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June 21, 2016

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Right to Hearing to Redress Deprivation of Rights Policy

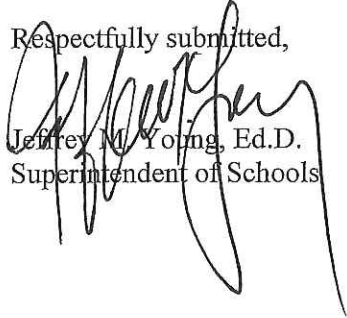
Recommendation: That the School Committee approve the revisions to the right to hearing to redress deprivation of rights policy as detailed in the attached document.

This is a second reading of the revisions to this policy.

Description: These revisions to the right to hearing to redress deprivation of rights policy are being presented to align the policy to the current provisions of state law and the existing language of the Rights and Responsibilities Handbook.

Supporting Data: Redline of Right to Hearing to Redress Deprivation of Rights Policy

Respectfully submitted,

  
Jeffrey M. Young, Ed.D.  
Superintendent of Schools

## RIGHT TO HEARING TO REDRESS DEPRIVATION OF RIGHTS

If a student and/or parent/guardian believes that the student has been deprived by an official or employee of the Cambridge Public Schools of any right set forth in this Code and if the student and/or parent/guardian are unable to resolve the grievance after a good faith attempt to use informal means in cooperation with the principal/head of upper school or other school officials, the student and/or parent/guardian shall be entitled to file a written complaint with the Superintendent or his/her designee or Chief Operating Officer. The written complaint shall state the grievance, including the specific right which is being denied the student, and shall include a brief statement of the facts and specific request for relief.

Unless after investigation the Superintendent or his/her designee or Chief Operating Officer determines that the charge is frivolous and without merit or unless the Superintendent or his/her designee or Chief Operating Officer is able to resolve the grievance to the satisfaction of the aggrieved party within seven (7) school days after receipt of the written complaint, the Superintendent or his/her designee or Chief Operating Officer shall mail a notice to the principal of the school/head of upper school, to the employee(s) of the school, if any, named in the written complaint and to the student and parent/guardian who filed the complaint. Such notice shall contain:

- a. The time and place of a conference to be held no later than ten (10) school days after receipt of the complaint, except that any party may request a postponement of the hearing date of up to five (5) school days to prepare for the hearing;
- b. A statement of the grievance as stated in the written complaint;
- c. A full statement of the facts, including names of witnesses, leading to the charge(s);
- d. A statement of the relief requested;
- e. A statement of the rights of all parties which shall include the right to have an attorney or other person represent them at the conference, to present witnesses and evidence and to question adverse witnesses.

The conference shall conform to the following guidelines:

- a. The conference shall be conducted before the Superintendent or designee;
- b. The conference shall be in closed session and conducted informally;
- c. All parties are entitled to be represented by counsel or by another person of the party's choice;

- d. All parties may inspect the school records and all other documents relevant to the complaint;
- e. All parties shall be permitted to question all witnesses;
- f. All parties shall have the right to present witnesses and evidence;
- g. The Superintendent or his/her designee may cause legal counsel to be present either for the purpose of acting as counsel for any school personnel or for the purpose of advising the Superintendent or designee in the conduct of the conference. Any counsel who advises the Superintendent or designee in the conduct of the conference may not also act as counsel for school personnel.

The Superintendent or designee shall determine whether the student has been deprived of the specific right(s) set forth in the written complaint. If the Superintendent or designee determines that a deprivation of rights has occurred, she/he shall further recommend whatever appropriate relief is necessary to assure that the deprivation of right(s) is immediately and permanently ceased. In determining appropriate relief, the diverse needs of students should be taken into account with an emphasis on addressing student needs with respect to race, color, sex, gender, religion, national origin, ethnicity, ancestry, gender identity or expression, sexual orientation, physical appearance, pregnant or parenting status, disability, genetic information, socioeconomic status, and homelessness as well as student needs with respect to equity, language, social/emotional wellness and technology.

Notwithstanding the provisions of this section, a student may use the complaint process set forth in the Cambridge Public Schools' "Non-Discrimination Policy and Prohibition Against Sexual Harassment" to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as gender, gender identity, sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, marital status, ~~or~~ sexual orientation, socioeconomic status or homelessness; a student may use the appeal process set forth in the Rights and Responsibilities Handbook to seek resolution of any complaints regarding student discipline; and a student may use the complaint process set forth the school district's Bullying Prevention and Intervention Plan to seek resolution of complaints regarding bullying.

Any party aggrieved by the ruling and recommendation of the Superintendent or designee shall have the right to request an appeal before the School Committee. Such right of appeal, however, will not apply to rulings or recommendations of the Superintendent on decisions which by state law specify that the final appeal is to be heard by the Superintendent. The request for appeal must be filed with the School Committee within five (5) school days after receipt of the Superintendent's decision.

The School Committee shall review the findings and recommendations of the Superintendent to determine if there was sufficient evidence to find that the alleged deprivation(s) of right occurred and if the relief imposed was appropriate for the deprivation(s). The School Committee's written decision shall be issued within ten (10) school days after the appeal has been heard, which

decision shall affirm, overrule or otherwise modify the findings and recommendations of the Superintendent or designee.

All parties and their representatives, including an attorney, may address the School Committee on the evidence presented at the hearing and on the appropriateness of the relief. The School Committee in its discretion may hear witnesses and receive additional evidence.

LEGAL REFS.: M.G.L.c. 71, §§37H & 37H½; M.G.L.c. 76, §§16 & 17

~~Adopted: September 6, 2011~~