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June 7, 2016

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Weapons Policy and Assaults Policy

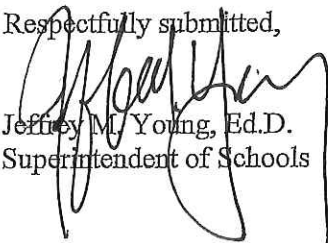
Recommendation: That the School Committee approve the revisions to the weapons policy and assaults policy as detailed in the attached document.

This is a first reading of the revisions to these policies.

Description: These revisions to the weapons policy and assaults policy are being presented to align these policies to the current provisions of M.G.L.c. 71, §37H and M.G.L.c. 76, §21, the existing language of the Rights and Responsibilities Handbook and to align the language of these policies in connection with the report filed by the school district in connection with the most recent Civil Rights Audit conducted by the Massachusetts Department of Elementary and Secondary Education.

Supporting Data: Redline of Weapons Policy and Assaults Policy

Respectfully submitted,


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

File: JCI/JCK

WEAPONS AND ASSAULTS ON SCHOOL STAFF

It is the policy of the Cambridge School Committee that every effort should be made to help students solve conduct problems without resorting to extreme disciplinary measures. Examples of interventions that may be employed before resorting to suspension of a student include, but are not limited to, the following: apology, restitution, community referral/services, conflict mediation, restorative justice, correction assignment, ~~restitution~~, counseling, exclusion from school activities, lunch detention, office discipline referral, out-of-class time out, parent/guardian contact, privilege loss, student contract, referral to guidance counselor, referral to grade level or building administrator, referral to Student Support Team (SST) for interventions, student behavior agreement, behavior support plan, teacher conference with parents/guardians, teacher conference with parents/guardians and student, teacher conference with student, warning, in-school suspension, and/or out-of-school suspension. It should be noted, however, that this list is not exhaustive and that not every intervention listed is used in every situation; rather, interventions that are utilized relate to the severity of the infraction. However, in those cases where a student's behavior is disruptive to school, hurtful to himself/herself or others or engages in activity forbidden by the laws of the Commonwealth of Massachusetts then discipline may be warranted. Based upon the specific circumstances of a violation of these requirements, a student may be disciplined and may also be referred to an appropriate city/health education program.

The Commonwealth of Massachusetts Educational Reform Act of 1993 stipulates that any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon or in possession of a controlled substance as defined in Chapter 94, C, including, but not limited to, alcohol, marijuana, cocaine and heroin, may be subject to expulsion from the school or the school district by the Principal/Head of Upper School. Additionally, any student who assaults a Principal/Head of Upper School, Assistant Principal, dean, teacher, paraprofessional or other member of the staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or the school district by the Principal/Head of Upper School.

Any staff member who observes or becomes aware of any such assault shall immediately notify the Principal/Head of Upper School.

Therefore, this policy applies to the possession of dangerous weapons, the possession of controlled substances, and to assaults on staff by students.

Any student who is suspended from school under the provisions of M.G.L.c. 71, §37H shall have an opportunity to receive educational services and make academic progress during the period of removal as set forth in the applicable provisions of the Rights and Responsibilities Handbook.

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I. WEAPONS

Bringing a weapon to school, using a weapon on school grounds or at a school activity, or having a weapon in your locker, pocket, or while you are at school, on the bus, or at an after-school activity, is a grave offense and is against school rules and regulations. It is also against the law. There are three kinds of weapons:

- A. Those that are "legally dangerous," which include weapons that are against the law to possess, such as anything that is carried and used in a manner to intimidate or with the intent to cause harm to another person, are considered dangerous weapons. They include the following:
- firearms of any kind, including BB guns and air rifles, any knife that has a double-edge blade, a switch blade or any knife that has an automatic spring device by which the blade is released from the handle; any stiletto or dagger, metallic knuckles, nunchaku, shuriken or any other similar pointed star-like object that is intended to injure a person when thrown, black jacks, blow guns, any arm band that is made of leather which has metallic spikes, points or studs; any similar device made from any other substance, mace, tear gas, or any other substance that is used to incapacitate another person, fireworks or explosives of any kind, all other such weapons as described in Massachusetts General Law, Chapter 269, Section 10.
- B. **Other Prohibited Items**, which, though not defined as weapons under the Massachusetts General Laws, Chapter 269, Section 10, are not permitted on school premises, at school-sponsored and/or at school-related events, including athletic games. Possession or use of said items will result in suspension and may result in expulsion from school. The following are examples: knives of any kind, shape or length; including key chains, knives, drafting knives, blades of any size, razors, box cutters, chains, whips or any other metal object of no academic purpose or any other object of no reasonable use in the school setting, on school grounds, and/or at school-sponsored events and/or school-related events, including athletic games.
- C. **Other Ordinary Items** that may become dangerous when used in a threatening way; use of these items in that manner may result in suspension or expulsion from school. Such items include: pencils, scissors, needles and pins, nails, carpentry tools, etc. Use of such items in a dangerous or threatening manner may result in suspension or expulsion from school. Additionally, engaging in or attempting to engage in any unreasonably dangerous athletic technique that endangers the health or safety of an individual, such as using a helmet or any other sports equipment as a weapon may result in suspension or expulsion from school.

NOTE: No toy or replica weapons of any kind, including guns and knives, will be permitted on school premises, on school grounds, on the bus or at school-sponsored events and/or at school-related events, including athletic games. Items such as these will be confiscated and may result in suspension or expulsion if they are determined by the Principal/Head of Upper School or Assistant Principal to be in violation of this policy.

ASSAULTS/THREATS ON SCHOOL STAFF

Students are prohibited from assaulting, battering or harassing any school staff. These behaviors may be defined as: (1) intentionally, knowingly or recklessly causing bodily injury to another; (2) intentionally, knowingly threatening another with imminent bodily harm; or (3) intentionally or knowingly causing physical contact with another when the student knows or should reasonably believe that the other will regard the contact as offensive, provocative, or create a reasonable fear of imminent danger.

The consequences for assault may include: (1) a five (5) to ten (10) day suspension and an expulsion hearing; (2) criminal complaint may be filed; and (3) police may be notified.

PROCEDURE

If a student is found with either a legally dangerous weapon or any other weapon, or is using an item in a threatening way, assaulting, threatening, battering of staff, assaulting educational staff on school premises or at school-related events, the punishment is very serious. The following procedure will apply:

1. The staff member involved will contact the Principal/Head of Upper School and/or the Assistant Principal or Dean.
2. The Principal/Head of Upper School and/or the Assistant Principal or Dean will notify:
 - a) the Director of Safety and Security, and
 - b) the parent(s) or guardian(s) by telephone, with a follow-up letter, and, if necessary, by certified mail; and
 - c) the Chief Operating Officer.
3. The Director of Safety and Security will send to the Superintendent or his/her designee an incident report.
4. The student will be removed from school grounds in accordance with the applicable provisions of ~~section 15.0~~ of the Rights and Responsibilities Handbook.
5. When a law has been violated, the Director of Safety and Security will notify the Cambridge Police and may file a complaint with the Middlesex County District Court, and will, if necessary, take other appropriate action.
6. The Principal/Head of Upper School will conduct a suspension hearing in accordance with the applicable provisions of ~~sections 15.0 and 16.0~~ of the Rights and Responsibilities Handbook. ~~The hearing may be delayed one (1) day at the parent's/guardian's request to allow him or her to be present. The hearing will include the student, the parents or guardian, the principal or designee, and the staff member who reported the incident. Additional witnesses and evidence may be presented at the hearing. At the hearing, the student will be told the reason for the contemplated suspension and be~~

given a chance to explain to the principal or designee if he or she believes that the suspension is not deserved.

- 7. If the Principal/Head of Upper Schools finds the student to be in violation of the weapons policy, the Principal/Head of Upper School may suspend the student for up to ten (10) days for a violation of the weapons policy as detailed in Sections 14 and 19 in accordance with the applicable provisions of the Rights and Responsibilities Handbook. It is recommended that the student's grade level and the nature of the infraction be considered when determining the number of days of suspension and whether to proceed with an expulsion hearing for the student for the violation. In accordance with this recommendation, suggested guidelines for suspension of a student for such an infraction are as follows:

- Grades K-2 Up to three days
- Grades 3-5 Three to five days
- Grades 6-8 Five to ten days
- Grades 9-12 Five to ten days

Based upon the specific circumstances of a violation, a student may also be referred to an appropriate city/health education program. At the conclusion of any such suspension, the Principal/Head of Upper School will request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School.

During the above designated suspension period, and if the Principal/Head of Upper School's findings warrant it, the Principal/Head of Upper School shall initiate procedures to conduct a formal expulsion hearing in accordance with the applicable provisions of the Rights and Responsibilities Handbook. To initiate an expulsion proceeding, the Principal/Head of Upper School shall notify the student and the student's parent(s) or guardian(s) in writing of an opportunity to have a hearing at the school level. The expulsion notice must be in writing and in both English and in the student's home language, if different. The notice must also set forth the section of the Rights and Responsibilities Handbook violated and the facts pertaining to the alleged violation and that the student has a right to representation at the hearing along with an opportunity to present evidence and witnesses and that an interpreter will be provided if needed. In the case of students with special needs an individualized education program (IEP) or Section 504 Plan, however, a hearing may only occur after a team determination that the conduct in question was not a manifestation of a disability as detailed in in accordance with the applicable provisions of Section 18 of the Rights and Responsibilities Handbook. Moreover, a special education student must receive a free appropriate public education during an exclusion period.

If, after the hearing, the Principal/Head of Upper School decides to expel the student, the Principal/Head of Upper School shall provide written notification to the student and the student's parents/guardians as to the reasons for the decision in accordance with the applicable provisions of the Rights and Responsibilities Handbook. Such notice shall also inform the student of his/her right to file a written appeal with the Superintendent or his/her designee within ten (10) days of receipt of the notification of the expulsion decision in accordance with the applicable provisions of the Rights and Responsibilities Handbook.

and the right to be represented by counsel at the appeal and shall include a request that the parents/guardians and the student attend a re-entry conference meeting with the principal/head of upper school upon the conclusion of the expulsion period.

At the hearing before the Superintendent or his/her designee, the subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provision of this policy. In presenting his/her appeal, the student should state his/her grievance, including a statement of the ground(s) for the appeal and a brief statement of the facts and the specific relief being requested.

The hearing conducted before the Superintendent or designee shall comport to the following requirements:

- a. The hearing shall be in closed session and conducted informally;
- b. All parties are entitled to be represented by counsel or by another person of the party's choice;
- c. All parties may inspect the school records and all other documents relevant to the appeal;
- d. All parties shall be permitted to question all witnesses;
- e. All parties shall have the right to present witnesses and evidence;
- f. 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 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 appeal. 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. The Superintendent or designee may also request that the parents/guardians and student attend a re-entry meeting with the Principal/Head of Upper School upon the conclusion of an expulsion period.

When a student has been expelled under the provisions of this policy and applies for admission to another school, the Superintendent or his/her designee of the sending school system shall notify the Superintendent or his/her designee of the receiving school system of the reasons for the student's expulsion.

Any school that suspends or expels a student in accordance with the applicable provisions of the Rights and Responsibilities Handbook for a weapons or assault on school staff violation shall continue to provide educational services to the student during the period of the suspension or expulsion under section 21 of chapter 76 in accordance with the applicable provisions of the Rights and Responsibilities Handbook.

The Superintendent of Schools shall take the necessary steps to ensure that students and their parents/guardians are provided with and acknowledge receipt of a copy of the weapons and assault on school staff policy at the start of each school year.

LEGAL REF.: M.G.L.c. 71, §37H

M.G.L.c. 76, §21

M.G.L.c. 94C

M.G.L.c. 269, §10

Adopted: ~~November 20, 2012~~

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ASSAULTS

Any student who assaults a principal/head of upper school, assistant principal, dean, teacher, paraprofessional or other staff member on school premises, at school-sponsored events or at school-related events, including athletic games, may be subject to expulsion from the school or the school district by the principal/head of upper school.

Any staff member who observes or becomes aware of any such assault shall immediately notify the principal/head of upper school and the principal/head of upper school will follow the procedures set forth in section 19 of the Rights and Responsibilities Handbook.

Adopted: November 20, 2012