. Stop all play and line up quietly when the bell rings or directed to do so.
8. Games such as, but not limited to, "Tag, Football, Kill the Carrier, Kick-Back and King-of-the-Mountain" are not allowed for safety reasons.
9. All snacks are to be confined to the concrete walk area.
10. Game balls provided by the office are the only ones that are permitted for recess field use.

Consequences:

1st time	Warning
2nd time	Time out in designated quiet area
3rd time	Remainder of recess in designated quiet area
4th time	Sent to the Principal, who will notify parents (recess session(s) in staff directed area.
5th time	Conference with parents...one week of restricted recess privileges
Severe Clause	Sent to the Principal immediately

**Classroom Management**

Rules are posted in the classrooms; consequences will begin with a warning, and will progress with severity to loss of privileges and Principal/parent involvement.

**School Policies and Regulations**

Statement of Policy-Title IX: It is the policy of the Scituate School Department, not to discriminate on the basis of sex in its educational programs, activities, or employment policies as required by Title IX of the 1972 Education Amendments. Inquiries

## Hope Elementary School Scituate School Department

regarding compliance with Title IX may be directed to Dr. Paul Lescault, Superintendent of Schools, Scituate School Department, 197 Danielson Pike, P.O. Box 188, North Scituate, Rhode Island 02857-0188.

Dress Code: Although Hope Elementary School does not have a "Dress Code" for its students, we have prepared a few guidelines for your children's attire that should provide them with safety and appropriate school appearance.

We suggest athletic shoes, shoes, boots or boat mocs for the feet. Shoes with open toes, sandals, clogs and flip-flops are not safe for the recess field, stairs and where sharp or heavy objects could be dropped on children's feet. Athletic shoes are required for physical education class. We recommend slacks, jeans, skirts, and walking shorts. Short shorts and very short skirts are not practical for children to work in on the floor, at recess or at an assembly. Bare feet are not allowed.

We encourage tee shirts, blouses and golf shirts for the top. Over-sized tank tops, beach shirts, bare midriffs, items with loose or dangling fringe, clothing with inappropriate language and over-sized cutout armholes are not allowed. Wallets, purses and key holders worn with dangling chains or straps are a hazard on the stairs and on the playground. Your help with these guidelines will enable us to weather the school year. Thank you in advance for your support.

Office Telephone: The office telephone may be used only in the event of an emergency or serious concern. Students must request permission from their teacher for this privilege. There are no public telephones available at the school.

School Visits: Parents and other persons visiting the school are required to report to the office when entering the building, before visiting classrooms or other areas of the school. Parents who are picking up students who are ill should report directly to the school office. Visitors to the school are asked to turn off the ringers to their cell phones and pagers while in the school. Former students are allowed to visit teachers only after the last bus has departed.

State Testing: Students will participate in the NECAP mathematics, science, reading and writing assessments. Other assessments are administered as mandated by the state.

Scituate Testing: Scituate administers other assessments throughout the grades.

### Food in Classrooms:

We recognize the importance of celebrating accomplishments and milestones and that there are a variety of ways to celebrate, often-involving food. In an effort to promote good nutritional practices and provide the safest environment for all students, we have developed the following Procedures for Food in Classrooms.

### Rational

1. We have special students in the building with multiple food allergies (many are life-threatening). These students may experience reactions with ingestion and/or contact with food residue.
2. We also have Type 1 Diabetes.
3. Recent reports indicate some 9 million children in the United States older than age 6 are obese, leading to an increasing incidence of Type 2 Diabetes.
4. Recent legislative initiatives mandate that school districts develop mission statements and policies regarding diet and nutrition which provide that foods served or available to students be of high nutritional value and low in fat, sodium and added sugar.

### Definitions

Snack - Foods eaten between meals having nutritional value (pizza, cheese, crackers, fruit, vegetables, and yogurt)

Treat – Foods with no nutritional value (candy, cake, and cupcakes).

### Procedures for Food in Classroom

1. We strongly recommend that special events be celebrated with either nutritious "snacks" or non-edible remembrances such as:  
A. School supplies, pencils, stickers, note pads. B. Donation of a book in your child's name for his/her classroom or school library. C. Parent or family member reading to his/her class in honor of the event. D. Donation of a game or activity to his/her classroom for use during indoor recess.
2. Any food or drinks brought to school for instructional purposes or celebrations will be authorized at least two (2) days in advance by both the classroom teacher and the school nurse. No food or drinks will be permitted without above prior authorization.

## Hope Elementary School Scituate School Department

3. If food is brought into the classroom, parents and staff are asked to supply edible items, which are commercially prepared, individually wrapped or prepared by a licensed food vendor. Pre-packaged foods should list all ingredients on the labels.
4. "Treat" foods will be avoided in classroom celebrations. Nutritious "snacks" As alternatives to non-nutritious "treats" are encouraged in school and at home. In addition, non-edible items help children to remember the special event long after they have eaten the last bite of a snack.

### Health Standards

- #1. Students will understand concepts related to health promotion as a foundation for a healthy life.
- #2. Students will demonstrate the ability to practice health-enhancing behaviors and reduce health risks.
- #3. Students will advocate for personal, family and community health.

Student Records: Federal and State laws allow access to student records by parents or guardians of students. Any parent wishing to review his/her child's records, should send a written request to the Principal, who will schedule a time convenient to all parties.

Parents have the right to request that their child's records be amended if the parent believes that the information is inaccurate, misleading, or otherwise in violation of the student's privacy rights. Requests should be submitted in writing to the Principal. Parents have the right to file a complaint with the Commissioner of Education or the United States Department of Education.

Report Cards: Report cards are distributed at the end of each marking period. The first report card for Kindergarten is at the end of the 2<sup>nd</sup> marking period. The dates are listed below.

Conferences: Report cards and conferences are scheduled after the first marking period. Report cards only are issued for the second, third and fourth marking periods. Conferences provide a meaningful method of communication between the home and school. You should contact your child's teacher when the need for a conference occurs.

End of marking period	Report Cards	Parent Conferences
1st Quarter 11/06	11/06	11/17 in the afternoon and 11/19 in the evening
2nd Quarter 01/22	02/02	
3rd Quarter 04/09	04/27	
4th Quarter	Last day of school	

Child Outreach Screenings: All children not previously screened by Child Outreach will be screened unless parents contact the school office in writing to exempt their child from such screenings.

### Procedural Safeguards in Special Education

#### Introduction

The parent of a child who requires or may require special education and related services is guaranteed procedural safeguards in accordance with the federal law entitled "Individuals with Disabilities Education Act (IDEA)" and with the state law and regulations concerning children requiring special education. Under these laws and regulations the parent must be given a copy of the procedural safeguards notice: (a) upon initial referral for evaluation; (b) upon notification of an IEP meeting; (c) upon reevaluation of the child; and (d) upon receipt of a request for a due process hearing. The procedural safeguards notice shall include a full explanation of the procedural safeguards relating to: (a) independent educational evaluation; (b) written prior notice; (c) parental consent; (d) access to educational records; (e) opportunity to request a due process proceedings; (g) procedures for students who are subject to placement in an interim alternative educational setting; (h) requirements for unilateral placement by parents of children in private schools at public expense; (i) mediation; (j) due process hearings, including requirements for disclosure of evaluation results and recommendations; (k) state level appeals; (l) civil actions; and (m) attorneys' fees. When a child with a disability reaches the age of eighteen, unless such child has been determined by a court of competent jurisdiction to be incompetent or unable to provide informed consent, all rights accorded to the parent under Part B of the IDEA transfer to the child. Notwithstanding this transfer of rights, the school district shall provide any notice required under Part B of the IDEA to both the child and the parent.

#### A. Independent Educational Evaluation

1. The parent of a child with a disability shall have the right to obtain an independent educational evaluation of the child, subject to the following:
  - (a) a parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district. However, the school district may initiate a due process hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense;
  - (b) If a parent requests an independent educational evaluation, the school district may ask for the parents reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the school district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation;
  - (c) The parent may obtain an independent educational evaluation at private expense. The results of the evaluation, if submitted by the parent to the school district, (1) must be considered by the school district in any decision made with respect to the provision of a free appropriate public education to the child and (2) may be presented as evidence at a due process hearing;
  - (d) If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense;

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(e) whenever an independent educational evaluation is secured at the expense of the school district, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the school district uses when it initiates an evaluation.

2. The school district shall provide to the parent, on request, information about where an independent educational evaluation may be obtained.

3. An "independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question.

4. "At public expense" means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

### **B. Written Prior Notice**

1. The parent has the right to receive written notice a reasonable time before the school district:

- (a) proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
- (b) refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

2. The notice must include: (a) a description of the action proposed or refused by the school district; (b) an explanation of why the school district proposes or refuses to take the action; (c) a description of any other options the school district considered and the reasons why those options were rejected; (d) a description of each evaluation - procedure, test, record or report the school district used as a basis for the proposed or refused action; (e) a description of any other factors which are relevant to the school districts proposal or refusal; (f) a statement that the parent has protection under the procedural safeguards defined herein and if the notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and (g) sources for a parent to contact to obtain assistance in understanding the provisions of Part B of the IDEA and state regulations.

3. The notice must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent unless it is clearly not feasible to do so. If the native language or other mode of communication is not a written language, the school district shall take steps to ensure: (a) that the notice is translated orally or by other means of communication in the native language or other mode of communication; (b) that the parent understands the content of the notice; and (c) that there is written evidence that these two steps have been taken.

### **C. Parental Consent**

1. Consent means that (a) the parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language or other mode of communication; (b) the parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (c) the parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

2. Parental consent must be obtained before:

- (a) Conducting an initial evaluation or reevaluation; and
- (b) Initial provision of special education and related services to a child with a disability.

3. Consent for initial evaluation may not be construed as consent for initial placement.

4. Parental consent is not required before- (i) Reviewing existing data as part of an evaluation or a reevaluation; or (ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

5. Refusal. If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the agency may continue to pursue those evaluations using due process procedures or the mediation procedures.

6. Failure to respond to request for reevaluation. (1) Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.

7. Limitation. A school district may not use a parent's refusal to consent to one service or activity of this section to deny the parent or child any other service, benefit, or activity.

### **D. Opportunity to Examine Educational Records**

1. The parents of a child with a disability must be afforded an opportunity to inspect and review all educational records with respect to:

- (a) The identification, evaluation, and educational placement of the child; and
- (b) The provision of a free, appropriate, public education to the child;
- (c) all educational records relating to their child that are collected, maintained or used by the school district.

2. The school district shall comply with a parental request without unnecessary delay to inspect and review child's educational records, and in no case more than ten (10) calendar days after the request has been made.

3. The right to inspect and review education records under this section includes-

- (a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
- (b) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
- (c) The right to have a representative of the parent inspect and review the records.

4. The school district may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

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5. The school district shall keep a record of parties obtaining access to education records collected, maintained, or used, (except access by parents and authorized employees of the school district), including the name of the party, the date access was given and the purpose for which the party is authorized to use the records.
6. If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.
7. The school district shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school district.
8. The school district may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. The school district may not charge a fee to search for or to retrieve information under this part.
9. (a) A parent who believes that information in the education records collected, maintained, or used is inaccurate or misleading or violates the privacy or other rights of the child may request the school district amend the information.  
(b) The school district shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.  
(d) If the school district decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a due process hearing.
10. Opportunity for a hearing.  
The school district shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.
  - (a) If, as a result of the hearing, the school district decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing;
  - (b) If, as a result of the hearing, the school district decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district.
  - (c) Any explanation place in the records of the child under this section:
    - (1) Be maintained by the school district as part of the records of the child as long as the record or contested portion is maintained by the school district; and
    - (2) If the records of the child or the contested portion are disclosed by the school district to any party, the explanation must also be disclosed to the party.

### **E. Parent Participation in Meetings**

1. The school district shall take steps to ensure that one or both of the parents of a child with a disability are present at each meeting, including an IEP meeting, with respect to the identification, evaluation, educational placement of the child, and the provision of a free, appropriate public education, or are afforded the opportunity to participate, including: (a) notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and (b) scheduling the meeting at a mutually agreed on time and place.
2. The school district shall inform the parents of the right of either party to invite individuals who have knowledge or special expertise regarding their child, including related services personnel to the meeting.

### **F. Mediation**

1. Mediation is a means to facilitate an agreement between the parents and the school district regarding any matter relating to the identification, evaluation, educational placement or the provision of a free appropriate public education of a child with a disability. Mediation is available at any time during the educational process and offers the parties an informal and flexible avenue designed to assist the parents and the school district in reaching agreement. Mediation is voluntary and each party must agree to participate in the mediation procedure which includes the following requirements:
  - (a) The parent or school district may request the appointment of a mediator by contacting the R.I. Department of Education, Office of Special Needs, (401) 222-4600;
  - (b) The R.I. Department of Education will appoint a qualified and impartial mediator trained in effective mediation techniques;
  - (c) The mediator will contact both the parent(s) and school district to determine if both parties are willing to participate in a mediation session, and if so, schedule a meeting within fifteen ( 15) school days;
  - (d) An agreement reached by the parent and school district at the mediation session will be set forth in a written mediation agreement. If the child's IEP must be revised, an IEP meeting will take place to do so.
2. Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.
3. If the matter is not resolved as a result of the mediation process, either party may proceed to a due process hearing.

### **G. Impartial Due Process Hearing**

1. A parent or the school district may initiate an impartial due process hearing on any matter involving any proposal or refusal to initiate or change the identification, evaluation, educational placement, or provision of a free appropriate public education of a child with or suspected of having a disability pursuant to IDEA.
2. A school district request for a hearing may include the refusal of the parent to give consent for an initial evaluation or initial placement or special education or the withdrawal of such consent.
3. A parent request for a hearing shall include: (a) the name of the child, the address of the residence of the child and the name of the school the child is attending; (b) a description of the nature of the problem of the child relating to such proposed initiation or change, including facts relating to such problem; (c) a proposed resolution of the problem to the extent known and available to the parent at the time of the request. The request shall include a statement of the specific issues in dispute. The written request must be filed with the superintendent of the school district and a copy can be sent to the R.I. Department of Education, Office of

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Special Needs. The request should be filed on the State model "Request For Impartial Due Process Hearing" form supplied by the R.I. Department of Education. (See Appendix A)

4. Upon receipt of a hearing request, the R.I. Department of Education will appoint an impartial due process hearing officer who shall render a decision not later than forty-five (45) calendar days after the receipt of the request. A decision made by a hearing officer is final unless appealed to the R.I. Department of Education.

5. A party may appeal a hearing decision to the R.I. Department of Education who will appoint a review officer to conduct an administrative review and render a decision not later than thirty (30) calendar days from the receipt of the appeal request. A decision made by a review officer is final unless appealed to a court of competent and jurisdiction.

6. A hearing or review officer may grant specific extensions of time beyond the periods set out in this section at the request of either party.

## H. Expedited Due Process Hearing

1. A parent may request an expedited due process hearing to challenge a determination that the child's behavior was not a manifestation of the child's disability for discipline removals) or with any decision regarding placement of the child in an interim alternative educational setting for:

- (a) possessing a weapon at school or at a school function;
- (b) knowingly possessing or using illegal drugs or (setting or soliciting the sale of a controlled substance at school or at a school function; or by
- (c) a decision of a due process hearing officer that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

2. An expedited due process hearing shall be conducted by an impartial due process hearing officer appointed by the R.I. Department of Education, and a decision rendered not later than ten (10) business days after receipt of a request. The hearing officer may grant specific extensions of time beyond the 10 business days upon request, but not to exceed forty-five (45) days of the receipt of the request for an expedited hearing.

## I. Due Process Hearing Rights

1. A party to hearing has the right to:

- (a) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
- (b) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- (c) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing;
- (d) Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; and
- (e) Obtain written, or, at the option of the parents, electronic findings of fact and decisions.

2. Additional Disclosure of Information

(a) At least five (5) business days prior to a due process hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at hearing.

3. Additional Parental Rights At Hearings

- (a) The parent has the right to have the child who is the subject of the hearing present; and
- (b) Have the hearing open to the public;
- (c) The record of the hearing and the finding of fact and decision must be provided at no cost to the parent(s).

## J. Child's Status During Proceedings

1. During the pendency of any due process hearing or appeal of a hearing, the child must remain in their present educational placement and program unless:

- (a) the parent and school district agree otherwise; or
- (b) the child is placed in an interim alternative educational setting;
- (c) if the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of dispute resolution proceedings, (i.e. mediation, due process hearing, appeal review and appeal to State or Federal Court.)
- (d) if the decision of a hearing officer or administrative appeal review officer agrees with the child's parent(s) that a change of placement is appropriate that placement must be treated as an agreement between the parties and becomes the child's placement.

## K. Civil Action

Any party aggrieved by the findings and final decision made in the hearing has the right to bring a civil action to either State Court or Federal District Court. The Court shall receive the records of the administrative proceedings; shall hear additional evidence at the request of a party; and basing its decision on the preponderance of the evidence, shall grant such relief as the Court determines is appropriate.

## L. Procedures for Placement in an Interim Alternative Educational Setting

1 Either before or no later than 10 days after a child with a disability is placed in an interim alternative educational setting, another setting, or suspension, for more than 10 school days in a given school year or to an appropriate interim alternative educational setting for not more than 45 days, the school district shall (a) convene an IEP Team meeting to develop an assessment plan to address the behavior that resulted in a change in placement, if the school district did not conduct a

functional behavioral assessment and implement a behavioral intervention plan before the behavior that resulted in a suspension occurred or (b) if the child has a behavioral intervention plan, the IEP Team shall review the plan and modify it, as necessary, to address that behavior .

2. A hearing officer may order a change in placement to an interim alternative educational setting for not more than 45 days if the hearing officer: (a) determines that the school district has demonstrated by substantial evidence that is, beyond a preponderance of the evidence, that maintaining the current placement is substantially likely to result in injury to the child or to others; (b) considers the appropriateness of the child's current placement; (c) considers whether the school district has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and (d) determines that the interim alternative educational setting meets the requirements noted below in #3.

3. In determining the interim alternative educational setting in which the child is placed, the IEP team or the hearing officer, as appropriate, shall (a) select such setting so as to enable the child to continue progress in the general curriculum, although in another setting, and to continue to receive those services and

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modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and (b) include services and modifications to address the behavior that resulted in the disciplinary action that are designed to prevent the behavior from recurring.

4. If a disciplinary action is contemplated as noted above in #1 and #2 or for a change of placement for more than 10 school days in a given school year for a child with a disability who has engaged in a behavior that violated any rule or code of conduct of the school district that applies to all children, the school district shall: (a) not later than the date on which the decision to take such action is made, notify the parent of that decision and of all the procedural safeguards as noted herein; and (b) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, conduct a manifestation determination review of the relationship between the child's disability and the behavior subject disciplinary action.

5. The manifestation determination review shall be conducted by the IEP Team.

6. The IEP Team may determine that the behavior was not a manifestation of the child's disability only if the team (a) first considers, in terms of the behavior subject to the disciplinary action, all the relevant information on including evaluation, diagnostic results, parent supplied information of the child, observations of the child, and the child's IEP and placement and (b) then determines that in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services and behavior intervention strategies were provided consistent with the child's IEP and placement; the child's disability did not impair the ability of the child to understand the impact and the consequences of the behavior subject to disciplinary action; and the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

7. If the IEP Team determines, after a manifestation determination review that is consistent with the terms as noted in #4 and #6 above, that the behavior was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to all children may be applied; except, a free appropriate public education shall be made available to all children with disabilities.

8. The parent may request a hearing, if the parent disagrees with *the* determination that the child's behavior was not a manifestation of *the* disability or with any decision regarding placement. The parent may request that the hearing be expedited. In the review of a decision, the hearing officer shall use standards consistent with those noted in #6 above.

### **M. Requirement for Unilateral Placement by Parents in Private Schools at Public Expense**

1. A parent who unilaterally places a child in a private school and seeks reimbursement for such placement may be awarded such reimbursement by a court or a hearing officer if it is determined that the school district had not made a free appropriate public education available to the child in a timely manner prior to the enrollment.

2. The cost of reimbursement may be denied or reduced: (a) if at the most recent IEP Team meeting that the parent attended prior to removal from the public schools, the parent did not inform the IEP Team of the rejection of the placement proposed by the school district and did not state their concerns and the intent to enroll the child in a private school at public expense; or if 10 business days prior to the removal of the child from the public school, the parent did not give written notice to the school district of the rejection of the public school proposal stating their concerns and the intent to enroll the child in a private school; (b) If, prior to parent's removal of the child from the public school, the school district informed the parent, by means of written prior notice, of its intent to evaluate the child noting the purpose of the evaluation and the parent did not make the child available for such evaluation; or (c) upon a judicial finding of unreasonableness with respect to actions taken by the parent.

3. The cost of reimbursement may not be reduced or denied for failure to provide such notice if: (a) the parent is illiterate and cannot write English; (b) compliance with the notice requirements noted above in #2(a) would result in physical or serious emotional harm to the child; (c) the school prevented the parent from providing such notice; or (d) the parent had not received notice of the notice requirement as stated above in #2(a).

### **N. Transfer of Parental Rights at Age of Majority**

1. When a student with a disability reaches age eighteen (18) (except for a student who has been determined to be incompetent under State law)

(a) the school district shall provide any notice required by federal and state statute and regulation to both the individual and the parents; and

(a) all other rights accorded to the parents under special education transfer to the student; and

(b) all rights accorded to the parents under special education transfer to students who are incarcerated in an adult or juvenile correctional institution.

2. Whenever the transfer of rights occurs, the school district shall notify the individual and the parents of the transfer of rights.

### **O. Surrogate Parent**

1. An educational surrogate parent appointed by the State under Federal and State guidelines shall be afforded all of the procedural safeguards of a parent.

### **P. Attorneys' Fees**

1. In any civil action or proceeding brought on appeal, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parent who is the prevailing party. Determination of amount of attorneys' fees shall be based on rates prevailing in the community in which the action or proceedings arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded.

2. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed subsequent to the time of a written offer of settlement to a parent if: (a) the offer is made within the time prescribed by federal rule or, in the case of an administrative proceeding, at any time more than 10 days before the proceedings begins; (b) the offer is not accepted within 10 days; and (c) the Court finds that the relief finally obtained by the parent is not more favorable to the parent than the offer of settlement. Attorneys' fees may also not be awarded relating to any meeting of the IEP Team unless such meeting is convened as a result of an administrative proceeding or judicial action. An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

3. The Court may make a reduction, accordingly, in attorneys' fees whenever it finds that: (a) the parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy; (b) the amount of attorneys' fees otherwise authorized to be awarded unreasonable exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonable comparable skill, reputation and experience; (c) the time spent and legal

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services furnished were excessive considering the nature of the action or proceeding; or (d) the attorney representing the parent did not provide to the school district the appropriate information in the due process complaint notice requirements noted above in the model State "Request For Impartial Due Process Hearing" form.

### **Q. Protections for Children Not Yet Eligible for Special Education and Related Services**

1. A child who has not been determined to be eligible for special education who has engaged in behavior that violated any rule or code of conduct of the school district may assert any of the protections defined herein if the school district had knowledge that the child was eligible for special education and related services before the misconduct occurred. A school district would be deemed to have such knowledge if: (a) the parent expressed in writing (unless the parent is illiterate or has a disability that prevents a submission of such knowledge in writing) to personnel of the school district that the child is in need of special education and related services; (b) the behavior or performance of the child demonstrates the need for such services; (c) the parent has requested an evaluation to determine whether the child was eligible for special education and related services; or (d) the teacher of the child, or other personnel of the school district, has expressed concern about the behavior or performance of the child to the director of special education or other personnel of the school district. If the school district does not have knowledge consistent with the above, the child may be subjected to the same disciplinary measures applied to children without disabilities consistent with the following limitations. If a request is made for an evaluation during the time period in which the child is subjected to disciplinary measures as noted above in # 1 and #2, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child in need of special education and related services, the school district shall provide special education and related services accordingly. Pending the completion of the evaluation, the child shall remain in the educational placement determined by school district personnel.

Nothing in Part B of the IDEA shall be construed to prohibit the school district from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child. The school district reporting a crime shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

### **R. Referral To and Action by Law Enforcement and Judicial Authorities**

1. Nothing in the Special Education Regulations prohibits from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

2. An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

3. An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

### **S. State Complaint Procedures**

1. An organization or individual may file a signed written complaint with the Rhode Island State Department of Education that must include: (a) A statement that the school district has violated a requirement of the Federal or State Special Education Statute(s) and/or Regulation(s); and (b) The facts on which the statement is based.

2. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received unless a longer period is reasonable because the violation is continuing, or the complaint is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received under.

3. The Rhode Island State Department of Education must include in its complaint procedures a time limit of 60 calendar days after a complaint is filed to:

- (a) Carry out an independent on-site investigation in the State Department of Education determines that an investigation is necessary;
- (b) Give the complainant the opportunity to submit additional information, either orally or in writing about the allegations in the complaint;
- (c) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Federal or State statute or regulation; and
- (d) Issue a written decision to the complainant that addresses each allegation in the complaint and contains:
  - (1) Findings of fact and conclusions; and
  - (2) The reasons for the State Department of Education's decision.

4. The State Department of Education may permit an extension of the time limit of 60 calendar days if exceptional circumstances exist with respect to a particular complaint.

5. The State Department of Education shall have procedures for effective implementation of the State's final decision, if needed, including:

- (a) Technical assistance activities;
- (b) Negotiations; and
- (c) Corrective actions to achieve compliance.

6. In resolving a complaint in which it is found the school district failed to provide appropriate services, the State Department of Education must address:

- (a) How to re-mediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and
- (b) Appropriate future provision of services for all children with disabilities.

7. (a) If a written complaint is received that is also the subject of a due process hearing or contains multiple issues, of which one or more are part of that hearing, the State must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit of 60 calendar days.

(b) If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties-

- (1) The hearing decision is binding; and
  - (2) The State must inform the complainant to that effect.
- (c) A complaint alleging a public agency's failure to implement a due process decision must be resolved by the State.

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## Notice of Rights

### Section 504 1973 Rehabilitation Act

1. Section 504 of the 1973 Rehabilitation Act is a nondiscrimination statute barring discrimination on the basis of one's disability.
2. It is the policy of the school district not to discriminate on the basis of disability in its educational programs, activities or employment policies as required by the Act.
3. The Act requires the school district to locate, evaluate and determine if the student is a qualified individual requiring accommodations necessary to provide access to educational programs.
4. Parents are entitled to have the opportunity to review relevant educational records under the Family Education Rights and Privacy Act (FERPA).
5. Parents or guardians disagreeing with the decisions reached by school personnel for accommodations necessary for access to educational programming and/or facilities may request a hearing before an impartial hearing officer by notifying the school principal.
6. The designated school district Section 504 coordinator is:  
Name: Mrs. Kristen Stringfellow  
Assistant Superintendent of Schools  
Address: Scituate School Department  
P.O. Box 188  
North Scituate, Rhode Island 02857-0188  
Telephone: (401) 647-4100

### Notification of Rights under FERPA for Elementary and Secondary Schools

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

(1) The right to inspect and review the student's education records within 45 days of the day the School receives a request for access. Parents or eligible students should submit to the School principal [ or appropriate school official] a written request that identifies the record(s) they wish to inspect. The School official will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate. Parents or eligible students may ask the School to amend a record that they believe is inaccurate. They should write the School principal [ or appropriate school official], clearly identify the part of the record they want changed, and specify why it is inaccurate. If the School decides not to amend the record as requested by the parent or eligible student, the School will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERP A authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the School as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the School has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the School discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Scituate School Department to comply with the requirements of FERP A. The name and address of the Office that administers FERPA are:

Family Policy Compliance, Office U.S. Department of Education 400 Maryland Avenue, SW, Washington, DC 20202-4605

### Model Notification of Rights Under the Protection of Pupil Rights Amendment (PPRA)

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

*Consent* before students are required to submit to a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)-

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

*Receive notice and an opportunity to opt a student out of -*

1. Any other protected information survey, regardless of funding;
2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under State law; and
3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.

*Inspect, upon request and before administration or use –*

1. Protected information surveys of students;
2. Instruments used to collect personal information from students for any of the above marketing, sales, or other distribution purposes; and
3. Instructional material used as part of the educational curriculum.

**[School District will/has develop[ed] and adopt[ed]]** policies, in consultation with parents, regarding these rights, as well as arrangements to protect student privacy in the administration of protected surveys and the collection, disclosure, or use of personal information for marketing, sales, or other distribution purposes. **[School District will directly notify parents and eligible students of these policies at least annually at the start of each school year]** and after any substantive changes. **[School District]** will also directly notify parents and eligible students, such as through U.S. Mail or email, at least annually at the start of each school year of the specific of approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

.Collection, disclosure, or use of personal information for marketing, sales or other distribution.

Administration of any protected information survey not funded in whole or in part by ED.

Any non-emergency, invasive physical examination or screening as described above.

*Parents/eligible students who believe their rights have been violated may file a complaint with:*

Family Policy Compliance Office, U.S. Department of Education 400 Maryland Avenue, SW, Washington, D.C. 20202-4605

Our school receives Federal Funds. Under the No Child Left Behind Act (NCLB) of 2001, you have the right to request information regarding the professional qualifications of your child's teacher(s). If you request this information, our district office will provide you with the following information as soon as possible:

- A. Whether or not the teacher holds a regular Rhode Island certification or an emergency or special circumstances Rhode Island certification.
- B. Whether or not your child's teacher is considered "highly qualified" under NCLB.

If you would like to request this information, please contact:

Dr. Larry Fillipelli  
Assistant Superintendent for Instruction and Curriculum  
Scituate School Department  
PO Box 188  
North Scituate, Rhode Island 02857-0188  
(401) 647-4100

**Procedures Regarding Prevention and Crisis Intervention/Physical Restraint for Safety Promotion**

❖ **Intent:**

*“Where Children Come First”*

# Hope Elementary School

## Scituate School Department

The intent of these procedures is to ensure that student participation in schools is free from unreasonable and unnecessary physical restraint and that such an intervention is used only in emergency situations after other less intrusive alternatives have failed or been deemed inappropriate. These procedures reflect a policy prohibiting corporal punishment. They promote the use of positive, preventive behavioral supports that significantly limit the need for physical intervention, restrict the use of physical force, and ensure that physical restraint is administered in the least intrusive manner possible. These procedures delineate appropriate practice in those instances where physical restraint is absolutely necessary to protect a student or students, staff and/or other school members from imminent, serious physical harm.

The Scituate School Department has established the procedures described in this document for the purposes of:

- (a) Promoting student safety and preventing student violence, self-injurious behavior and suicide, including de-escalation of potentially dangerous behavior that may occur with an individual student or among groups of students;
- (b) Establishing effective crisis intervention practices and, when necessary to ensure safety, appropriate physical intervention procedures;
- (c) Keeping all school members informed regarding these procedures as well as preventive interventions, de-escalation, types of restraints and related safety considerations, administering physical restraint in accordance with behavioral intervention plans and/or known medical or psychological limitations;
- (d) Identifying staff who are authorized to serve as a school-wide resource to assist other staff in proper administration of these practices, and provide these staff with advanced training beyond the basic information provided to all staff;
- (e) Reporting crisis intervention/physical restraint incidents to parents, the Scituate School Department administration, and the Rhode Island Department of Education.

### ❖ Emergency Situations:

The Scituate School Department is committed to maintaining a safe school environment. While the procedures contained herein direct the use of crisis intervention/physical restraint, they do not prohibit any Scituate School Department teacher, employee or agent from using reasonable force to protect students, other persons or themselves from imminent, serious physical harm.

### A. Keeping All School Members Informed

#### 1. Annual Professional Development:

Each school year, Scituate School Department policies and procedures described in this document are reviewed and provided to all school staff and made available to parents. Others wishing to review a copy of this document can access it by inquiring at the principal's office in each school.

Within the first month of school, the staff training is conducted. Annual training shall include but not limited to:

- Orientation to the District Prevention and Crisis Intervention/Physical Restraint policy and procedures
- Positive behavioral supports for all students
- Specific interventions and assessment for challenging behavior
- De-escalation procedures
- Types of physical restraint and related safety considerations
- Administering physical restraint in accordance with individual student intervention plans and/or known medical/psychological considerations

Staff who are employed after the school year begins are provided this training as part of their initial orientation within the first month of their employment. Each building principal will develop a schedule for these professional development activities within prescribed timeframes.

### B. Methods for Promoting Safety and Preventing Violence

#### 1. Social and Emotional Learning for All Students:

Social and emotional learning and positive behavioral supports for students are addressed as appropriate as part of ongoing school improvement and professional development plans:

- Assertive Discipline
- Second Step Program
- Health Education Programs
- Peer Mediation
- Community Juvenile Court

#### 2. Behavioral Interventions to Support Students Facing or Posing Behavioral Challenges:

To support productive relationships and learning and to enhance connection to school for students who face or pose emotional or behavioral challenges, the following procedures are established in the Scituate School Department:

- As needed, Functional Behavioral Assessments are developed as prescribed by regulation for any student with an Individual Education Plan (IEP) and other students as determined by the Crisis Intervention Team
- School based counseling services
- School Resource Officer
- Teacher Support Teams (TST)
- Peer Mediation
- Behavioral consultant
- Local Mental Health Services (Cranston/Johnston MHS)

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# Hope Elementary School Scituate School Department

- School-based Crisis Intervention Team
- 504 Plans

### 3. Crisis Intervention: De-escalation Procedures:

Despite the use of positive behavioral supports and interventions, there may be instances when the behavior of one or more students escalates beyond the student's immediate control, creating danger of violence or self-injury. Safety precautions considered, the first course of action should be the application of specific intervention strategies designed to diffuse the situation by addressing students' emotional needs and de-escalating the immediate behavior. The intent of de-escalation is to restore the student(s) capacity to control the immediate impulse/behavior and move toward safer or more constructive resolution of the immediate problem situation.

In the event of student behavior representing a crisis, trained personnel will employ de-escalation strategies derived from advanced training in a crisis intervention program.

### 4. Crisis Intervention: Physical Restraint:

#### ❖ Restraint Procedures:

It is the policy of the Scituate School Department that physical restraint/crisis intervention is used only in the following circumstances:

- Non-physical interventions were not or would not be effective; and
- The student's behavior poses a threat of imminent, serious physical harm to self and/or other; and, where applicable,
- In circumstances where a behavioral intervention plan is already developed for the student, the plan has been fully implemented as specified.

The Scituate School Department limits the use of such force to the amount and duration necessary and reasonable to protect a student or another member of the school community from assault or imminent, serious physical harm.

In the event that physical restraint becomes necessary:

1. Every attempt should be made to alert additional school personnel for observation or assistance.
2. Only the safest physical restraint methods are to be used.
3. Whenever possible, the student should be transported (may include a basket hold or a 2, 3 or 4-person carry) to a neutral and safe place to be restrained or to continue a restraint.
4. Every effort should be made to isolate the restraint situation, to avoid prolonging or escalating the situation.
5. If the duration of a physical restraint is prolonged, or student becomes deliberately and dangerously assaultive, the students' parent(s) or guardian(s) and the School Resource Officer must be notified to remove him/her from school as soon as possible to avoid further danger.
6. If the student exhibits suicidal or homicidal indicators, the school Crisis Intervention Team must be contacted for further intervention in accordance with district policy.
7. The student should be released slowly from the restraint, in stages, to ensure that she/he has regained self-control and no longer presents an apparent danger.
8. The appropriate medical personnel must treat any injury occurring during a restraint immediately. Injuries will be recorded in the Physical Restraint Report.
9. As soon as possible following the incident, but no later than the next school day, the staff member(s) who administered the restraint will document the incident in a Physical Restraint Report and inform the principal. The report is forwarded to the Superintendent's office and the Northwest Special Education Office for students with IEPs.
10. Follow-up steps include parent notification, review of restraint with student, staff involved and the principal, and consideration of further action, including preventive behavioral interventions.

#### ❖ Restraint Prohibitions:

Physical restraint is prohibited in the following circumstances, consistent with Rhode Island Physical Restraint Regulations effective September 1, 2002:

- (a) As a means of punishment;
- (b) As an intervention designed to, or likely to, cause physical pain;
- (c) As in any intervention which denies adequate sleep, food, water, shelter, bedding or access to bathroom facilities;
- (d) As in any intervention which is designed to subject, used to subject, or likely to subject the student to verbal abuse, ridicule or humiliation, physical pain, or which can be expected to cause excessive emotional trauma;
- (e) As in a restrictive intervention which employs a device or material or objects that simultaneously immobilize all four extremities, including the procedure known as prone containment, except that prone containment may be used by trained personnel as a limited emergency intervention when a documented part of a previously agreed upon written behavioral intervention plan;
- (f) As in seclusion, unless under constant surveillance and observation when documented as part of a previously agreed upon written behavioral intervention plan;
- (g) As in any intervention that precludes adequate supervision of the student;
- (h) As in any intervention that deprives the student of one or more of his or her senses.

#### ❖ Restraint Safety Procedures:

The following safety procedures are in effect, consistent with Rhode Island Physical Restraint Regulations effective September 1, 2002:

*"Where Children Come First"*

## Hope Elementary School Scituate School Department

- (a) Restraint is administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint/crisis intervention, the student demonstrates significant physical distress, the student is released from the restraint immediately, and school staff are directed to take steps to seek medical assistance.
- (b) Program staff must review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint/crisis intervention on an individual student.
- (c) Restraint is administered in such a way that the student is never at any time prevented from breathing or speaking.
- (d) During the administration of a restraint, a staff member will continuously monitor the physical status of the student, including skin color and respiration. A restraint ceases immediately upon determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.
- (e) Following the release of a student from a restraint, the following follow-up procedures are implemented:
  - Appropriate staff will review the incident with the student, as appropriate, to address the behavior that precipitated the restraint.
  - The principal or designee will review the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed and consider whether any follow-up is appropriate for the student and for students who witnessed the incident.
  - The principal or designee will review the incident with the student and consider whether any follow-up is appropriate for the student and for students who witness the incident.
  - School personnel will meet to determine whether the student requires a behavioral intervention plan as part of his or her education program, or, if one already exists, whether that plan needs to be modified or adjusted.

### C. Authorized Staff

Only trained personnel authorized by the Scituate School Department may administer physical restraint/crisis intervention with students. Whenever possible, the administration of a physical restraint/crisis intervention shall be witnessed by at least one adult who does not participate in the restraint. This training requirement does not preclude any teacher, employee or agent of the Scituate School Department from using reasonable force necessary to protect students, other persons, or themselves from imminent, serious physical harm.

A list of the staff who have received advanced training in the use of crisis intervention/physical restraint and are authorized either to administer restraint or to also serve as a school-wide resource to assist staff in ensuring proper administration of crisis interventions and physical restraint is available at the principals office. This list is updated annually by the Principal/designee.

### ❖ Advanced Training for Authorized Staff: Training Requirements

In addition to the basic training provided all staff regarding these procedures, advanced training is required for staff considered by the Scituate Schools to be qualified to administer physical restraint/crisis intervention procedures with students. Documentation of completion of an advanced training program to include:

- Appropriate procedures for preventing the need for physical restraint/crisis intervention including the de-escalation of problematic behavior, relationship building and the use of alternative to such restraint.
- A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint/crisis intervention and methods for evaluation the risk of harm in individual situations in order to determine whether the use of physical restraint and crisis intervention are warranted.
- The simulated experience of administering and receiving physical restraint/crisis intervention, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance.
- Instruction regarding documentation and reporting requirements and investigation of injuries and complaints.
- Demonstration by participants of proficiency in administering physical restraint/crisis intervention.

For staff designated to serve as staff trainers or resource persons for colleagues and parents in the use of crisis intervention/physical restraint, documented completion (and annual updates) of a trainers program to teach the elements delineated above is required.

### D. Reporting Instances of the Use of Physical Restraint/Crisis Intervention

As soon as possible, but not later than the next school day, the staff member who administers a physical restraint/crisis intervention submits a written report to the Principal, using the reporting format in Appendix A.

The Administration (as defined in B.4. of this document) maintains an ongoing written record of all reported instances of physical restraint.

As soon as possible, but not later than two school days, the student's parent(s) or guardian(s) are notified of the restraint incident in writing. Records of parent notification are maintained at the school. For students without established written behavior intervention plans an immediate attempt will be made to notify the parent by phone. Each year (as determined by RIDE), the Scituate School Department submits a report regarding all incidents of the use of physical restraint/crisis intervention to the Rhode Island Department of Education.

# Hope Elementary School Scituate School Department

## E. Procedures for Investigating Complaints

Complaints regarding restraint practices should be submitted in writing to the principal.

### **The School Program**

We are proud of the school's programs, which are designed to meet the individual needs of our students.

The Classroom: The Scituate School Department only employs "Highly Qualified" teachers. They are well prepared and enthusiastic in carrying out their responsibilities. In addition to teaching the basic subjects, reading, language arts, math, science, health and social studies, the classroom emphasizes positive social skills with peers and adults.

Special Areas: Hope Elementary School students work with teachers in the following special areas:

Art: Each class meets with the art teacher once each week.

Computers: Students in grades 1 through 5 have access to the computer lab at least once a week in addition to classroom computer usage. All students have access to computers in their classrooms. The student and the parent must sign an Internet Use Agreement.

Health: Students will receive instruction in health topics from their classroom teacher, physical education teacher and the School Nurse/Teacher. In addition, fifth graders may be offered a decision making program sponsored by the Rhode Island National Guard.

Library Media Center: Students will have access to the Library Media Center each week. Storytelling and appreciation of literature is emphasized on the primary level. Students in grades 3, 4 and 5 participate in library skills classes.

Music: Students in all grades have one general music lesson per week. In addition, fourth and fifth graders may participate in a chorus experience weekly.

Physical Education: All students have physical education class each week. Athletic shoes are required for participation. Students should be dressed appropriately. Comfortable slacks and casual shirts or blouses are ideal. Dresses and skirts are not appropriate. Attire for the gymnastics units should consist of either shorts, a warm-up suit or a leotard (girls). If students are to be excused for medical reasons, a note to the School Nurse/Teacher or School Secretary is required.

Support Programs: Teachers may meet with individuals or groups of students to improve reading skills.

Field Trips: Field trips are viewed as a logical enhancement to the school curriculum. Students participating in the trip have been researching and studying many aspects of the site to be visited. Upon return to school, the students may have reports, activities and projects focusing on their observations and experiences.

Chaperones are an integral part of our plans to insure the highest benefits to the students. Chaperones also help to provide additional safety and security during the trip. It is essential that chaperones be able to focus on the supervision of the students they are assigned. It is our school policy that chaperones not bring siblings along on the trip to distract their attention from the students they are responsible to watch.

Special Education: Special Education programs are available to students who qualify for assistance. All special education students are "mainstreamed" into regular classes (Least restrictive environment) whenever appropriate. Additional programs include speech/language therapy, counseling, social-skills development, physical therapy, occupational therapy and adaptive physical education.

504 Plans: Children who present a physicians diagnosis may qualify for individual modifications to allow them to participate in school without being hindered by a medical condition. Parents who feel their child may qualify for assistance under a 504 Plan, should contact the Principal to discuss their child's diagnosis.

## **Hope Elementary School Scituate School Department**

Response to Intervention (RTI): The Hope Elementary School recognizes the vital role of parents in the welfare and education of their children. The RTI Team in our school provides help to students who are having some difficulty in the school setting. Our goal is to have the home and school work together to provide the support every child needs.

All problems are best resolved early. Through the student assistance program, we hope to offer help to your child(ren) early in their school careers. In this way we expect to avoid future problems that your child could face as an adolescent, teenager and adult.

If your child is referred to RTI, the team will work with his/her teachers, to develop strategies to help your child function more successfully in school. You will be contacted, if appropriate, and we may also meet with your child to share the recommendations and agree on the course of action.

**Hope Elementary School  
Scituate School Department**

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Scituate School Department**

**Please sign and return this page by September 11, 2009**

Name of Child \_\_\_\_\_

Teacher / Grade \_\_\_\_\_ Date \_\_\_\_\_

I \_\_\_\_\_ have received a copy of Hope Elementary School's  
Parent/guardian's Name (Printed) Student Parent Handbook.

---

Parent / Guardian signature

**Rhode Island State law requires we do this on an annual basis.**

**Hope Elementary School  
Scituate School Department**