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September 5, 2017

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Cambridge Public Schools
Rights and Responsibilities

Recommendation: That the School Committee approve the revisions to the Rights and Responsibilities Handbook as detailed in the attached document.

Description: These revisions to the Rights and Responsibilities Handbook are being made to update position titles to be consistent with current school district titles, and to reflect the changes that the School Committee raised at the July 25, 2017 meeting regarding Cambridge Rindge and Latin School attendance violation failure procedures.

This is a second reading and a public hearing of these proposed revisions to the Rights and Responsibilities Handbook.

Supporting Data: Attached redline of revisions to Cambridge Public Schools Rights and Responsibilities Handbook.

Respectfully submitted,

Kenneth N. Salim, Ed.D.
Superintendent of Schools

RIGHTS AND RESPONSIBILITIES

Governing Student Conduct in Cambridge Public Schools

1.0 POLICY

- 1.1 The School Committee shall establish and publish written rules governing the conduct of students under its jurisdiction.
- 1.2 The following terms as used in these rules and regulations shall have the following meanings:
 - a. "Student" shall mean any school aged person enrolled in a public school under the jurisdiction of the Cambridge School Committee.
 - b. "Parent/Guardian" shall mean any student's parent or guardian until such time as a student, 18 years of age or older, requests in writing that any or all of the rights and provisions of these rules and regulations shall no longer extend to such parent or guardian.
- 1.3 Every person shall have the right to attend public school in Cambridge subject to the written rules and regulations of the School Committee.
- 1.4 No school official or employee or School Committee member shall take any disciplinary action against any student, except pursuant to the written standards and procedures contained in the rules and regulations of the School Committee. Any disciplinary action taken against a student that is not in compliance with the rules and regulations of the School Committee shall be null and void.
- 1.5 Copies of the rules and regulations shall be made available free of charge to each student at the time such rules are adopted and at the beginning of each subsequent school year. Copies shall be made available also to parents/guardians of all students and to interested members of the community.
- 1.6 Before finally adopting and publishing all rules and regulations or before amending the same, the School Committee shall hold a public hearing. At least one week prior to the hearing, the School Committee shall provide copies on demand of the proposed rules before finally adopting and publishing all rules and regulations or before amending the same. At least one week prior to the hearing, the School Committee shall provide copies upon demand of the proposed rules and notices of the time and place of the hearing to students and their parents/guardians. The School Committee shall also publish notice of the hearing in the newspaper of general circulation within the City. The School Committee shall consider, but not be bound by, the comments made at the hearing before final adoption of rules. Final adoption of all rules shall be upon a majority vote.

- 1.7 No rules, regulations or amendments shall take effect until adopted by the School Committee, published by them, and circulated among the school community.
- 1.8 The rules and regulations set forth in this Code shall apply exclusively to the conduct of all students attending the public schools under the jurisdiction of the School Committee.
- 1.9 It is the policy of the Cambridge Public Schools to endeavor to provide a safe environment in which students can learn and participate in all programs offered or sponsored by the Cambridge Public Schools. Providing for the safety of students, employees and visitors while at school and/or participating in school-sponsored activities is the responsibility of all personnel. If a School Department employee confronts a situation that he/she considers to be unsafe for any reason, he/she should take all reasonable steps within his/her ability to eliminate the potential for harm to others and thereafter report the circumstances involved to his/her Principal/Head of Upper School. The Superintendent or his/her designee may from time to time promulgate "administrative procedures" to effectuate the goals of this policy.

2.0 ATTENDANCE

- 2.1 Regular and consistent attendance is essential to learning, to improving the achievement of all students, to maintaining a respectful school climate and to a student's successful school performance. The goal of the student attendance policy is to promote consistent, daily school and class attendance. The expectation is that all students will have, at a minimum, at least ninety-five percent (95%) attendance in school and in each class during each school day. A student who is truant, frequently absent or frequently tardy to school without adequate reason is in violation of this policy.
 - a. Parents/Guardians must call the school to give notification of an absence by no later than the morning of the absence.
 - b. If a call is not made, a note from the parent/guardian or the student's medical provider is due on the day that the student returns to school explaining the absence. No student, however, shall be sent home to obtain a written explanation from his/her parent/guardian during a school session.
 - c. In instances of chronic or irregular absence reportedly due to illness, the principal/head of upper school may request a physician's statement certifying such absences to be justifiable.
 - d. If an extended absence of a student is foreseen, the parent/guardian should contact the principal/head of upper school to make arrangements for the completion of academic requirements.

- e. The Principal/Head of Upper School will work with student and his/her parent/guardian to develop a plan to improve a student's attendance when a student has been truant, chronically absent or tardy. Additionally, a student who is truant, chronically absent or tardy will be referred to the Office of the Safety and Security. The Director of Safety and Security, after consultation with the appropriate Principal/Head of Upper School, will review each matter and initiate corrective action which may include referral to the Middlesex County Court if the student is deemed to require additional services under the direction of the Court.

Excused absences include:

- a. Personal illness or quarantine;
- b. Absences attributable to personal trauma; grieving, death in the family or serious illness in family;
- c. Observance or practice of a religious holiday;
- d. Medical appointments that absolutely cannot be made outside of school hours or counseling visits;
- e. Legal matters requiring a personal appearance;
- f. Suspensions or expulsions in or out of school;
- g. School-related trips, assemblies or meetings;
- h. College visits (two days in junior year of high school and three days in senior year of high school);
- i. One trip or educational experience of no more than five days during a student's years at high school; or
- j. Weather so inclement as to endanger health or safety of the child.

A student may also be excused for other exceptional reasons, with the approval of the school administration not exceeding seven day sessions or fourteen half day sessions in any six-month period.

Unexcused absences include:

- a. Truancy from school or from individual classes or study halls;
- b. Trips not approved in advance by the principal/head of upper school;

- 11
- c. Looking for employment without prior approval from the principal/head of upper school;
 - d. Staying home to avoid an examination in a given subject or to study for an examination;
 - e. Leaving the school building during the school day without signing out in the principal/head of upper school's office;
 - f. Oversleeping or otherwise being tardy to school (Three unexcused tardies will be counted as one unexcused absence);
 - g. Remaining on or near school grounds, but not attending assigned classes; or
 - h. Any other absence that is not excused or any excusable absence that is not reported by a parent/guardian by a telephone call or written note from a parent/guardian or the student's medical provider upon the student's return to school

When a student is at school, the student is under the supervision of all teachers and school authorities and must get permission from the principal/head of upper school's office to leave early. Any student who does not sign out of school in the principal/head of upper school's office before leaving will be unexcused and receive no credit for all class activities or assignments missed. Each teacher shall keep a record of the absence or tardiness of students. A student who enters the classroom after the time appointed for the beginning of the session shall be recorded as tardy. Parents/guardians will be notified when a student has any unexcused absence, or unexcused tardy or unexcused misses of two (2) or more periods of school. The school must ensure that it notifies the student's parents/guardians of a student's absence within three (3) days of the absence if the school has not received notification of the absence from the student's parent/guardian. When a child has been tardy five (5) times, has been absent five (5) days or ten (10) half-days in the previous six (6) months for which no lawful excuse is received for said tardies or absences, misses five (5) or more school days unexcused in a school year or two (2) or more periods unexcused in a school year, it shall be the duty of the principal/head of upper school in which such child is enrolled to report such attendance record to the Superintendent of Schools. The principal/head of upper school or designee also shall make a reasonable effort to meet with the parent/guardian of the student who has five (5) or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal/head of upper school or designee, the student and the student's parents/guardians and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies, as appropriate.

Any student with an excused absence from school or classes has the privilege of making up the class assignments, missed homework, quizzes, exams, papers, projects and other assignments. The principal/head of upper school shall ensure that there is a school-wide

education service plan in place for all students who are suspended or expelled from school for more than five (5) consecutive days, whether in or out of school. Additionally, the principal/head of upper school shall ensure that any student suspended or expelled from school for more than five (5) consecutive days, whether in or out of school, has an opportunity to make academic progress during the period of exclusion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers, projects and other assignments.

The parent/guardian of a student who is legally absent for more than five (5) school days must notify the school so that arrangements for home assignments can be offered. The parent/guardian of any student who will have a prolonged absence (2 weeks or longer) due to illness or injury must notify the school to make the necessary arrangements for homebound instruction.

Absences or tardiness without satisfactory explanation shall be grounds for disciplinary action. School officials are encouraged to take all other appropriate disciplinary action before resorting to suspension in an effort to help a student with problems of truancy, tardiness and class cutting, including referral of the student to the Juvenile Court as an habitually truant child in need of services and/or referral for evaluation as a child in need of special education. No credit will be given to students who miss school work due to truancy, tardiness or class-cutting, unless the student makes up the missed work as directed by his/her teacher and teachers should afford students a reasonable amount of time upon their return to class to make up missed homework, quizzes, exams, papers, projects and other assignments. No adverse, prejudicial or discriminatory effect shall result to any student because she/he is absent to observe a religious holiday. Teachers should, to the extent feasible, refrain from scheduling any important tests, culminating activities, major papers/reports during religious holidays.

Cambridge Rindge and Latin School and the High School Extension Program will treat four (4) absences in any class as an Attendance Violation Failure (AVF) for the quarter. Excused absences, including verified personal illness, will not be counted against a student and will not result in the issuance of an Attendance Violation (AV) if the absences fall into the following categories: (a) absences attributable to personal trauma; grieving, death in the family; (b) observance of a religious holiday; (c) medical appointments or counseling visits that absolutely cannot be made outside of school hours; (d) legal matters requiring a personal appearance; (e) suspensions in and out of school; (f) school-related trips, assemblies or meetings; (g) college visits (two days in junior year and three days in senior year); and (h) one trip or educational experience of no more than five days during a student's years at the high school.

Four (4) unexcused absences in any class, however, will result in an Attendance Violation. In this case, a grade of AV will be issued for the term grade by the Dean of Students. In addition, three (3) unexcused tardies to class will be counted as one (1) unexcused absence. Unexcused absences include: (a) truancy from school or from individual classes; (b) trips not approved in advance by the principal; (c) looking for employment without the approval of the principal; (d) staying home to avoid an

examination in a given subject or to study for an examination; (e) leaving the school building during the school day without signing out in the dean's office (cutting class); (f) oversleeping or otherwise being tardy to school; (g) remaining on or near school grounds, but not attending assigned classes (cutting class); and (h) any other absence that is not excused or any excusable absence that is not reported by a parent/guardian by a phone call or written note from a parent/guardian or the student's medical provider upon the student's return to school. Additionally, a student who receives twelve (12) unexcused tardies in any one class, a will receive an AV for the course.

~~After a fourth such absence~~ In accordance with the school district's policy, the school will notify the parent/guardian after each absence and/or tardy of the student and also will notify the parent/guardian after four unexcused absences occur. Parents/guardians may seek a medical waiver for any chronic condition, reoccurring illness or for any illnesses that exceed four (4) days. Parents/guardians will have the right to appeal any AVF to the Appeals Review Committee at Cambridge Rindge and Latin School or the High School Extension Program within ten (10) days of the issuance of the AVF and, if the appeal is denied, the parents/guardians may within ten (10) days of the denial, submit a written appeal to the Superintendent of Schools for his/her review. The decision of the Superintendent of Schools shall be final.

A student who receives an AV for any given class, in any given term, will receive a 10 point reduction to the final term grade for that class. If a student wishes to NOT receive a 10 point grade deduction then, he/she must meet with his/her dean of students to create a "Buy-Back" contract/proposal established between the student and Dean of Students.

NOTICE REGARDING STUDENTS WHO LEAVE SCHOOL

The Cambridge Public Schools is committed to having students complete their elementary and secondary education. In the event that a student who is sixteen years of age or older seeks to leave school, the Cambridge Public Schools adheres to the requirements of M.G.L.c. 76, §18 and follows the procedures set forth below:

1. The principal or designee issues a letter to the parent/guardian of the student notifying the parent/guardian that the student either (a) has expressed an intention of withdrawing from school without an intention of returning, or (b) has had fifteen (15) consecutive absences from school and indicating the student's last date of attendance at school.

In order for the school to determine whether the student is withdrawing from school without intending to return, the school schedules a meeting with the student and his/her parent/guardian for the purpose of discussing the reasons why the student wants to leave school and to explore alternative educational and other placements for the student prior to him/her formally withdrawing from school. The parent/guardian may request that the date and time of this meeting be changed provided that the extension of time shall be no longer than fourteen (14) days from the date of issuance of the letter by the principal or designee.

2. After the meeting has been held with the parent/guardian and the student,

the principal or designee issues a letter to the parent/guardian of the student summarizing what was discussed and any decision that was reached at the meeting, including but not limited to, whether the student is returning to school, pursuing an alternative educational placement, pursuing other support services or permanently leaving school.

- 3. In accordance with the provisions of M.G.L.c. 76, §18, any determination that a student would be permanently leaving school shall not be construed as a permanent exclusion of the student if he/she wishes to resume his/her education.

For further details with respect to this process refer to Section 22 of this Code.

3.0 SEARCH OF PERSON

Under the Fourth Amendment to the U.S. Constitution, students are protected from unreasonable searches and seizures conducted by public school officials and teachers. While students have a legitimate expectation of privacy, a search will be considered valid if there is a reasonable suspicion at its inception that the search will discover evidence of a violation of a school rule or the laws, and the scope of the search was reasonable.

- 3.1 **At the K-8 grade Level:** the Principal/Head of Upper School, Assistant Principal, or Principal/Head of Upper School's designee must authorize student searches and questioning by school security or other non-school based personnel.

At the 9-12 grade Level: the Principal, Assistant Principal, Dean or Principal's designee must authorize student searches by school security.

- 3.2 **All grade levels (K-12):** the Principal/Head of Upper School, Assistant Principal, Dean or Principal/Head of Upper School's designee, whenever reasonably possible, may request which security staff person is to be dispatched to the school and/or small learning community.

- 3.3 **At the K-8 grade level:** the Principal/Head of Upper School, Assistant Principal or Principal/Head of Upper School's designee, must be present during searches and questioning of students conducted by school security, or other non-school based personnel.

At the 9-12 grade level: the Principal, Assistant Principal, Dean or Principal's designee, must be present during searches of students conducted by school security or other non-school based personnel.

- 3.4 **At the K-8 grade level:** an individual of the same sex as the student, whenever reasonably possible, must be present for the questioning of students by school security. An individual of the same sex as the student must conduct all searches of students by school security.

At the 9-12 grade level: an individual of the same sex as the student must conduct all searches of students by school security.

- 3.5 **At the K-8 grade level:** the Principal/Head of Upper School, Assistant Principal, or Principal/Head of Upper School's designee must notify parent/guardian prior to a search of a student conducted by school security. If prior notice is not successful, the parent/guardian will be notified as soon as possible thereafter, and a letter will be sent the same day.
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At the 9-12 grade level: the Principal, Assistant Principal, Dean, or Principal's designee must immediately notify parent/guardian after school security has conducted a search. Further, a letter will be sent the same day.

"Emergency contact" is an individual designated by the parent(s)/guardian(s) to respond to instances involving disciplinary issues, including questioning or searches. Every academic year, parent(s)/ guardian(s) will be asked to designate an emergency contact for disciplinary issues, including questioning or searches, and that contact shall act for the parent(s)/guardian(s) with respect to disciplinary issues, including questioning or searches, to the extent authorized by the parent(s)/ guardian(s).

- 3.6 **At the K-8 grade level:** the Principal/Head of Upper School, Assistant Principal, or Principal/Head of Upper School's designee, must notify parent/guardian or emergency contact prior to any questioning of a student by school security. If prior notice is not successful, the parent/guardian will be notified as soon as possible thereafter, and a letter will be sent the same day.

At the 9-12 grade level: parent/guardian notification is not required when school security is questioning a student.

- 3.7 **At the K-12 grade level:** All students will be informed by means of the *Rights and Responsibilities Handbook* and/or the elementary school or CRLS student handbook of the following rights and responsibilities they have in connection with questioning and searches:

- a. Any student may be questioned under the direction of the Principal/Head of Upper School, Dean of Curriculum and Program, Dean of Students, or Principal/Head of Upper School's designee with respect to academic, disciplinary or other school related matters at any time.
- b. Students may be searched under the direction of the Principal/Head of Upper School, Dean of Curriculum and Program, Dean of Students, or Principal/Head of Upper School's designee when the student consents to the search, or when there is a reasonable suspicion that the search will lead to evidence of a violation of a school rule or any law.

- c. When members of the Safety and Security Department are involved in the questioning or searching of any student in grades k-8, the student, except in emergencies, will have an adult from the school of the student's same sex and a representative of the school administration present during any such search or questioning. Students at Cambridge Rindge and Latin School, except in emergencies, will have an adult from the school of the student's same sex and a representative of the school administration present during a search by a member of the Safety and Security Department.
- 3.8 As used in Section 3.0 of the *Rights and Responsibilities Handbook* and in the elementary schools and CRLS student handbooks the terms "questioning" and "search" are defined as follows:
- "Questioning" is a formal inquiry of a student regarding academic, disciplinary or any other school-related matter.
- "Search" is a physical search of a student's property or person, including but not limited to, a student's purse, bags or pockets. A search may also include a light pat-down of a student.
- 3.9 The Superintendent and Chief Operating Officer must be notified as soon as reasonably possible after any student searches by school security. Further, the School Committee shall receive monthly summary reports relative to searches by security, in addition to the reports currently provided.
- 3.10 An "independent investigation" refers to an investigation of a serious threat to the safety of students, faculty and/or staff that is ongoing and is not merely the result of an isolated incident. The investigation must also involve one or more schools or CRLS schools in the District. All "independent investigations" involving more than one school in the District must be authorized by the Superintendent or Chief Operating Officer. When an independent investigation only involves more than one small school at the high school, an independent investigation must only be approved by the Principal.

4.0 STUDENT LOCKERS AND DESKS AND ELECTRONIC DEVICES

4.1 Student Lockers and Desks

Since lockers and desks are the property of the school department, the school department maintains the right to search lockers and desks and to periodically inspect lockers and desks and conduct announced and unannounced desk and locker inspections.

- 4.2 A student's locker and/or desk also may be searched if there is reasonable suspicion to believe that the locker and/or desk contains contraband or evidence that will be found linking the locker and/or desk to evidence of a violation of a school rule or

regulation, or unless there is a clear and present danger of immediate physical danger to the school building or persons therein. The person(s) conducting the search shall be the Principal/Head of Upper School or designee. The Principal/Head of Upper School or Principal/Head of Upper School's designee must notify parent/guardian as soon as possible after such a search has been conducted, and a letter will be sent the same day.

4.3 All items suspected of being contraband shall be removed from the student's locker or desk unless removal represents a clear and present danger to others. Should this occur, the locker will be closed and the Principal/Head of Upper School will be notified immediately and the desk will be secured and the Principal/Head of Upper School will be immediately notified. Procedures outlined in the Building Safety and Security Plan will be instituted for removal of the contraband item(s). Any personal items or materials left in the lockers and/or desks will be disposed of at the end of the school year. The Cambridge Public Schools assumes no liability for and is not responsible for the loss, theft or damage to any property stored in a student's locker or desk and assumes no liability for and is not responsible for the loss, theft or damage of any property left in a locker and/or desk after the last day of school.

4.4 Master keys and copies of all combinations for students' lockers shall be kept in the Principal/Head of Upper School's office. Only school department issued locks are to be used. Any other locks will be removed at the student's expense.

4.5 Students will not put in their lockers or desks weapons, illegal drugs or related paraphernalia, alcoholic beverages, stolen property and any other contraband or items of no reasonable use to students while at school.

4.6 Electronic Devices
Students want the privilege of carrying electronic devices while on school property or at a school-sponsored or school-related event. With that privilege comes the responsibility of the students ensuring that the electronic devices are used appropriately. Students must understand that they each are solely responsible for the proper use and security of any electronic device that they bring into school or to a school-related or school-sponsored event. Additionally, students should not share or loan their electronic devices. If a student does so, he/she also may be held responsible for any misuse of that electronic device by another just as though it remained in his/her possession.

4.7 Students may not use an electronic device in any manner that interferes with the educational process or creates a disruption. For example, if the electronic device is on, makes a noise, vibrates or otherwise calls attention to itself while in the school setting, or at a school-sponsored or school-related event, the device is creating a disruption. Misuse of electronic devices may result in the confiscation of the electronic device and may also result in the imposition of discipline.

4.8 The Cambridge Public Schools assumes no liability for and is not responsible for the loss, theft or damage to any electronic device that a student brings onto school property or to a school-sponsored or school-related event. Students should understand that they bring an electronic device into school or to a school-sponsored or school-related event at their own risk.

5.0 FREEDOM OF THE PERSON

5.1 Students shall have the right to be secure in their person while in school buildings, on school grounds or in transit to and from school, and at all times while at any authorized school function.

5.2 No student, teacher or school official shall use physical force in any manner to cause or attempt to cause intentional physical injury to a student, teacher or school official. However, a teacher or school official may use physical force if said physical force is reasonable and necessary:

- a. To obtain possession of a weapon or other dangerous object; or
- b. For the purpose of self defense; or
- c. For the protection of another person or property.

5.3 No teacher or school official shall use physical force in any manner for purposes of student discipline or imposing punishment. Corporal punishment in any form is expressly forbidden.

5.4 No student, teacher, school official, or school employee shall intimidate, threaten or harass in any manner a student, teacher or school official, nor shall any such person degrade or abuse a student publicly in an attempt to humiliate a student.

5.5 Codes of Conduct, Cambridge Public Schools Non-Discrimination Policy and Prohibition Against Sexual Harassment

Any student who believes that she/he has been subjected to sexual harassment and/or any other form of discrimination or harassment based on any of the protected areas (race, color, sex, ethnicity, religion, disability, national origin, genetic information, gender identity, age or sexual orientation) has the right to file a complaint with the Program Manager for Diversity Development Office of Affirmative Action or the Executive Director of Human Resources. Students may initiate the filing of a complaint by contacting the principal/head of upper school, assistant principal, dean, the Program Manager for Diversity Development Affirmative Action Officer or the Deputy Superintendent of Teaching and Learning in compliance with the provisions of the Non-Discrimination Policy and Prohibition Against Sexual Harassment and procedures. School staff who observe any incidents of harassment or discrimination shall report such incidents

immediately to the student's Principal/Head of Upper School, Assistant Principal or Dean.

Students may also file complaints with the Massachusetts Commission Against Discrimination at:

<u>Boston Office:</u>	<u>Springfield Office:</u>
<u>One Ashburton Place</u>	<u>436 Dwight Street</u>
<u>Suite 601</u>	<u>Suite 220</u>
<u>Boston, MA 02108</u>	<u>Springfield, MA 01103</u>
<u>Phone: 617-994-6000</u>	<u>Phone: 413-739-2145</u>
<u>TTY: 617-994-6196</u>	<u>Fax: 413-784-1056</u>
<u>Fax: 617-994-6024</u>	<u>Email: assistanttochairman@state.ma.us</u>
<u>Email: assistanttochairman@state.ma.us</u>	
<u>Worcester Office:</u>	<u>New Bedford Office:</u>
<u>484 Main Street</u>	<u>800 Purchase Street</u>
<u>Room 320</u>	<u>Room 501</u>
<u>Worcester, MA 01608</u>	<u>New Bedford, MA 02740</u>
<u>Phone: 508-453-9630</u>	<u>Phone: 508-990-2390</u>
<u>Fax: 508-755-3861</u>	<u>Fax: 508-990-4260</u>
<u>Email: assistanttochairman@state.ma.us</u>	<u>Email: assistanttochairman@state.ma.us</u>

or with the Program Quality Assurance Services, Massachusetts Department of Elementary and Secondary Education at:

75 Pleasant Street, Malden, MA 02148-4906
Phone: 781-338-3700
Fax: 781-338-3710
TTY: N.E.T. Relay: 1-800-439-2370
Email: compliance@doe.mass.edu

or with the

~~Boston Office: One Ashburton Place, Room 601, Boston, MA 02108 Phone 617-994-6000; TTY: 617-994-6196; and/or Springfield Office: 436 Dwight Street, Room 220, Springfield, MA 01103 Phone 413-739-2145; the Bureau of Equal Education Opportunity, Massachusetts Department of Elementary and Secondary Education at One Congress Street, 11th Floor, Boston, MA 02114 and with the United States Department of Education, Office for Civil Rights at:~~
~~5th Floor,~~
~~5 Post Office Square, 8th Floor~~
~~Boston, MA 02109~~
~~Phone: 617-289-0111~~

Fax: 617-289-0150
TDD: 1-800-877-8339
Email: OCR.Boston@ed.gov.

In some cases, the conduct complained of may constitute sexual harassment under Title IX and criminal activity. If you believe that the conduct also constitutes a crime you have a right to file a criminal complaint at any time, including during or after the school's investigation into your complaint.

5.6 Definition of Discrimination and Harassment

"Discrimination" and "Harassment" are defined as unwelcome conduct, whether verbal or physical, that is based on race, color, national origin, ethnicity, sex, sexual orientation, religious beliefs, disability, veteran status, genetic information, gender identity or age. Discrimination and/or Harassment include, but are not limited to:

- a. Display or circulation of written materials or pictures that are degrading to a person or group described above.
- b. Verbal abuse or insults about, directed at, or made in the presence of an individual or group described above.
- c. Any action or speech that is sufficiently severe, pervasive or persistent that either (i) interferes with or limits the ability of an individual or group (as described above) to participate in or benefit from employment or a program or activity of the Cambridge Public Schools; or (ii) creates an intimidating, threatening or abusive educational or working environment.

Many forms of harassment and discrimination have been recognized as violations of the civil rights laws (including Section 504 of Rehabilitation Act of 1973, Title VI and Title IX) by federal courts, state courts, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education, Office for Civil Rights, and the Massachusetts Commission Against Discrimination.

5.7 Definition of Sexual Harassment

"Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such advances, requests, or conduct is made either explicitly or implicitly a term or condition of employment, academic standing, school-related opportunities or as a basis for employment decisions.
- b. Such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance

by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

- 5.8 Under the definitions stated above, direct or implied requests by a teacher, supervisor or other individual in a position of work or school authority for sexual favors in exchange for actual or promised job or school benefits such as favorable reviews, salary increases, promotions, increased benefits, continued employment, better grades, recommendations or other advantages constitutes sexual harassment.

Sexual harassment includes acts of sexual violence, including without limitation, physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol, or is unable to give consent due to an intellectual impairment or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

While it is not possible to list all circumstances that may be considered sexual harassment, the following are examples of conduct that are inappropriate and that, if unwelcome, may constitute sexual harassment. In each case, such a determination will depend upon the totality of the circumstances, including the severity of the conduct and its pervasiveness. Sexual harassment includes, but is not limited to:

- Unwelcome sexual advances, whether they involve physical touching or not
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments
- Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess
- Discussion of one's own sexual activities or inquiries into others' sexual experiences
- Displaying sexually suggestive objects, pictures, cartoons

The definitions of discrimination, harassment and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school or work environment that is hostile, offensive, intimidating, or humiliating to either male or female students or workers also may constitute discrimination, harassment and/or sexual harassment. "Work" or "school" includes school-sponsored social events, trips, sports events, work-related travel or similar events connected with school or employment,

including without limitation, extracurricular and athletic activities and programs, traveling to and from school or on a school-sponsored field trip.

- 5.9 No reprisals or retaliation shall be invoked against any employee or student for processing, in good faith, a complaint, either on an informal or formal basis, or for participating in any way in complaint procedures. No reprisals or retaliation shall be invoked against any student who, in good faith, has testified, assisted or participated in any manner in any investigation, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures. No teacher, school official or school employee shall, in any way, attempt to intimidate or discourage a student from attempting to appeal to higher officials of the School Department with complaints and objections. Any such attempts shall be reported to the School Committee and the Superintendent at once.
- 5.10 Any violation by any person of any of the rights set forth in this Code shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this Code.
- 5.11 Physical Restraints

It is the policy of the Cambridge School Committee to promote a safe and productive workplace and educational environment for its employees and students, and to ensure that every student in the Cambridge Public Schools is free from the use of physical restraint inconsistent with the Massachusetts Department of Elementary and Secondary Education's regulations, and that physical restraint shall only be used with extreme caution as a last resort in emergency situations, after other lawful and less intrusive alternatives have failed or been deemed inappropriate. School personnel shall only administer a physical restraint as a last resort when it is needed to protect a student and/or a member of the school community from imminent, serious, physical harm. When a physical restraint needs to be administered, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint. This policy shall not be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, this policy shall not be construed to preclude any teacher, employee or agent of a public education program from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The Cambridge Public Schools has written procedures and guidelines related to this policy which are posted on the school district's website and which can be obtained in the principal/head of upper school's office, identifying: (i) appropriate responses to student behavior that may require immediate intervention; and (ii) alternative methods that should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous

behavior occurring among groups of students or with an individual student, including alternative methods in emergency situations that avoid resorting to physical restraint.

Physical Restraint Procedures

Definitions

“Consent” shall mean agreement by a parent/guardian who has been fully informed of all information relevant to the activity for which agreement is sought, in his or her native language or other mode of communication, that the parent/guardian understands and agrees in writing to the carrying out of the activity, and understands that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom.

“Restraint” shall mean limitation on a student’s physical movement using force against the student’s resistance.

“Physical restraint” shall mean direct physical contact that prevents or significantly restricts a student’s freedom of movement. The term physical restraint does not include prone restraint, mechanical restraint, or medication restraint. Additionally, physical restraint does not include: providing brief physical contact, without force, to promote student safety or limit self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

“Physical escort” shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

“Mechanical restraint” shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint. **The use of a mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent/guardian of the student.**

“Seclusion” shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes he or she will be prevented, from leaving. Seclusion does not include a time-out as defined in 603 CMR 46.02. **The use of a seclusion restraint is expressly prohibited.**

“Time-out” shall mean a behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice

or by direction from staff, for the purpose of calming. During time-out, a student shall not be involuntarily confined and must be continuously observed by a staff member. Staff shall be with the student or immediately available to the student at all times. Time-out shall cease as soon as the student has calmed or when thirty (30) minutes have passed, whichever event is earlier. The preference is for time-out to be implemented within a classroom. Any space utilized for time-out outside of a classroom must be approved by the Office of Student Services before it is utilized.

“Medication” shall mean the administration of medication for the purpose of temporarily controlling behavior. **The use of a medication is prohibited unless explicitly authorized by a physician and consented to, in writing, by the parent/guardian of the student.**

“Prone restraint” shall mean a restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student’s body to keep the student in the prone position. **The use of prone restraint is expressly prohibited.**

“Principal/Head of Upper School” shall mean the instructional leader of a public education school program or his or her designee.

Use of a Restraint

If all other lawful and less intrusive alternatives have failed or been deemed inappropriate to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, a physical restraint may be used as a last resort. In other words, **a physical restraint can only be used as a last resort in an emergency when the student’s behavior poses a threat of imminent, serious physical harm to himself or herself or others, and the student does not respond to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed inappropriate under the circumstances.** Any physical restraint shall be limited to the use of such reasonable force as is necessary, for the least time necessary, to protect a student or another member of the school community from assault or imminent, serious, physical harm. A physical restraint may only be administered by school personnel who have been properly trained in the use of physical restraint.

Other Limitations on the Use of Restraint

The following practices are expressly prohibited: (i) use of restraint inconsistent with the provisions set forth above; (ii) use of a restraint as a means of discipline or punishment, as a response to the destruction of property or disruption of school order, or as a response to a student’s refusal to comply with a school rule or staff

25

directive, or verbal threats when those actions do not constitute a threat of imminent, serious, physical harm is expressly prohibited; (iii) use of prone restraint, (iv) use of mechanical restraint; (v) use of medication that has not been approved by a physician and consent to, in writing, by the student's parent/guardian; (vi) use of restraint when a student indicates that he or she cannot breathe or appears to be in severe distress (including but not limited to: difficulty breathing, sustained or prolonged crying or coughing).

Restraint may not be included as a planned response in an individualized education program (IEP). However, for students who present with repetitive self-injurious behaviors, principals/heads of upper schools may propose to the parent/guardian a separate written agreement for the use of restraint on an emergency basis over a limited and specified period of time. In such cases the plan must include detailed reporting to the parent/guardian on the frequency of the use and duration of restraints, and the specific time period over which the use of physical restraint will be reduced and eliminated. The principal/head of upper school shall obtain the parent/guardian's written consent to the plan prior to implementation.

Proper Administration of a Physical Restraint

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth training, or who have received the required basic training detailed below. Whenever possible, the administration of the physical restraint shall be witnessed by at least one adult who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury. Additionally, school personnel administering a physical restraint shall use the safest method available and appropriate to the situation in accordance with the safety requirements detailed below, and shall discontinue the restraint as soon as possible. All physical restraint must be terminated as soon as the student is no longer an immediate danger to himself/herself or others, or the student indicates that he/she cannot breathe, or if the student is observed to be in severe distress, such as having difficulty breathing or sustained or prolonged crying or coughing. It should be noted, however, that these training requirements shall not preclude a teacher, employee or agent of the school from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school

personnel shall continuously monitor the physical status of the student, including skin color, temperature and respiration. Any and all restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to himself, herself or others. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm. **If, at any time during a physical restraint the student demonstrates difficulty breathing or significant physical distress, including but not limited to, trouble breathing or prolonged coughing or crying, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.** School personnel shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student as well as known or suspected trauma history. At any time during the administration of a physical restraint, school personnel may seek to contact the Office of Student Services behavioral specialists, or the Crisis Intervention Team, or take other steps to seek medical assistance if it appears that the student is demonstrating significant physical distress.

Follow-up Procedures and Reporting Requirements

At an appropriate time after a student has been released from a restraint, the principal/head of upper school or designee shall implement the follow-up procedures set forth below:

- a. review the restraint with the student to address the behavior that precipitated the restraint;
- b. review the incident with school personnel who administered the restraint to discuss whether proper restraint procedures were followed; and
- c. follow-up should occur with students who witnessed the incident, including teacher debrief, counselor debrief or the use of restorative practices; and
- d. written notification of the restraint should be sent to the Office of Student Services and the immediate supervisor of the principal/head of upper school.

The following are the reporting requirements followed by the school:

- a. Every use of physical restraint shall be reported in writing, including the name of student restrained, to the Office of Student Services and the immediate supervisor of the principal/head of upper school.
- b. The school staff member who administers a physical restraint that results in an injury to a student shall verbally inform the principal/head of upper school or

his/her designee of the restraint as soon as possible and no later than the close of the school day in which the restraint was administered. A written report shall be completed and provided to the principal of the school/head of upper school for review of the use of restraint no later than the next working day after the restraint was administered. If the principal/head of upper school has administered the restraint, the principal/head of upper school shall prepare the report and submit it to the Superintendent for review by a team designated by the Superintendent.

- c. The principal of the school/head of upper school shall maintain an on-going record of all reported instances of physical restraint.
- d. The principal/head of upper school or his/her designee shall verbally inform the student's parents/guardians as soon as possible but no later than twenty-four (24) hours after use of the restraint, and by a written report postmarked no later than three (3) school working days following the use of the physical restraint. The principal/head of upper school shall provide the student and the parent/guardian an opportunity to comment in writing on the use of the restraint and on information in the written report.
- e. The principal/head of upper school shall provide the Office of the Superintendent with a copy of the written report of a physical restraint when such restraint has resulted in an injury to a student as well as a copy of the school's on-going record of all reported instances of physical restraint for the thirty (30) days preceding the reported physical restraint. **This documentation must be provided to the Office of the Superintendent by no later than one (1) school working day after the written report is received by the principal/head of upper school.** The principal/head of upper school shall convene a student support team to make an assessment of an individual student's needs if a student has been restrained on two (2) separate occasions within a seven (7) day period or three (3) times within a thirty (30) day period. Members of the grade level team and such other program staff as the principal/head of upper school may determine, shall participate in the assessment. Each member of the student support team shall read written reports of restraint and any comments provided by the student and parent/guardian about such reports and the use of the restraints. In addition to review and discussion of such reports by the student support team, the assessment shall include an analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved. The assessment shall conclude with a plan for addressing any factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions, as appropriate, with the goal of reducing or eliminating the use of restraint in the future. If the principal/head of upper school directly participated in the restraint, a duly qualified individual designated by the Superintendent shall

lead the student support team's discussion. The principal/head of upper school shall ensure that a record of each individual student review by the student support team is maintained and made available for review by the Massachusetts Department of Elementary and Secondary Education, upon request.

- f. The principal/head of upper school shall conduct a monthly review of school-wide restraint data. This review shall consider patterns of use of restraints by similarities in the time of day, day of the week, or individuals involved; the number and duration of physical restraints school-wide and for individual students; the duration of restraints; and the number and type of injuries, if any, resulting from the use of restraint. The principal/head of upper school shall determine whether it is necessary or appropriate to modify the school's restraint prevention and management practices and procedures, conduct additional staff training on restraint reduction/prevention strategies, such as training on positive behavioral interventions and supports, or take such other action as necessary or appropriate to reduce or eliminate restraints.

District's Training Requirements

A. For All Program Staff

Within the first month of each school year, the principal/head of upper school of each school shall provide all program staff with training on restraint prevention and behavior support, the requirements of when restraint is used and this policy. Additionally, for all new school employees that are hired after the start of the school year, the principal/head of upper school shall within the first month of their employment provide the new employees with training on this policy. The training shall consist of the following: (a) this policy and related procedures and guidelines developed by the Superintendent; (b) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances, including use of time-out as a behavior support strategy distinct from seclusion; (c) when behavior presents as emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration; (d) administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student, including known or suspected trauma history; and (e) the role of the student, staff and family in preventing use of restraint; and (f) identification of program staff who have received in-depth training pursuant to 603 C.M.R. 46.03(3) in the use of physical restraint. *See* 603 C.M.R. 46.03(2).

- B. For Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints
- At the beginning of each school year, the principal/head of upper school of each school shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. The content of the in-depth training shall be competency-based and at least sixteen (16) hours in length. Such individuals shall participate in at least one refresher course during subsequent school years of no less than eight (8) hours in length. Training shall include, but not be limited to: (a) appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint; (b) description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted; (c) the simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance; (d) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; (e) instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological and social-emotional effects; and (f) demonstration by participants of proficiency in administering physical restraint. *See* 603 C.M.R. 46.03(3) and 46.03(4).

Complaint Procedures

- A. Informal Resolution of Concern About Use of Physical Restraint
- Before initiating a formal complaint procedure, a student or his/her parent/guardian who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by raising the issue with the principal/head of upper school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal/head of upper school within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The principal/head of upper school shall attempt, within his/her authority to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or his/her parent/guardian are not satisfied with the resolution, or if the student and/or his/her parent/guardian does not choose informal resolution, then the student and/or his/her parent/guardian may proceed with the formal complaint process detailed below.

- B. **Formal Resolution of Concern About Use of Physical Restraint**
 A student or his/her parent/guardian, who has concerns regarding a specific use of a physical restraint, may seek to resolve his/her concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or his/her parent/guardian should submit this letter to the Office of the Superintendent within twenty (20) days of the parent/guardian’s receipt of the written report from the school detailed above. The written complaint shall include (a) the name of the student; (b) the name of the school where the physical restraint allegedly occurred; (c) the name of the individuals involved in the alleged physical restraint; (d) the basis of the complaint or concern; and (e) the corrective action being sought.

The Office of the Superintendent, through its designees, shall conduct an investigation into the complaint promptly after receiving the complaint. In the course of its investigation, the Office of the Superintendent and/or its designees shall contact those individuals that have been referred to as having pertinent information related to the complaint. Strict timelines cannot be set for conducting the investigation because each set of circumstances is different. The Office of the Superintendent and/or its designees will make sure that the complaint is handled as quickly as is feasible. After completing the formal investigation, the Office of the Superintendent shall contact the individual who filed the complaint regarding the outcome of its investigation and its determination as to whether any corrective action is warranted.

Other Complaint Processes Also Available

It should be noted that the provisions of this section does not preclude a student from using 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 are based on a characteristic protected by law such as sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, marital status, gender identity or sexual orientation. It also should be noted that the provisions of this section do not preclude a student from using the complaint process set forth in Section 23.0 of the *Cambridge Public Schools Rights and Responsibilities Handbook* to seek resolution of any complaints regarding a student’s deprivation of rights set forth in the *Cambridge Public Schools Rights and Responsibilities Handbook*.

5.12 Anti-Bullying Policy and Bullying Prevention and Intervention Plan

The Cambridge Public Schools is committed to creating a safe, caring, respectful learning environment for all students and strictly enforces a prohibition against bullying, including without limitation, cyberbullying, of any of its students by anyone and also strictly enforces a prohibition against retaliation of any person

who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about bullying. Site-based initiatives, developed collaboratively between school administration and personnel, students, families and community members will seek to: (1) help students of all ages and abilities stay safe, act wisely, and believe in themselves; and (2) help adults respond effectively to students' reports and their own observations.

Bullying is defined as the repeated use by one or more students, or by a member of school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to himself or herself or of damage to his/her property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. Consistent with state law, the Cambridge Public Schools recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including: race, color, religion, ancestry, national origin, sex, socioeconomic status, homelessness, academic status, gender identity or expression, physical appearance, pregnant or parenting status, sexual orientation, mental, physical, developmental or sensory disability or by association with a person who has or is perceived to have one (1) or more of these characteristics. For purposes of this policy, bullying shall include cyberbullying.

Cyberbullying is further defined as bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer or signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo electronic or photo optical system, including, but not limited to, electronic mail, internet communications, instant messages or facsimile communications. Cyberbullying shall also include (i) the creation of a web page or blog in which the creator assumes the identity of another person or (ii) the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying. Cyberbullying shall also include the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in clauses (i) to (v), inclusive, of the definition of bullying.

Aggressor or perpetrator is defined as a student or a member of school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity

or paraprofessional, school volunteer or a vendor, contractor or other person working under a contract with the school district who engages in bullying, cyberbullying, or retaliation.

Hostile environment, as defined in M.G.L. c. 71, § 37O, is a situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Retaliation is defined as any form of intimidation, reprisal, or harassment directed against a student who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

Staff is defined to include, but is not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

Target or Victim is defined as a student or an adult against whom bullying, cyberbullying, or retaliation has been perpetrated.

Bullying can take many forms and can occur in any setting. Bullying can include, but is not limited to, intimidation such as name calling or threatening; social alienation such as shunning or spreading rumors; or physical aggression such as assaults on a student or attacks on a student's property. Bullying can create an atmosphere of fear for all members of the school community. It also can create unnecessary and unwarranted anxiety that affects the ability of a student to attend school, learn in school, walk in school corridors, eat in the school cafeteria, play in the school yard or recreation areas, participate in or attend special or extracurricular activities or travel to and from school. More specifically, a "hostile environment" is defined as a situation in which bullying causes the school environment to be permeated with intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the student's education. Bullying behaviors that are not addressed can lead to devastating consequences for young people, including depression, drops in school performance and attendance. The failure to address bullying behaviors also gives other students the message that it is permissible to engage in negative behaviors.

Bullying of students occurring in the schools is prohibited by law and will not be tolerated by the Cambridge Public Schools. For purposes of this policy, "school" includes schools, school grounds, travel to and from school and/or school-sponsored events and functions, property immediately adjacent to school grounds, school-sponsored or school-related activities, functions, programs whether on or off school grounds (such as social events, trips, sports events, or similar school-sponsored events and functions), at a school bus stop, on a school bus or other vehicle owned, leased or used by the school district or a school, on the way to or from school or through the use of technology or an electronic device owned,

leased or used by the school district or a school and at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the school district or school, if the act creates a hostile environment at school for the victim or witnesses, infringes on the rights of the victim or witnesses at school or materially and substantially disrupts the education process or the orderly operation of a school.

The Cambridge Public Schools takes allegations of bullying seriously and will respond promptly to complaints and allegations of bullying. Additionally, retaliation against a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about bullying shall be prohibited.

If any student, parent/guardian of a student, staff member or other community member believes that the student has been subjected to bullying, or to retaliation for reporting bullying, providing information during an investigation of bullying or witnessing or having reliable information about bullying, he or she should bring the matter to the attention of the principal of the school/head of upper school where the child attends. This may be done verbally or in writing. Reports of bullying and/or reports of retaliation for reporting bullying, providing information during an investigation of bullying or witnessing or having reliable information about bullying also may be made anonymously to the principal of the school/head of upper school where the student attends. Please note; however, that no disciplinary action shall be taken against a student solely on the basis of an anonymous report having been received.

All school staff (including, but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff or paraprofessionals) are trained on an annual basis regarding the Cambridge Public Schools Anti-Bullying Policy and the Bullying Prevention and Intervention Plan. The duties and responsibilities of staff are further set forth in the Cambridge Public Schools Bullying Prevention and Intervention Plan and in the Guide to Policies for Staff. It, however, is important to note that all school staff are required to immediately report any instance of bullying or retaliation they witness or become aware of to the principal/head of upper school or designee of the school using the CPS Bullying Report form (available on the school district's website). The requirement to report to the principal/head of upper school or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school district policies and procedures for behavior management and discipline.

When the complaint is received, the principal/head of upper school will immediately notify:

- Parents/guardians of the alleged target
- Parents/guardians of the alleged aggressor or the alleged aggressor if a member of the school staff
- Office of Safety and Security

The principal/head of upper school will promptly conduct an investigation of the complaint that is received.

The principal/head of upper school may consult with the School Resource Officer but shall not share identifying information of the alleged target or aggressor.

In notifying the parents/guardians of the target and aggressor, the principal/head of upper school must comply with the confidentiality requirements of the Massachusetts Student Record regulations, 603 C.M.R. 23.00, and the Federal Family Educational Rights and Privacy Act regulations, 34 C.F.R. Part 99, as set forth in 603 C.M.R. 49.07. More specifically, a principal/head of upper school may not disclose information from a student record of a target or aggressor to a parent/guardian unless the information is about the parent/guardian's own child. A principal/head of upper school may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 C.M.R. 49.06 without consent of a student or his/her parent/guardian but the principal/head of upper school shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances. Additionally, if the aggressor is a member of the school staff, the principal/head of upper school may take appropriate disciplinary action, up to and including termination. Additionally, if the principal/head of upper school has determined that there is an immediate and significant threat to the health or safety of the student or other individuals, a principal/head of upper school may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 C.M.R. 23.07(4)(e) and 34 C.F.R. 99.13(a)(10) and 99.36. In this latter situation, the disclosure is limited to the period of the emergency and the principal/head of upper school must document the disclosure and the reasons that the principal/head of upper school determined that a health or safety emergency exists.

The principal/head of upper school will provide a copy of the *Cambridge Public Schools Non-Discrimination Policy and Prohibition Against Sexual Harassment* and the *Cambridge Public Schools Anti-Bullying Policy* to all parties including the person making the complaint, the alleged student target, the parents/guardians of the alleged student target, the alleged aggressor and the parents/guardians of the alleged aggressor, if the alleged aggressor is a student.

Complaint Investigation

When the Cambridge Public Schools receives a complaint of bullying or retaliation for reporting bullying, providing information during an investigation of bullying or witnessing or having reliable information about bullying, the Cambridge Public Schools will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and to protect from bullying or retaliation a person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about an act of bullying.

The investigation may include an interview with the student, parent/guardian, staff member or community member filing the complaint, the student alleged to be a victim of bullying or retaliation, the student(s) or staff member(s) alleged to have committed the bullying or retaliation, witnesses to any alleged incidents or other individuals as determined by the school department. Upon determining that bullying or retaliation has occurred, the principal/head of upper school or designee will promptly notify the parents/guardians of the target and the aggressor and the parents/guardians of the aggressor, if the aggressor is a student, of this and of the procedures for responding to it. There may be circumstances in which the principal/head of upper school or designee contacts parents/guardians prior to any investigation. Notice will be consistent with state regulations at 603 C.M.R. 49.00. In notifying the parents/guardians of the target and aggressor, the principal/head of upper school must comply with the confidentiality requirements of the Massachusetts Student Record regulations, 603 C.M.R. 23.00, and the Federal Family Educational Rights and Privacy Act regulations, 34 C.F.R. Part 99, as set forth in 603 C.M.R. 49.07. More specifically, a principal/head of upper school may not disclose information from a student record of a target or aggressor to a parent/guardian unless the information is about the parent/guardian's own child. A principal/head of upper school may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 C.M.R. 49.06 without consent of a student or his/her parent/guardian but the principal/head of upper school shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances. Additionally, if the principal/head of upper school has determined that there is an immediate and significant threat to the health or safety of the student or other individuals, a principal/head of upper school may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 C.M.R. 23.07(4)(e) and 34 C.F.R. 99.13(a)(10) and 99.36. In this latter situation, the disclosure is limited to the period of the emergency and the principal/head of upper school must document the disclosure and the reasons that the principal/head of upper school determined that a health or safety emergency exists. Additionally, consistent with state law, the parents/guardians of the target(s) shall be notified of the results of the investigation and any actions that will be taken to prevent

any further acts of bullying or retaliation if it is determined that such conduct has occurred.

Additionally, consistent with state law and the terms of the Memorandum of Understanding between the Cambridge Public Schools and Cambridge Police Department, if it is determined that bullying or retaliation has occurred, the principal/head of upper school, in conjunction with the Director of Safety and Security, shall

- Notify School Resource Officer if the principal/head of upper school has a reasonable basis to believe that criminal charges may be pursued against the aggressor or has determined that there is an immediate and significant threat to the health or safety of the student or other individuals
- Take appropriate disciplinary action consistent with the *Cambridge Public Schools Rights and Responsibilities Handbook*
- Notify the parents/guardians of the aggressor(s) if the aggressor is a student or notify the aggressor if a staff member
- Notify the parents/guardians of the target(s), and to the extent consistent with state and federal law and regulations, notify them of the action taken to prevent any further acts of bullying or retaliation.

Moreover, if an incident of bullying or retaliation involves students from more than one school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school first informed of the bullying or retaliation shall, consistent with state and federal law, promptly notify the appropriate administrator of the other school district or school so that both may take appropriate action.

At any point after receiving a report of bullying or retaliation, including after an investigation, if the principal/head of upper school or designee has a reasonable basis to believe that criminal charges may be pursued against the aggressor, the principal/head of upper school, in conjunction with the Director of Safety and Security, will notify local law enforcement. Notice will be consistent with the requirements of 603 C.M.R. 49.00 and the terms of the Memorandum of Understanding between the Cambridge Public Schools and Cambridge Police Department. Additionally, if an incident of bullying or retaliation occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in a local school district, charter school, non-public school, approved private day or residential school or collaborative school, the school district or school informed of the bullying or retaliation shall contact law enforcement in a manner consistent with state and federal law and regulations. In making this determination the principal/head of upper school will, consistent with the Plan, applicable school district policies and procedures and the terms of the Memorandum of Understanding between the Cambridge Public Schools and Cambridge Police Department, consult with the school resource officer and other individuals the principal/head of upper school or designee deems appropriate.

Disciplinary Action/Responses to Bullying

The goal of the Cambridge Public Schools with regard to discipline is to create an atmosphere in which students learn how to repair the damage caused to the entire community when individual members harm each other. If it is determined that bullying or other inappropriate conduct has been committed, the Cambridge Public Schools will take action that is appropriate under the circumstances. The disciplinary action taken will balance the need for accountability with the need to repair the harm done to the school community, while also teaching appropriate behavior. Using a restorative framework as appropriate, the principal/head of upper school or designee will implement appropriate strategies for protecting from bullying or retaliation a student who has reported bullying or retaliation, a student who has witnessed bullying or retaliation, a student who provides information during an investigation, or a student who has reliable information about a reported act of bullying or retaliation.

Before fully investigating the allegations of bullying or retaliation, the principal/head of upper school or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a "safe person" for the target; and altering the aggressor's schedule and access to the target. The principal/head of upper school or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

There are a range of options for teaching appropriate behavior including: offering individualized skill-building sessions; modeling and using restorative practices; providing relevant educational activities for individual students or groups of students, in consultation with school counselors and other appropriate school personnel; implementing a range of academic and nonacademic positive behavioral supports to help students understand pro-social ways to achieve their goals; meeting with parents and guardians to engage parental support and to reinforce bullying prevention and social skills building activities at home; adopting behavioral plans to include a focus on developing specific social skills.

Action for students who are found to have engaged in bullying may further include requiring the aggressor to work with school personnel to improve behavior; a recommendation of counseling, support services or other therapeutic interventions for the student and appropriate family members of the student; disciplinary consequences for the student up to and including court involvement; or school-related discipline consistent with the *Cambridge Public Schools Rights and Responsibilities Handbook* up to and including suspension, expulsion and/or court involvement.

All students who are found to have engaged in bullying will be informed about the prohibition against retaliation and that any acts of retaliation will result in disciplinary action.

Where it is determined that inappropriate conduct has occurred, the Cambridge Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, which may range from requiring the offender to work with school personnel on better behavior, the recommendation for the provision of counseling or other therapeutic services and/or disciplinary action where appropriate, up to and including suspension, expulsion and/or court involvement. Additionally, consistent with state law, if it is determined that bullying or retaliation has occurred, the principal/head of upper school, in conjunction with the Director of Safety and Security, shall (i) notify local law enforcement if the principal/head of upper school believes that criminal charges may be pursued against the perpetrator; (ii) take appropriate disciplinary action; (iii) notify the parents/guardians of the perpetrator; and (iv) notify the parents/guardians of the victim, and to the extent consistent with state and federal law, notify them of the action taken to prevent any further acts of bullying or retaliation. Furthermore, if it is determined that a student has knowingly made a false accusation of bullying or retaliation, he/she shall be subject to discipline consistent with the provisions of this handbook.

Promoting Safety for the Target and Others

In order to restore a sense of safety for the student target of bullying and assess the target's needs for protection, a meeting shall be held with the student, his/her parents/guardians, and appropriate school personnel (i.e. school principal, head of upper school, assistant principal, dean of students, safety specialist and/or school resource officer). The purpose of this meeting will be to discuss the development and implementation of a safety plan for the student, including staff to whom the student may report if any concerns arise. The Cambridge Public Schools also may, as appropriate, recommend counseling, support services or other therapeutic interventions for the student and appropriate family members of the student.

Within a reasonable period of time following the determination and the ordering of remedial and/or disciplinary action, the principal/head of upper school or designee will contact the target to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the principal/head of upper school or designee will work with appropriate school staff to implement them immediately.

If a restraining order is in place, one purpose of the meeting will be to review the implications of the restraining order and procedures for reporting if any violation of the restraining order occurs. If the restraining order is against another student or an employee, a separate meeting should be held with that individual to review the restraining order and its implications, expectations and the consequences for violation of the order.

False Accusations/Retaliation

If it is determined that a student has knowingly made a false accusation of bullying or retaliation, he/she shall be subject to discipline consistent with the provisions of the *Cambridge Public Schools Rights & Responsibilities Handbook*.

All students shall be afforded the same protection regardless of their status under the law.

Review of School-based Actions

If the person making a complaint about bullying, the alleged target of bullying and/or the parents/guardians of an alleged target of bullying are unable to resolve their concerns after a good faith attempt to use the informal means detailed above in cooperation with the Principal/Head of Upper School, a written complaint may be filed with the Superintendent or Chief Operating Officer. The written complaint shall state the concerns and include a brief statement of the facts and the specific relief being requested.

Within seven (7) days of receipt of the written complaint, the Superintendent or designee shall mail a notice establishing a date and time for a meeting to discuss the concerns. After the meeting, the Superintendent or designee shall determine if bullying or other inappropriate conduct has occurred, what appropriate relief has been taken, to date, to assure that the bullying or other inappropriate conduct ceases to occur and whether additional supportive measures are needed. A letter addressing these matters and any additional actions that the school district will be taking to address the concerns that were raised will be issued within five (5) days of the meeting.

If the person making a complaint about bullying, the alleged target of bullying and/or the parents/guardians of an alleged target of bullying still is unable to resolve their issues and concerns after the meeting with the Superintendent or designee has occurred, a request for review may be submitted to the School Committee. The School Committee in its discretion may hear witnesses, receive additional evidence, and review the findings and recommendations at the school level as well as the findings and recommendation of the Superintendent or designee's review meeting. Within five (5) days of conducting its review, the School Committee shall issue a written decision which shall affirm, overrule or otherwise modifying the findings and recommendations of the Superintendent, including addressing what, if any, additional actions that the school district will take to address the concerns that have been raised.

Other Complaint Processes Also Available

It should also be noted that the provisions of these procedures detailed above in this section and in the Cambridge Public Schools Anti-Bullying Policy and Bullying

70

Prevention and Intervention Plan do not preclude a student from using the complaint process set forth in the Cambridge Public Schools “Non-Discrimination Policy and Prohibition Against Sexual Harassment Policy” to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, marital status, genetic information, gender identity or sexual orientation. It also should be noted that the provisions of this section do not preclude a student from using the complaint process set forth in Section 23.0 of the *Cambridge Public Schools Rights and Responsibilities Handbook* to seek resolution of any complaints regarding a student’s deprivation of rights set forth in the *Cambridge Public Schools Rights and Responsibilities Handbook*.

Relationship To Other Laws

Consistent with federal and state laws and regulations and the policies of the school district, no person shall be discriminated against in admission to a public school of any city or town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, ancestry, ethnicity, sex, religion, national origin, marital status, genetic information, disability, gender identity or sexual orientation. Nothing in this section or in the Cambridge Public Schools Anti-Bullying Policy and Bullying Prevention and Intervention Plan prevents a school or the school district from taking action to remediate discrimination or harassment based on a person's membership in a legally protected category under local, state or federal law or school district policies. In addition, nothing in this section or in the Cambridge Public Schools Anti-Bullying Policy and Bullying Prevention and Intervention Plan is designed or intended to limit the authority of a school or the school district to take disciplinary action under M.G.L.c. 71, sections 37H and 37H 1/2, other applicable laws, or local school or school district policies in response to violent, harmful or disruptive behavior, regardless of whether this section or the Cambridge Public Schools Anti-Bullying Policy and/or Bullying Prevention and Intervention Plan covers the behavior.

5.13 Policy Against Teen Dating Violence

The Cambridge Public Schools is committed to providing a learning environment in which dating violence is not tolerated. Consistent with this philosophy, the Cambridge Public Schools is committed to promoting an environment free from dating violence. Accordingly, the Cambridge Public Schools seeks to increase awareness of teen dating violence and help in responding to the needs of victims and children who are witnesses to such violence.

Teen dating violence occurring in any setting is unlawful and teen dating violence occurring in any school setting will not be tolerated. Further, retaliation against an individual who has complained about teen dating violence or cooperated in an investigation of teen dating violence will not be tolerated. The Cambridge Public Schools will respond promptly to complaints and reports of teen dating violence

or retaliation and corrective action will be taken where necessary, including disciplinary action where appropriate.

Domestic Violence/ Interpersonal Violence: Domestic Violence is a pattern of coercive behavior in which one partner attempts to control another through threats or actual use of tactics, which may include any or all of the following: physical, sexual, verbal, financial, psychological abuse and/or through the use of technology (i.e., cyberbullying).

Domestic Violence affects every community across the country, regardless of ethnic group, culture, or background. People of all ages, income levels, faiths, sexual orientation, gender, and education levels experience domestic violence.

Teen Dating Violence: Dating violence (or relationship abuse) is a pattern of over-controlling behavior that someone uses against their girlfriend or boyfriend. Dating violence can take many forms, including mental/emotional abuse, physical abuse, and sexual abuse and/or through the use of technology (i.e. cyberbullying). Someone may experience dating violence even if there is no physical abuse. It can occur in both casual dating situations and serious, long-term relationships.

Child Witness/Exposure to Domestic Violence: Witnessing violence can affect every aspect of a child's life, growth, and development. Exposure can include seeing or hearing the abuse, discovering the effects of abuse (their parent's injuries or broken furniture, etc.) and/or being injured/hurt defending a parent against the abusive behavior.

Family Violence: Family violence is a broader definition, including child abuse, elder abuse, and other violent acts between family members.

Victim/Survivor/Battered: interchangeable terms to refer to the person who has been hurt, abused or threatened with harm, whether or not there has been actual physical harm.

Abuser/Perpetrator/Batterer: interchangeable terms to refer to the person inflicting the abuse and causing harm, whether or not there has been actual physical harm.

Additionally, such conduct may also constitute harassment, a form of discrimination, that is prohibited by federal and state law; and/or such conduct may constitute bullying, including without limitation, cyberbullying, which is prohibited by state law. Such conduct also is prohibited by the Cambridge Public Schools Non-Discrimination Policy and Prohibition Against Sexual Harassment, the Cambridge Public Schools Anti-Violence Policy and the Cambridge Public Schools Anti-Bullying Policy.

Signs of abusive behavior include: acting really jealous if his/her boyfriend/girlfriend talks to others, trying to decide what the other should do, blowing disagreements out of proportion, constantly threatening to break up, losing his/her temper verbally, blaming the other for their own problems, and physically and emotionally hurting their partner or acts of cyberbullying

Signs of victimization include: constantly cancelling plans for reasons that do not sound right, always worrying about making their boyfriend/girlfriend angry, giving up things that are important to them, showing signs of physical abuse, such as bruises or cuts, getting pressured into having sex or feeling like a sex object, having a boyfriend/girlfriend that wants them to be available all the time, and becoming isolated from family or friends or being cyberbullied.

Procedure for Reporting Teen Dating Violence

A student who believes that he/she has been a victim of teen dating violence, believes that he/she is in danger of teen dating violence, or has a restraining order against an individual, may report the matter to any of the following individuals: (1) principal/head of upper school, (2) assistant principal, (3) dean, (4) teacher or (5) school nurse.

The person who receives the report must immediately notify the principal/head of upper school.

Additionally, any employee who observes an incident of teen dating violence on school property or at a school related event, must immediately notify the principal/head of upper school.

The principal/head of upper school must immediately do the following: (1) notify the parents/guardians of the victim, and (2) notify the Office of Safety and Security.

The principal/head of upper school must also refer the student and/or the student's parents/guardians to the Cambridge Public Schools Non-Discrimination Policy and Prohibition Against Sexual Harassment which addresses procedures for informal resolution and filing of formal complaints and the Cambridge Public Schools Anti-Bullying Policy and provide copies of the same upon request.

When a report of teen dating violence is received, whether the incident occurred off school property or has occurred on school property, on the way to or from school or at a school related event, or a violation of a restraining order on school property, on the way to or from school or at a school related event is received, the Cambridge Public Schools will act promptly to notify the appropriate authorities of the alleged incident. Reporting of any such incident will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

It is important to take third party information seriously where teen dating violence is concerned. It is recommended that an appropriately trained member of the school staff approach the student to discuss what has been heard and potential concerns. If abuse is acknowledged, a "safety plan" should be worked on, in addition to recommending and sharing referrals for counseling, support groups, and police/court assistance.

Additionally, school staff must remember to comply with all statutory reporting obligations for suspected abuse and neglect (51A reporting). Filing of 51A complaints should be done by following the Cambridge Public Schools Child Abuse and Neglect Reporting Guidelines, including notifying the principal/head of upper school of the suspected abuse and neglect. Furthermore, school staff also must remember to report all crimes to the police. Staff should notify the principal/head of upper school, who will notify the Director of Safety and Security, and who will coordinate notification to the police. Reporting of any such incident will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

Procedures When The School Is Provided With A Copy of a Restraining Order

When a student has a restraining order against an individual and provides a copy of the order to the school, the principal/head of upper school should hold a meeting with the employee or with the student and her/his parents/guardians to review the restraining order and its implications.

A "safety plan" should be worked out to address the victim's needs and concerns, including staff to whom the student may report if any concerns arise or any violation of the restraining order occurs while the student or employee is on school property or at a school related event. If the restraining order is against another member of the school community, a separate meeting should be held with that individual to review the restraining order and its implications, expectations and the consequences for violation of the order. The development of the "safety plan" will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

Disciplinary Action

If it is determined that inappropriate conduct has been committed, the Cambridge Public Schools will take such action as it deems appropriate under the circumstances. Such action may range from counseling and/or discipline up to and including suspension or expulsion from school.

Other Remedies

In addition to reporting a teen dating violence incident that occurs on school property, on the way to or from school, or at a school related event in accordance with the procedures above, a student who believes that he/she has been the victim of teen dating violence on school property, on the way to or from school, or at a school related event may also file a complaint of harassment and/or bullying in accordance with the procedures set forth in either the Cambridge Public Schools Non-Discrimination Policy and Prohibition Against Sexual Harassment and/or the Cambridge Public Schools Anti-Bullying Policy. Furthermore, a student who believes that he/she has been the victim of teen dating violence that has occurred off school grounds and/or during non-school hours may report the alleged incident to the police.

Students who believe that they are in danger may also seek a restraining order to protect a person from physical pain or injury or the threat of pain or injury by filing an application for a restraining order at the local courthouse.

6.0 FREEDOM OF EXPRESSION

6.1 Students shall enjoy certain constitutional rights as defined by the courts for a school setting. Students shall have the right to express themselves by speaking, writing, wearing or displaying symbols such as buttons, badges, emblems and armbands, or through any medium or form of expression. The Principal/Head of Upper School or designee may regulate expression if there is a substantial factual basis for believing a specific form of expression will cause or is causing imminent and substantial disruption of school activities (e.g., is obscene, libelous or defamatory; supports racism, is pornographic, willfully incites others to break valid school rules, etc.).

6.2 Students shall have the right to distribute and possess any form of literature on school grounds and in school buildings, including but not limited to newspapers, magazines, leaflets and pamphlets; except that the Principal/Head of Upper School or designee may prohibit the distribution in school buildings of a specific issue of a specific publication if there is a substantial factual basis for believing its possession or distribution will cause or is causing substantial disruption of school activities (e.g., supports racism, supports illegal activities, promotes substance abuse, etc.).

6.3 The Principal/Head of Upper School or any teacher, school official or school employee will require that literature, including school-sponsored publications, be submitted for approval or consent prior to distribution. All student publications will be expected to comply with the rules for responsible journalism. This means that libelous statements; unfounded charges and accusations; obscenity; defamation of persons; false statements; material advocating prejudice, harassment or discrimination on the basis of sex, gender, sexual orientation, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, gender identity, veteran status, marital status; hatred; violence; the breaking of laws and school regulations; or materials designed to disrupt the educational process will not be permitted.

Any expression in any form undertaken by students in the exercise of such rights of expression shall not be construed as a statement of official school policy. The Principal/Head of Upper School will require that no literature be distributed unless a copy is submitted to the Principal/Head of Upper School or designee at the time distribution commences.

- 6.4 The time, place and manner of student distribution of literature may be reasonably regulated by the Principal/Head of Upper School provided such regulations:
- a. Are uniformly applied to all forms of literature;
 - b. Do not prohibit distribution at times or places either inside or outside the school building for which no factual basis exists to conclude that any interference would occur;
 - c. Are specific as to places and times where distribution is prohibited; and
 - d. Do not inhibit any person's right to accept or reject any literature distributed in accordance with the rules.
- 6.5 No student shall be compelled to salute the flag or to join in the Pledge of Allegiance. A student who chooses not to participate shall remain respectfully silent.
- 6.6 No placards, flyers or postings will be allowed without prior approval of Principal/Head of Upper School or designee.
- 6.7 Any violation by any person of any of the rights set forth in this Code shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this Code.

7.0 FREEDOM OF ASSEMBLY

- 7.1 Students shall enjoy the full Constitutional right to freedom of assembly. Students shall have the right to assemble freely and peaceably on school property to express their views and opinions. Any assembly planned by students shall take place at a time and place approved in advance by the Principal/Head of Upper School or Assistant Principal, which approval shall not be reasonably withheld.
- 7.2 Students may invite and hear outside speakers in school facilities. School officials may reasonably regulate the time and place of speeches and may require advance notice in order to avoid conflicts and to insure proper protection of the school community. Students are required to submit the names of outside speakers to the Principal/Head of Upper School or Assistant Principal for prior approval. The Principal/Head of Upper School or Assistant Principal shall approve an outside speaker unless there is a substantial factual basis for believing that the speaker will cause substantial disruption of school activities.

- 7.3 Any violation by any person of any rights set forth in this Code shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this Code.

8.0 USE OF SCHOOL FACILITIES

- 8.1 School officials shall make school facilities available on a reasonable and non-discriminatory basis to all students for meetings, assemblies, and for the preparation and dissemination of publications, to enable students to exercise the rights set forth in this Code. School officials may require that students using these facilities reimburse the school for reasonable costs of materials used by the students and for other costs or damages incurred through the use of such facilities for which the school would not otherwise pay.

Any violation by any person of any right set forth in this Code shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this Code.

9.0 DRESS CODE

- 9.1 Students are permitted to dress in compliance with this dress code in a manner consistent with their gender identity. Students shall have a right to express themselves by the dress and hair style of their own choosing provided students meet their responsibility to dress and groom in a manner that conforms to the reasonable and acceptable standards of health, safety and cleanliness, will not cause a disruption of the educational process, and is not offensive and/or does not endanger the health, safety and welfare of the student or others. Feet must be covered (shod) at all times.
- 9.2 Students are prohibited from wearing clothing, jewelry and/or accessories that have slogans, comments or designs that are obscene, lewd or vulgar; are directed towards or intended to harm, harass, threaten, intimidate or demean individual groups or individuals on the basis of sex, gender, sexual orientation, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, gender identity or marital status; and/or advertise alcoholic beverages, tobacco products or illegal drugs.
- 9.3 Students may not come to school shirtless, pantless or shoeless. All students dressed in accordance with this policy should not experience student or staff repercussions related to their apparel regardless of how their clothing coincides with their body type, sex, sexual orientation, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, or gender identity.
- 9.4 Parents/guardians will be notified if a student has arrived to school in clothing that is not suitable for school, and the student will be provided with a school-issued suitable item of clothing to wear (e.g., sweatshirt or t-shirt from the school store) during the course of the school day, asked to turn clothing inside out,

sent home to change their clothing or to borrow clothing from a classmate/friend to wear during the course of the school day.

- 9.5 Students are expected to follow all school rules with respect to wearing any protective clothing, safety glasses or other protective or safety equipment that may be required for participation in specialized programs.
- 9.6 Conversations about student apparel should be facilitated where both parties have an equal voice. Such conversations should not occur in front of a class or other students.
- 9.7 The Superintendent shall direct the principals/heads of upper schools to train staff about this policy to ensure equitable and consistent application of this policy. Any discipline that is to be imposed for a violation of this policy shall be administered by the principal/head of upper school in accordance with the applicable provisions of the Rights and Responsibilities Handbook.
- 9.8 Any violation by any person of any right set forth in this Code shall be grounds for an appeal pursuant to the applicable section of the Cambridge Public Schools Rights and Responsibilities Handbook.

10.0 FREEDOM OF RELIGION

- 10.1 Students shall have the right to refuse to participate in or attend any form of religious activity.
- 10.2 Nothing in these rules shall be construed to prohibit or discourage discussions which may relate to religious subjects or the performance of religious music as part of the normal school curriculum, provided that any student objecting shall have the right to refuse to participate.

11.0 STUDENT MARRIAGE AND PREGNANCY

- 11.1 Students who are pregnant, parents or married shall be encouraged to continue in school. Such students are permitted to remain in their regular academic classes and to participate in extracurricular activities with other students. Additionally, pregnant students, after giving birth, are permitted to return to their same academic classes and extracurricular activities as before giving birth. No student who is pregnant, a parent or married shall be denied access to classroom instruction or extracurricular activities, nor be suspended, expelled, excluded or otherwise disciplined because of marriage, pregnancy or parenthood.
- 11.2 Any violation by any person of any rights set forth in this Code shall be grounds for an appeal pursuant to the provisions of Section 23.0.

12.0 STUDENT GOVERNMENT

- 12.1 Students shall have the right to an independent, democratic form of self-government. All students in good standing shall have the right to vote and to seek and hold office. The student government shall be elected annually.
- 12.2 All nominations and election procedures for student office shall be established and implemented by students without interference from, but under the supervision of, any school official, teacher or school employee.
- 12.3 All candidates for student office shall have the right to wage a campaign and shall have equal access to school facilities.
- 12.4 The organization, procedures and powers of the student government shall be set forth in a written constitution formulated and adopted by the students, provided that, in any event the constitution must provide that the student government has the responsibility to hear minority groups with special interests and guarantee such groups some form of representation in the student government.

13.0 DISCIPLINE POLICY AND PROCEDURES

13.1 General Policy

It shall be the policy of the School Committee and of all school personnel to help students to resolve conduct problems without resorting to extreme disciplinary measures. Suspension action is recommended only as a last resort. To that end, school personnel are encouraged to pursue and exhaust all other available and appropriate disciplinary actions to foster the education and good conduct of a student before resorting to suspension. Examples of the types 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, 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, and/or warning. It should be noted, however, that this list of interventions is not exhaustive and that not every intervention listed is used in every situation; rather, interventions that are utilized are related to the severity of the infraction.

13.2 Other Appropriate Proactive Disciplinary Actions

In order to deter behavior which may warrant suspension, the Principal/Head of Upper School and designees are encouraged and shall be authorized to take any action to foster the education and good conduct of a student, including but not limited to any of the following:

- a. Work with the student on a one-to-one basis, attempt to ascertain the source of the problem, and recommend an alternative.
- b. Confer with the parent/guardian (home visit, if necessary), or friend(s), if necessary.
- c. Refer to the school counselor or psychologist.
- d. Refer to outside social agencies.
- e. Confer with any or all of the above.
- f. Refer to the Principal/Head of Upper School.
- g. Counsel individually or with a group of students.
- h. Assign a tutor in addition to regular classes.
- i. Assign additional work.
- j. Require additional work after regular hours.
- k. Refer the student for evaluation as a child in need of special education pursuant to the procedure set forth in applicable state and federal laws and regulations.
- l. Separate from class, not to exceed two days, where appropriate.
- m. use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and supports.

13.3 The Principal/Head of Upper School and designees may seek recovery of the costs of damage to any school property, whether fences, gates, trees, shrubs, buildings or any part thereof, windows, books, instruments, apparatus or furniture caused by a student, whether or not such damage was accidental or otherwise.

13.4 If an incident involves drugs, weapons, assault on school staff or any criminal violation, the procedures set forth in Section 19 of the *Rights and Responsibilities Handbook* apply, including, without limitation, the following:

- a. The staff member involved will contact the Principal/Head of Upper School and/or Assistant Principal
- b. The Principal/Head of Upper School will notify:
 - i. the Director of Safety and Security;
 - ii. the parent(s) or guardian(s) by telephone, with a follow-up letter, and, if necessary, by certified mail; and
 - iii. the Chief Operating Officer.
- c. The Director of Safety and Security will send to the Superintendent or his/her designee an incident report.
- d. The Principal/Head of Upper School will conduct disciplinary proceedings in accordance with the applicable procedures as detailed in this *Rights and Responsibilities Handbook*.

14.0 SUSPENSIONS

- 14.1 It is the policy of the Cambridge School Department that every effort should be made to help students solve conduct problems without resorting to extreme disciplinary measures. However, in those cases where a student's behavior is disruptive to the school, hurtful to himself/herself or others or engages in activity forbidden by the laws of the Commonwealth of Massachusetts then a suspension may be warranted.
- 14.2 Prior to initiating any disciplinary action, the following steps shall be taken by the Principal/Head of Upper School and/or his/her designee in order to afford all students with their due process rights:
 - a. In-School Suspensions
Prior to imposition of any suspension from regular classroom activities but not the school premises for up to ten (10) consecutive school days or no more than ten (10) school days cumulatively for multiple infractions during the school year, a student shall be informed of:
 - i. The disciplinary offense;
 - ii. The basis for the charge; and
 - iii. The student shall be given an opportunity to respond.

If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulative during a school year, such suspension shall be deemed a long-term suspension for due process, appeal and reporting purposes.

b. Short-term Suspensions

Prior to imposition of any suspension from school transportation services or from school for up to ten (10) consecutive school days, or assignment to detention, as a consequence for a disciplinary offense, a student and his/her parent/guardian shall be given oral and written notice in English and the primary language of the home if other than English or other means of communication where appropriate, of the following:

- i. The disciplinary offense;
- ii. The basis for the charge;
- iii. The potential length of the student's suspension;
- iv. An opportunity for the student to have a hearing with the Principal/Head of Upper School concerning the proposed suspension and for the parent to attend the hearing;
- v. The date, time and location of the hearing;
- vi. The right of the student and the student's parent to interpreter services at the hearing if needed to participate.

A principal/head of upper school may, in his or her discretion, allow a student to serve a short-term suspension in school.

c. Long-term Suspensions

Prior to imposition of any suspension of a student from school for more than ten (10) consecutive school days as a consequence for a disciplinary offense, a student and his/her parent/guardian shall be given oral and written notice in English and the primary language of the home if other than English, or other means of communication where appropriate, of the following:

- i. The disciplinary offense;
- ii. The basis for the charge;
- iii. The potential length of the student's suspension;
- iv. An opportunity for the student to have a hearing with the Principal/Head of Upper School concerning the proposed suspension and for the parent/guardian to attend the hearing;
- v. The date, time and location of the hearing;

- vi. The right of the student and the student's parent/guardian to interpreter services at the hearing if needed to participate;
- vii. The right, in advance of the hearing, to have the opportunity to review the student's record and documents upon which the Principal/Head of Upper School may rely in making a determination to suspend the student or not;
- viii. The right to be represented by counsel or a lay person of the student's choice, at the expense of the student or the expense of the student's parent/guardian;
- ix. The right to produce witnesses on his/her behalf and to present the student's explanation of the alleged incident but the student may not be compelled to do so;
- x. The right to cross-examine witnesses presented by the school;
- xi. The right to request that the hearing be recorded by the Principal/Head of Upper School and a copy of the audio recording provided to the student or the parent/guardian upon request.
- xii. The right to appeal the Principal/Head of Upper School's decision to the Superintendent.

A principal/head of upper school may, in his or her discretion, allow a student to serve a long-term suspension in school.

Please note: Additional procedures apply to students with Individualized Education Plans and the additional procedures set forth in Section 18.0 also must be followed prior to any disciplinary action being taken.

- d. In all instances, notices of the suspension and the hearing must occur before the student may be asked to leave school, except when a student presents an immediate threat to school officials, other students, staff and/or himself/herself or clearly endangers the school environment. See Section 15.0 for procedures related to Emergency Suspensions. In this case, the hearing may be delayed but must be held within a reasonable period of time.

The Principal/Head of Upper School shall make reasonable efforts to notify the parent/guardian orally of the opportunity to attend the hearing. To conduct a hearing without the parent/guardian present, the Principal/Head of Upper School shall document reasonable efforts to contact the parent/guardian. Reasonable efforts are presumed to have

been made if the Principal/Head of Upper School has sent written notice and has documented at least two (2) attempts to contact the parent/guardian in the manner specified by the parent/guardian for emergency notification. Written notice to the parent/guardian may be made by hand-delivery, first class mail or email to an address provided by the parent/guardian for school communications, or by any other method of delivery agreed to by the Principal/Head of Upper School and the parent/guardian.

The Principal/Head of Upper School and/or his/her designee should exercise reasonable care in reviewing the circumstances and use his/her good professional judgment in making a suspension decision. Extenuating or mitigating circumstances will receive consideration before a decision on suspension is made.

- 14.3 Depending on the severity of the incident, a student may be suspended for up to ten (10) consecutive school days for violations of school rules that occur while in school buildings, on school grounds, in transit to and from school or during any authorized school activity whether on or off school grounds if he/she is found to have, including but not limited to:

a. *Assault & Battery/Bodily Harm/Threats*

- i. used or attempted to use violence, force, coercion, threats, intimidation or other comparable conduct.
- ii. interfered or attempted to interfere with any school personnel or student by use of threats, harassment or coercion or disrupts or obstructs any school activity with or without the use of force or violence.
- iii. harmed or attempted to harm a school employee or another person with a weapon or dangerous object.
- iv. committed assault, including sexual assault or assault and battery on a school employee or another person, or attempted to commit assault, including sexual assault or assault and battery on a school employee or another person.
- v. caused or attempted to cause physical injury to a school employee or another person.
- vi. endangered the physical safety of another by use of force or

violence or threats of force or violence or attempted to endanger the physical safety of another by the use of force or violence or threats of force or violence. A threat of force or violence is some overt act that reasonably places the victim in fear of imminent bodily injury. This offense includes hazing and/or teen dating violence.

- vii. engaged in or attempts to engage in teen dating violence.
- viii. engaged in or attempts to engage in any unreasonable 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.
- ix. incited, promoted or instigated or attempted to incite, promote or instigate violence, force, coercion, threats, intimidation, harm, assault, physical injury, teen dating violence or use of an unreasonable dangerous athletic technique that endangers the health or safety of an individual or other comparable conduct. This also includes failing or refusing to leave the vicinity of disruptive altercation or fight after being asked to do so by school staff.
- x. engaged in or attempted to engage in an altercation or fight (whether verbal or physical) or mutual assault and battery.

b. *Possession of Firearms, Dangerous Weapons, Dangerous Objects*

- i. been or is in possession of any firearm or weapon.
- ii. been or is in possession of any knife or dangerous weapon prohibited by law.
- iii. used any object in a dangerous or threatening manner.

c. *Controlled Substances, Alcohol and Tobacco*

- i. been or is in possession of or under the influence of a controlled substance or alcohol.
- ii. sold, distributed or been or is in possession with the intent to sell or distribute any prescribed or non-prescribed controlled substance or drug paraphernalia in school, on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.

55-

- iii. been or is in possession of or uses any non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind.
 - iv. been found using tobacco products while in school, on school grounds, or while under school jurisdiction, including, at school-sponsored activities or events or while on school provided transportation.
 - v. displayed, used or is otherwise in possession of a controlled substance or alcohol while in school, on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
 - vi. participated in the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
 - vii. displayed, used or is otherwise in possession of drug paraphernalia while in school, on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
 - viii. participated in the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
 - ix. been in the presence of and made no reasonable effort to leave the vicinity of the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind or the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction.
- d. *Harassment, Discrimination, Bullying, Cyberbullying and Violations of Civil Rights*
- i. violated the civil rights of others.
 - ii. engaged in acts of harassment or discrimination, including acts of

sexual harassment.

- iii. used slurs, profanity or obscene language in a persistent and/or abusive manner.
- iv. engaged in any activity that violates the Massachusetts law prohibiting the practice of hazing (M.G.L. c. 269, §§17-19).
- v. threatened, harassed or intimidated any person while on school grounds or at a school activity on or off school grounds.
- vi. used language and/or gestures, which are obscene, improper, derogatory and/or offensive while on school grounds, at a school-activity or at any school-related event.
- vii. engaged in any activity that violates the Massachusetts law prohibiting bullying (M.G.L.c. 71, §370).
- viii. engaged in any activity that violates the Massachusetts law prohibiting cyberbullying (M.G.L.c. 71, §370).

e. *Theft, Vandalism and Fire setting*

- i. set fire to or attempted to set fire to or damaged or attempted to damage any school building or property.
- ii. endangered the safety of others or attempted to endanger the safety of others by setting a fire on school property, at school-sponsored activity or while on school provided transportation.
- iii. sounded a school type alarm with knowledge that no fire or police emergency exists.
- iv. caused damage to or attempted to cause damage to or stole or attempted to steal school or private property.
- v. attempted by force or threat of force to steal school or private property.
- vi. damaged or stole personal property of another or was found in possession of stolen personal property while in school.
- vii. caused or attempted to cause damage to school property, stole or

attempted to steal school property.

- viii. caused or attempted to cause a disruption of school or a school related event or activity by sounding or attempting to sound a false alarm.
- ix. endangered the safety of others by sounding or attempting to sound a false alarm.
- x. made or threatened to make bomb threats or other false threats or crises of a similar nature.
- xi. set or attempted to orchestrate or set a false alarm, including without limitation a bomb threat, setting off a pull station, pulling a firebox or any other false threat or crisis while on school grounds or at a school activity or school-related event.

f. *Other Disruptions*

- i. prevented or attempted to prevent by physical act the convening or continued functioning of any school or educational function or any lawful meeting on school property.
- ii. failed to comply with the directions of any school personnel acting legitimately in their official capacity that results in any disruptive effect upon the education of other students.
- iii. engaged in any activity forbidden by the laws of the Commonwealth of Massachusetts that constitutes a disruption of school activity.
- iv. engaged in any activity that substantially disrupts the school, a classroom or classroom activity or causes harm to another individual.
- v. engaged in conduct violative of M.G.L.c. 71, §§37H & 37H½ .
- vi. engaged in any activity or brought onto school property or to any school-sponsored activity or event any object of no reasonable use in the school setting
- vii. caused or attempted to cause a disruption of the school, a classroom or classroom activity by bringing to school any object of no reasonable use in the school setting

g. *Repeated Violations*

- i. repeatedly committed one or more violations of any of the rules and responsibilities set forth in this *Rights and Responsibilities Handbook*.

The Principal/Head of Upper School has the right to further review the facts and agreement reached at the suspension hearing and has the right to extend said suspension.

While on suspension, a student is not to be within the vicinity of the school and is not eligible to participate in or attend any schools' events or activities.

14.4 Student Assault, Altercations

Severe and immediate disciplinary action will be taken against individuals who participate in a fight or encourage it in any way. Absolutely no disruptive behavior of this kind will be tolerated. The penalty for this unacceptable behavior is a one to ten-day suspension depending on degree of involvement, category, number of offenses and/or severity of incident. It should be noted that an assault or an assault and battery on a person is a crime and police are notified of all physical assaults, and parents/guardians are notified about their right to file a criminal complaint with the Middlesex County Court. Depending upon the circumstances, the Cambridge Public Schools may, on its own accord, file a criminal complaint with the Middlesex County Court on an assault and/or an assault and battery. Students know when they are in a dispute and are expected to seek assistance if necessary to resolve the dispute peacefully. A student has a responsibility to avoid fighting by bringing the situation to the attention of any school official. Student-faculty mediators are available through the Office of Safety and Security at all times to help resolve disputes.

The determination of the particular category and level of discipline for each of the five categories detailed below will be made by the responsible administrator, based upon the circumstances of each particular case, and an administrator may move to a higher category of discipline for a first or second offense, if the events or circumstances warrant more serious action to be taken, up to and including expulsion from school.

CATEGORY ONE:

Inciter/ Promoter/ Instigator:

A student who has been asked to leave the vicinity of a disruptive altercation or a fight and who refuses to do so, falls under this category.

First Offense: Up to a three-day in-school suspension. Parents/Guardians notified.

Second Offense: Three-day to five-day out-of-school suspension.
Parents/Guardians conference.

Third Offense: Five-day to ten-day out-of-school suspension. Parents/Guardians conference. Expulsion hearing at the Principal/Head of Upper School's office.

CATEGORY TWO:

Assault and Battery Upon a Person:

An assault on a person and an assault and battery on a person is a crime. The Cambridge Public Schools has an obligation to report all crimes that occur on school property, school buses, or at school-related and/or school-sponsored events and police will be notified. Victims will be advised of their right to file a criminal complaint and the Cambridge Public Schools may file a criminal complaint against the perpetrator.

First Offense: Three-day to five-day out-of-school suspension.
Parents/Guardians conference.

Second Offense: Five-day to ten-day out-of-school suspension. Expulsion hearing at the Principal/Head of Upper School's office.

CATEGORY THREE:

Fight/ Mutual Assault and Battery:

An assault on a person and an assault and battery on a person is a crime. The Cambridge Public Schools has an obligation to report all crimes that occur on school property, school buses, or at school-related and/or school-sponsored events and police will be notified. Victims will be advised of their right to file a criminal complaint and the Cambridge Public Schools may file a criminal complaint against the perpetrator.

First Offense: Up to a three-day out-of-school suspension.
Parents/Guardians conference. Mediation upon return to school available and encouraged.

Second Offense: Three to five-day out-of-school suspension.
Parents/Guardians conference. Mediation made available and encouraged upon return to school.

Third Offense: Five-day to a ten-day out-of-school suspension.
Expulsion hearing at Principal/Head of Upper School's office.

CATEGORY FOUR:

Fight/ Mutual assault and battery in classrooms, cafeterias, assemblies, in the corridor, during passing time, or at a school dance, etc. Altercations (physical or not) create a particularly volatile situation within our school climate when they erupt when large numbers of people are present. This extremely disruptive and pernicious behavior warrants strict disciplinary action. Examples: at lunchtime in the cafeteria, during dismissal time or upon entering the building, at dances, sporting events or at any school assembly or related event.

- First Offense: Up to a three-day out-of-school suspension. Parents/Guardians conference. Mediation upon return to school available and encouraged.
- Second Offense: Three-day to five-day out-of-school suspension. Parents/Guardians conference. Mediation made available and encouraged upon return to school.
- Third Offense: Five-day to a ten-day out-of-school suspension. Expulsion hearing at Principal/Head of Upper School's office.

14.5 Setting False Alarm

A student who orchestrates a false alarm (i.e., bomb threat, setting off pull station, pulling firebox or any other false threat or crisis) which creates a disruption either on school grounds or at a school activity or school-related event and requires response by either the police department and/or fire department shall be disciplined. Such conduct not only causes a disruption to the school, but it also may endanger the school population and responding fire and police department personnel. Accordingly, such conduct will not be tolerated.

- First Offense: Five-day to ten-day out-of-school suspension. Expulsion hearing in the Principal/Head of Upper School's office.

14.6 Tobacco Free Policy

According to the Commonwealth of Massachusetts' Educational Reform Act of 1993, Section 37H: "The Superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel." Smoking, chewing or other use of tobacco products by staff, students and members of the public shall be banned

from all school district buildings. The term "tobacco products" shall mean tobacco in any form, including but not limited to cigarettes, cigars, snuff, chewing tobacco, e-cigarettes, nicotine vaporizers, smokeless tobacco products and other products of a similar nature. This policy shall pertain to all school-sponsored and/or school-related events, including athletic games, whether or not such events occur on school district property and grounds. School property and/or grounds shall be defined as all ground up to the curbs of the sidewalks surrounding each school. Specifically, the Cambridge Rindge and Latin School grounds include the Cambridge Public Library grounds that are considered school grounds as regards to all student policies. Based upon the specific circumstances of a violation of these requirements, a student may be disciplined and may be referred to an appropriate city/health education program on tobacco assistance and/or substance abuse.

15.0 EMERGENCY SUSPENSIONS

15.1 Emergency Removal

The Principal/Head of Upper School and/or his/her designee may remove a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal/head of upper school shall follow the procedures set forth below in Section 15.2 of the *Rights and Responsibilities Handbook*.

15.2 Notification to Parents/Guardians and Student of Emergency Removal

The Principal/Head of Upper School and/or his/her designee authorizing the emergency removal shall:

- a. Make immediate and reasonable efforts to contact the parents/guardians and to orally notify the student and the parent/guardian of the emergency removal, the need for the emergency removal and of all other matters set forth above in Section 14.2(b)(i) – (vi) of the *Rights and Responsibilities Handbook*.
- b. Ensure that no student is removed from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.
- c. Provide written notice to the parent/guardian and the student as provided above in Section 14.2(b)(i)-(vi) of the *Rights and Responsibilities Handbook*.

- d. Provide the student with an opportunity for a hearing with the Principal/Head of Upper School in accordance with the provisions of Section 16.2 or 16.3 of the *Rights and Responsibilities Handbook* below, as applicable, and provide the parent/guardian an opportunity to attend the hearing before the expiration of the five (5) school days, unless an extension of time for the hearing is otherwise agreed to by the Principal/Head of Upper School, student and parent/guardian.
- e. Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

16.0 SUSPENSION CONFERENCE

16.1 In-School Suspension Conference

The Principal/Head of Upper School shall inform the student of the disciplinary offense and the basis for the charge; and the student shall be given an opportunity to respond. If the Principal/Head of Upper School determines that the student has committed the disciplinary offence, the principal shall inform the student of the length of the student's in-school suspension. On the same day as the in-school suspension decision, the Principal/Head of Upper School shall make reasonable efforts to notify the parent/guardian orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The Principal/Head of Upper School shall also invite the parent/guardian to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the Principal/Head of Upper School is unable to reach the parent/guardian after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent/guardian of the in-school suspension.

The Principal/Head of Upper School shall also send written notice to the student and parent/guardian about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent/guardian to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior, if such meeting has not already occurred. The principal shall deliver such notice on the day of the suspension by certified mail, first-class mail, email to an address provided by the parent/guardian for school communications or other method of delivery agreed to by the Principal/Head of Upper School and the parent/guardian.

Consistent with state regulations, in-school suspensions for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered short-term suspensions. If, however, a student is placed in in-school suspension for

more than ten (10) days, such suspension shall be deemed a long-term suspension for due process, appeal and reporting purposes.

16.2 Short-term Suspension Conference

The Principal/Head of Upper School shall inform the student of the disciplinary offense and the basis for the charge and any other pertinent information. The student shall be given an opportunity to respond and to present information, including mitigating circumstances, that the Principal/Head of Upper School should consider in determining whether the student committed the disciplinary infraction and, if so, the consequences for the infraction, including other remedies or consequences that may be appropriate. Based on the available information, including mitigating circumstances, the Principal/Head of Upper School shall determine whether the student committed the disciplinary offense, and if so, what remedy or consequence will be imposed.

The Principal/Head of Upper School shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of the suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be made in writing.

If the student is in a preschool program or in grades kindergarten through grade three, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out of school suspension, before the suspension takes effect.

16.3 Long-term Suspension Conference

The Principal/Head of Upper School shall inform the student of the disciplinary offense and the basis for the charge and any other pertinent information. The student shall be given an opportunity to respond and to present information, including mitigating circumstances, that the Principal/Head of Upper School should consider in determining whether the student committed the disciplinary infraction and, if so, the consequences for the infraction, including other remedies or consequences that may be appropriate. If the parent/guardian of the student is present, the Principal/Head of Upper School shall provide the parent/guardian with an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

Additionally, the student and his/her parent/guardian has the right, in advance of the hearing, to have the opportunity to review the student's record and documents upon which the Principal/Head of Upper School may rely in making a determination to suspend the student or not; the right to be represented by counsel or a lay person of the student's choice, at the student's/parent/guardian's expense; the right to produce witnesses on his/her behalf and to present the student's explanation of the alleged incident but the student may not be compelled

to do so; the right to cross-examine witnesses presented by the school; and the right to request that the hearing be recorded by the Principal/Head of Upper School and a copy of the audio recording provided to the student or the parent/guardian upon request. If an audio recording of the hearing is requested by the parent/guardian or student, the Principal/Head of Upper School shall inform all participants before the hearing that an audio recording will be made and a copy will be provided to the student and parent/guardian upon request.

Based on the evidence, the Principal/Head of Upper School shall determine whether the student committed the disciplinary offense, and if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long term suspension. The Principal/Head of Upper School shall notify the student and parent/guardian of the determination and the reasons for it, and, if the student is suspended, the type and duration of the suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be made in writing. The written determination shall be sent to the student and parent/guardian by hand-deliver, certified mail, first class mail, email to an address provided by the parent/guardian for school communications or other method of delivery agreed upon by the Principal/Head of Upper School and the parent/guardian.

If the determination is to impose a long-term suspension, the written determination shall be in English and the primary language of the home if other than English, or other means of communication, where appropriate, and shall:

- i. identify the disciplinary offense, the date on which the hearing took place, and the participants in the hearing.
- ii. set out the key facts and conclusions reached by the Principal/Head of Upper School;
- iii. identify the length and effective date of the suspension, as well as a date of return to school;
- iv. include notice of the student's opportunity to receive education services to make academic progress during the period of suspension;
- v. inform the student of the right to appeal the Principal/Head of Upper School's decision to the Superintendent or designee by filing a written notice of appeal within five (5) calendar days of the effective date of the long-term suspension and that the student or parent/guardian may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days and that the long term suspension will remain in effect unless and until the

Superintendent reverses the Principal/Head of Upper School's determination on appeal.

If the student is in a pre-school program or in grades kindergarten through grade three, the Principal shall send a copy of the written determination to the Superintendent and explain the reasons for imposing an out of school suspension, before the suspension takes effect.

If the conference pertains to an indefinite suspension under the provisions of M.G.L.c. 71, §37H½, then the procedures of Section 20.0 must be followed.

17.0 APPEAL OF SUSPENSION

17.1 A student or parent/guardian may request an appeal of a suspension by filing a written notice of appeal with the Superintendent or designee within five (5) calendar days of the effective date of the suspension and that the student or parent/guardian may request and receive from the Superintendent an extension of time for filing the written notice for up to seven (7) additional calendar days and that the suspension will remain in effect unless and until the Superintendent reverses the Principal/Head of Upper School's determination on appeal. If the appeal is not timely filed, the Superintendent or designee may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

If the student or parent/guardian requests an appeal, it shall be conducted within three (3) days of the request, unless the student or parent/guardian requests an extension of up to seven (7) additional calendar days, in which case the Superintendent or designee shall grant the extension.

A good faith effort shall be made by the Superintendent or designee to include the parent/guardian in the hearing and it shall be presumed that the Superintendent or designee has made a good faith effort if the Superintendent or designee has made efforts to find a day and time for the hearing that would allow the Superintendent or designee and the parent/guardian to participate. The Superintendent or designee shall send written notice to the parent/guardian of the date, time and location of the appeal hearing.

The Superintendent or designee shall conduct the hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence shall be. The Superintendent or designee also shall arrange for an audio recording of the hearing, a copy of which shall be provided to the student or parent/guardian upon request. The Superintendent shall inform all participants before the hearing that an audio recording will be made of the hearing and a copy will be provided to the student and parent/guardian upon request.

17.2 Review of Evidence

- a. The Principal/Head of Upper School or designee shall first address the Superintendent and/or his/her designee and summarize the evidence presented at the hearing. The student, parent/guardian and/or representative (including an attorney) may then ask questions of the Principal/Head of Upper School or designee on the evidence and the appropriateness of the penalty.
- b. The student shall be present throughout the hearing and shall be apprised of the charges and shall hear all evidence presented against him/her, except that a student may be excluded with the consent of the parent/guardian or counsel at times when the student's psychological or emotional problems are being discussed.
- c. The student, parent/guardian or representative shall be permitted a reasonable amount of time prior to the hearing to inspect the student's entire record, including any statement regarding the student's conduct.
- d. In conducting the hearing, the Superintendent or designee shall not be bound by the rules of evidence or other courtroom procedures and shall have the power to call and question any witnesses deemed relevant.
- e. The Superintendent or 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 hearing. Any counsel who advises the Superintendent or designee in the conduct of the hearing may not also act as counsel for school personnel; however, school personnel shall have the right to retain legal counsel.

17.3 Decision

- a. The Superintendent or designee shall record findings, copies of which shall be included in the student's records and mailed to the student, the student's parent/guardian and the Principal/Head of Upper School. However, if the Superintendent or designee determines that no violation of the Code has occurred or that non-exclusionary alternatives were neither tried nor considered carefully, no documentation regarding the suspension shall be placed in the student's records or communicated to any person except those entitled to receive a copy under Student Record Regulations (**APPENDIX A**). If the suspension has not already been fully served, the Superintendent or designee may determine that the student be readmitted immediately and request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School in connection with readmittance.

- b. The Principal/Head of Upper School will make a written report of make-up work to the Superintendent or designee.
- c. In all cases in which the Superintendent does not sit as the hearing officer, the Superintendent's designee who sat as the hearing officer shall make written findings of fact, including the basis for his/her decision. In cases in which the Superintendent has sat as the hearing officer the provisions of section 17.3 shall apply, except where other procedures as set forth in sections 20 through 23 of this *Rights and Responsibilities Handbook* apply. Within forty-eight (48) hours of the hearing, a copy of the findings shall be mailed to the student, the parent/guardian, the student's counsel or representative, if any, the Principal/Head of Upper School and the Superintendent. In all circumstances where the hearing officer is not the Superintendent, the findings also shall include a written statement informing the student of the right to appeal the hearing officer's decision.
- d. In the event the student wishes to appeal the decision of the hearing officer, the student's appeal must be filed with the hearing officer within five (5) school days after receipt of the hearing officer's decision. Upon receipt of a request for an appeal, the examiner shall transmit for review a copy of the findings and the record of the hearing to the Superintendent. The record of the hearing shall be made available to the student upon request at no cost. The student may submit written statements and argument to the Superintendent and/or may request a meeting with the Superintendent.
- e. The Superintendent shall mail to the student, parent/guardian, student's representative, if any, and Principal/Head of Upper School, a written decision within five (5) calendar days after the appeal is heard which decision shall affirm, overrule or otherwise modify the prior decision. The Superintendent or designee may also request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School upon the conclusion of the suspension period. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.
- f. Whenever it is determined by a hearing, appeal or informal administrative decision that a student did not commit a violation with which he or she has been charged, all references to the incident and disciplinary proceedings shall be expunged from the student's record. The Superintendent or designee shall inform the parents/guardians and students in writing that the records pertaining to the incident and disciplinary proceedings have been expunged.
- g. The Superintendent or designee shall, subject to regulations established by the State Board of Education, maintain records of suspensions (i.e., a log)

listing the names, dates and duration thereof and reasons therefore. But such records, if made public, shall not disclose the identity of any student or his/her family.

18.0 SPECIAL EDUCATION/504 PLAN DISCIPLINE PROCEDURES

18.1 Students with special needs and students with 504 Plans, as defined by federal and state laws and regulations, shall be subject to the provisions of this *Rights and Responsibilities Handbook*, except as otherwise provided by this section.

18.1.1 The Individual Education Program (IEP) and/or 504 Plan for every student will indicate whether the student can be expected to meet the regular discipline code as set forth in the *Rights and Responsibilities Handbook* or if the student's special needs requires a modification of this discipline code or to any school-based rules. Any required modifications to the discipline code or any school-based rules will be set forth in the student's IEP and/or 504 Plan.

18.1.2 If a student's behavior is impacted by his or her special needs, such behaviors will be dealt with through the TEAM process.

18.1.3 In conjunction with making any administrative decision under the *Rights and Responsibilities Handbook* the Principal/Head of Upper School (or his/her designee) will notify the Office of Student Services (or designee) of the suspendable offense of a student with special needs whose IEP and/or 504 Plan does not reflect the need for modifications to the discipline code set forth in the *Rights and Responsibilities Handbook* or any school-based rules, and a copy of the suspension notice will be forwarded to the Office of Student Services.

18.2 Staff from the Office of Student Services shall be involved in all administrative decisions under the *Rights and Responsibilities Handbook* involving students with special needs.

18.2.1 If an administrative decision under the *Rights and Responsibilities Handbook* will not impact the student's placement and/or will not result in a cumulative suspension of more than ten (10) school days during a school year, a TEAM meeting is not required.

18.2.2 If an administrative decision under the *Rights and Responsibilities Handbook* will impact the student's placement and/or will result in a cumulative suspension of more than ten (10) school days during a school year, a TEAM meeting is required before any administrative decision with respect to discipline is made.

18.3 Prior to making an administrative decision under the *Rights and Responsibilities Handbook*, the Principal/Head of Upper School shall determine whether or not the student has been designated a student with special needs or has been referred for a special education evaluation but not yet determined to have special needs.

18.3.1 A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated any rule or code of conduct may assert any of the protections provided by state and federal special education laws if the school had knowledge that the student is a student with a disability before the behavior that precipitated the disciplinary action occurred.

- a. The school department is deemed to have knowledge that a student is a student with a disability if before the behavior that precipitated the disciplinary action the following occurred:
 - (i) The parent/guardian has expressed concern in writing to supervisory or administrative personnel or a teacher of the child that the student is in need of special education services;
or
 - (ii) The parent/guardian has requested an evaluation of the student;
or
 - (iii) The student's teacher or other school personnel have expressed specific concern about a pattern of behavior demonstrated by the student directly to the director of the Office of Student Services or other supervisory personnel in the Office of Student Services.
- b. The school department is deemed not to have knowledge that the student is a student with a disability if:
 - (i) The parent/guardian has not allowed an evaluation of the student;
or
 - (ii) The parent/guardian has refused services for the student; or
 - (iii) The student was evaluated and found ineligible for special education and related services.
- c. If the school department is not deemed to have knowledge that the student is a student with a disability, the student may be disciplined under the discipline code set forth in the *Rights and Responsibilities Handbook* except that the following limitations apply:

- (i) If the parent/guardian of the student requests an evaluation during the time period that the student is subjected to discipline, then the evaluation must be conducted in an expedited manner; and
 - (ii) Until the evaluation is completed, the student remains in the educational placement determined by school authorities.
- 18.4 If an administrative decision under the *Rights and Responsibilities Handbook* will impact the student's placement and/or will result in a cumulative suspension of more than ten (10) school days during a school year and/or will result in an expulsion, the following provisions shall apply:
- 18.4.1 A manifestation review will be conducted by the school, the student's parents/guardians and other relevant members of the student's TEAM to determine whether the student's misconduct was a manifestation of his/her disability. In making this determination the TEAM will consider whether:
 - (a) the conduct in question was caused by, or had a direct and substantial relationship to the child's disability; or
 - (b) the conduct in question was the direct result of the non-implementation of the student's IEP and/or 504 Plan. Depending upon the result of the manifestation determination, the proposed disciplinary action may or may not be implemented.
 - 18.4.2 If the TEAM concludes that the student's conduct is a manifestation of the student's disability, the student shall be returned to the placement from which he/she was removed unless the parent/guardian and the school district agree to a change of placement as part of the behavioral intervention plan for the student. Additionally, the TEAM must take immediate steps to remedy any deficiencies found in the student's IEP and/or 504 Plan, placement or implementation in accordance with applicable state and federal laws and regulations, including conducting a functional behavioral assessment for the student, provided that such an assessment had not been conducted prior to the occurrence of the conduct that led to the manifestation determination team meeting; and either implement a behavioral intervention plan or review and modify as necessary the student's existing behavioral intervention plan.
 - 18.4.3 If the TEAM concludes that the student's conduct is not a manifestation of the student's disability:
 - a. The TEAM shall develop an alternative plan that provides a free appropriate public education to the student during the period of the suspension;
 - b. The TEAM shall present the alternative plan to the student's parents/guardians along with the written notice as required under state

and federal laws and regulations. Refusal or failure by the parents/guardians to consent to provision of services under the alternative plan shall not prevent the suspension from being implemented.

- c. If the student's parents/guardians request a hearing before the Massachusetts Department of Education Bureau of Special Education Appeals, the student shall continue in the interim alternative educational placement identified by the school as a result of an administrative decision under the *Rights and Responsibilities Handbook* until either the expiration of the term of discipline or an order by a hearing officer changing the student's placement, whichever occurs first.

18.4.4 In all instances in which a change in placement or a suspension of ten (10) or more school days will be imposed, the student must be provided with a free appropriate public education.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who has violated a code of conduct.

18.4.5 Within ten (10) school days after the date of the administrative decision to impose a disciplinary action, the following shall occur:

- a. the TEAM must convene to conduct a functional behavioral assessment of the student, if such an assessment does not already exist;
- b. the TEAM must implement the student's behavioral intervention plan if such plan was not implemented prior to the behavior resulting in the discipline; or
- c. the TEAM must review and modify the behavioral intervention plan for the student if such plan was implemented prior to the behavior resulting in the discipline.

18.4.6 The TEAM may determine a change in placement, with or without the parents/guardians permission, to an interim alternative educational setting for a period not to exceed forty-five school (45) days, as long as a free appropriate public education is provided in one or more of the following instances:

- a. a student carries a weapon to school or to a school function;
- b. a student knowingly possesses, uses, sells or solicits the sale of an illegal drug and/or controlled substance while at school or at a school

function; or

- c. a student inflicts serious bodily injury upon another person while at school, on school premises, or at a school function. "Serious bodily injury" is more specifically defined as involving substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

18.4.7 The school also may seek an order from the Massachusetts Department of Education Bureau of Special Education Appeals for the removal of a student for up to forty-five (45) school days to an interim alternative educational setting if the school determines that the student remaining in his/her current placement is substantially likely to result in injury to the student or to others.

19.0 EXPULSION POLICY -- Weapons, Drugs and Assaults

19.1 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, suspension should always be considered as a last resort and alternatives to suspension should always be considered first. Examples of the types 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, counseling, exclusion from school activities, lunch detention, office discipline referral, out-of-class time out, parent/guardian contact, parent/guardian meeting, 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. Additionally, in certain instances, it may be necessary for a principal/head of upper school to consider whether it is appropriate to file a report with the Massachusetts Department of Children and Families with respect to a violation that falls under the provisions of this policy. It should be noted, however, that this list of interventions is not exhaustive and that not every intervention listed is used in every situation; rather, interventions that are utilized are related to the severity of the infraction. However, in those cases where a student's behavior is disruptive to the 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 provides that any student who is found on school premises or at a school-sponsored or school-related event, including an athletic game, in possession of a dangerous weapon or in possession of a controlled substance as defined in Chapter 94C, including, but not limited to, alcohol, marijuana, cocaine, opioids 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, teacher, paraprofessional or other staff member 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 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 below in Section 21.

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.

19.2

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,

is considered a dangerous weapon. "Legally dangerous weapons" include, but are not limited to, the following:

- i. firearms of any kind, including BB guns and air rifles,
 - ii. 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,
 - iii. metallic knuckles, nunchaku, shuriken or any other similar pointed star-like object that is intended to injure a person when thrown,
 - iv. black jacks, blow guns,
 - v. any arm band that is made of leather which has metallic spikes, points or studs; any similar device made from any other substance,
 - vi. mace, tear gas, or any other substance that is used to incapacitate another person,
 - vii. fireworks or explosives of any kind,
 - viii. all other such weapons as described in Massachusetts General Laws, 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 that are of no reasonable use to a student in school and are not permitted on school premises, at school-sponsored events and/or at school-related events, including athletic games:
- i. knives of any kind, shape or length; including key chains knives, drafting knives,
 - ii. blades of any size,
 - iii. razors, box cutters,
 - iv. 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 or objects that are used in a dangerous or threatening manner. 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.

19.3 Drugs/Substance Abuse

The policy outlined below is an administrative action that has been approved by the Cambridge School Committee. In no way are these guidelines to be substituted for any other legal proceedings that result from investigations by the Cambridge Police Department or other law enforcement agencies. This policy is to assist Cambridge Public Schools personnel in rendering decisions regarding offenders of said policy and should not violate student rights as they relate to 603 C.M.R. 28.00 and other Massachusetts state laws and regulations.

Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance as defined in Chapter 94C including, but not limited to, alcohol, marijuana, cocaine or heroin, may be subject to expulsion from the school or school district by the Principal/Head of Upper School.

Additionally, in view of the fact that the use of alcohol can endanger the health and safety of the user, and recognizing the deleterious effect the use of alcoholic beverages can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any alcoholic beverage on school property or at any school function.

Additionally, any student, regardless of age, who has been drinking alcoholic beverages while on school grounds, prior to attendance at, or participating in, a school sponsored activity, including athletic events, will be barred from that activity and subject to disciplinary action as detailed in the Rights and Responsibilities Handbook. Furthermore, any student, regardless of age, who is

found to be in possession of, using, in the presence of, distributing or selling alcoholic beverages while on school grounds, prior to attendance at, or participation in, a school sponsored activity, including athletic events, may be subject to disciplinary action as detailed in the Rights and Responsibilities Handbook.

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.

19.4 Definitions of Drugs/Substance Abuse

- a. In the presence of controlled and/or dangerous substance implies that a student has been found to be in the immediate area of the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, opioids, alcoholic beverage or intoxicant of any kind on school grounds or while under school jurisdiction or the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction where the controlled and/or dangerous substance was used, detected, or confiscated; and makes no reasonable attempt to leave the area. For example, a student may be found to be in the presence of a controlled and/or dangerous substance if he/she was found to be walking down the hallway of a school in the company of one or more students who are actively involved in the process of selling, distributing, using and/or possessing a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, opioid, alcoholic beverage or intoxicant of any kind, and the student who is accompanying the student engaged in the prohibited conduct has made no reasonable attempt to leave the area. In other words, the student is aware of the violation of the code of conduct that is occurring and continues to remain in the presence of the violation as opposed to leaving the other students and the on-going violation.
- b. In appropriate cases where a student is under the influence of alcoholic beverages or drugs while in school, the Principal/Head of Upper School or his/her designee may send the student to the nurse or doctor, notify the student's parent or guardian, and refer the matter to appropriate medical and/or legal authorities, and a meeting with the student and the student's parent(s)/guardian(s) will be scheduled.
- c. Students with drug, alcohol and other substance abuse problems and their parents/guardians are encouraged to seek the assistance of school

personnel in solving such problems, and will be referred to the appropriate city/health agencies for substance abuse treatment and support.

- d. At the discretion of the Principal/Head of Upper School or assistant principal, such a student may be given the opportunity and encouraged to attend a facility specializing in the treatment of persons with such problems. Students with drug, alcohol or other substance abuse problems and their parents/guardians are encouraged to seek the assistance of school personnel for planning, intervention and referral to appropriate city/health agencies for substance abuse treatment and support.
- e. All communications regarding such problems are to be kept in strictest confidence.
- f. Additionally, principals/heads of upper schools will assess each incident and its impact not only on the students involved but also those that may have witnessed the incident to ensure appropriate emotional/social wellness measures are implemented as necessary.
- g. Procedure for Students in Presence of Alcohol or Controlled Substance:
 - i. If it is evident that the student was aware that someone was using, dealing, displaying drugs or alcohol and made no reasonable attempt to leave, there will be up to a three-day suspension and referral to an appropriate city/health agency education program on substance abuse.
 - ii. If the administrator determines there is enough circumstantial evidence to confirm that the student was present to participate in drug or alcohol use, the student will receive the same consequences as the user.
- h. Possession of a controlled substance implies that a student has a controlled substance on his/her personal property, or under his/her control (e.g., locker) while under the jurisdiction of school authorities.
- i. Use of a controlled substance and/or dangerous substance implies that a student is reasonably known to have made use of same (e.g. drinking alcohol, using cocaine or an opioid, smoking marijuana, taking a pill, etc.) or is reasonably found to be under the influence of same while under the jurisdiction of school authorities. Use shall also include unauthorized use or abuse of a prescription drug.
- j. Distribution of such a substance implies the transfer of such substance to another person, with or without the exchange of money or other valuables.

Possession, use and distribution of a controlled substance are governed by the expulsion policy.

19.5 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 or knowingly threatening another with imminent bodily injury; 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 a: (1) Five-day to ten-day suspension and an expulsion hearing; (2) criminal complaint may be filed; and (3) police notified.

Any student who assaults a Principal/Head of Upper School, Assistant Principal, Dean, teacher, teacher's aide or other staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the Principal/Head of Upper School.

19.6 Procedure for Weapons, Drugs and Assault on Staff Violations

19.6.1 Procedures for Grades K through Grade 8. 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 or possessing, distributing alcohol or a controlled substance, or in the presence of alcohol or a controlled substance, the punishment is very serious. The following procedure will apply:

- a. The staff member involved will contact the Principal/Head of Upper School and/or the Assistant Principal.
- b. The Principal/Head of Upper School will notify:
 - i. the Director of Safety and Security; and
 - ii. the parent(s) or guardian(s) by telephone, with a follow-up letter, and, if necessary, by certified mail; and
 - iii. the Chief Operating Officer.
- c. The Director of Safety and Security will send to the Superintendent or his/her designee an incident report.

- d. The student will be removed from school grounds in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*.
- e. 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.
- f. The Principal/Head of Upper School will conduct a suspension hearing in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*.

If the Principal/Head of Upper School 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, drugs, and assault on school staff policy as detailed above in Sections 14.3(a) and/or 14.3(b) and Section 19.1 through 19.5 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, guidelines for suspending a student for such an infraction are as follows:

- Grades K-2 No suspension, but a meeting with the parent(s)/guardian(s) of the student will be scheduled
- Grades 3-5 Up to three to five days
- Grades 6-8 Up to 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.

- g. During the 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. To initiate expulsion proceedings, the Principal/Head of Upper School shall notify the student and the student's parent/guardian in writing of an opportunity to have a hearing at the school level. The expulsion hearing notice must be in writing in both English and the student's home language, if different. The notice also must set forth the section of the *Rights and Responsibilities Handbook* violated and the facts pertaining to the alleged violation; that the student has a right to representation at the hearing along with the opportunity to represent evidence and witnesses and that an interpreter will be provided if needed. **In the case of students with 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 the student's disability. See Section 18.0 above. Moreover, a special education student must receive a free appropriate public education during any exclusion period. See Section 18.0 above.

19.6.2 Conduct of the Hearing for Weapons, Drugs and Assault on Staff Violations in Grades K through Grade 8.

The hearing shall be conducted by the Principal/Head of Upper School unless the Principal/Head of Upper School is the victim or witness, then the hearing shall be conducted by the Assistant Principal or other impartial school administrative personnel not directly involved in the incident. In attendance at the hearing will be the student, the parent/guardian and/or parent-appointed representative, student's legal counsel, if applicable, and other persons as determined by the Principal/Head of Upper School and/or his/her designee and/or requested by the student.

- a. Charges. The hearing officer will state the charges and determine that the student understands them.
- b. Witnesses. If the student disputes the charges, persons with knowledge of the alleged incident shall be summoned. All witnesses presenting testimony shall appear in person at the hearing except (i) in the case of expert testimony such as ballistics evidence or drug analysis, or (ii) student witness(es) if the Principal/Head of Upper School and/or his/her designee determines that identification of the student witness would endanger the physical safety of the student witness(es).

19.6.3 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 parent/guardian as to the reasons for the decision. Such notice also shall inform the student of his/her right to file a written appeal to the Superintendent or his/her designee within ten (10) days of receipt of the notification of the expulsion decision, and the right to be represented by counsel at the appeal and shall include a request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School upon the conclusion of the expulsion period.

19.6.4 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 the *Rights and Responsibilities Handbook*. In presenting his/her appeal, the student should state his/her grievance, including a statement as to 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 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 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 conference meeting with the Principal/Head of Upper School upon the conclusion of the expulsion period.

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

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.

19.6.5 Procedures for High School Grades 9-12. 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 or possessing, distributing alcohol or a controlled substance or in the presence of alcohol or a controlled substance, the punishment is very serious. The following procedure will apply:

- a. The staff member involved will contact the Dean, Assistant Principal or Principal.
- b. The Dean, Assistant Principal or Principal will notify:
 - i. The Director of Safety and Security; and
 - ii. the Principal of Cambridge Rindge and Latin School; and
 - iii. the parent(s) or guardian(s) by telephone, with a follow-up letter, and, if necessary, by certified mail.
- c. The Director of Safety and Security will notify the Principal and the Superintendent or his/her designee; a copy of the incident report will be forwarded to the Principal and to the Superintendent or his/her designee by the end of the school day.
- d. The student will be removed from school grounds in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*.
- e. 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, if necessary, take other appropriate action.
- f. The Principal will conduct a suspension hearing in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*.
- g. If the Principal finds the student to be in violation of the weapons, drugs or assault on school staff policies, the Principal may suspend the student for up to five (5) to ten (10) days for a violation of the weapons, drugs and assault on school staff policies in accordance with the applicable provisions of the *Rights and Responsibilities Handbook* and may initiate expulsion proceedings for the violation. Copies of the suspension letter will be sent to the Chief Operating Officer, Principal, security, and counselor. 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 will request that the parents/guardians and student attend a re-entry conference meeting with the Principal.
- h. During the suspension period and if the Principal's findings warrant it, the Principal shall initiate procedures to conduct a formal expulsion hearing in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*. To initiate expulsion proceedings, the Principal shall notify the student and the student's parent/guardian in

writing of an opportunity to have a hearing at the school level. The expulsion hearing notice must be in writing in both English and the student's home language, if different. The notice also must set forth the section of the *Rights and Responsibilities Handbook* violated and the facts pertaining to the alleged violation; that the student has a right to representation at the hearing along with the opportunity to represent evidence and witnesses and that an interpreter will be provided if needed.

In the case of students with 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 the student's disability. Section 18.0 above. Moreover, a special education student with must receive a free appropriate public education during any exclusion period. See Section 18.0 above.

19.6.6 Conduct of the Hearing for Weapons, Drugs and Assault on Staff Violations in Grades 9 through Grade 12

The hearing shall be conducted by the Principal unless the Principal is the victim or witness, then the hearing shall be conducted by the Assistant Principal or other impartial school administrative personnel not directly involved in the incident. In attendance at the hearing will be the student, the parent/guardian and/or his/her designee and/or requested by the student.

- a. Charges. The hearing officer will state the charges and determine that the student understands them.
- b. Witnesses. If the student disputes the charges, persons with knowledge of the alleged incident shall be summoned. All witnesses presenting testimony shall appear in person at the hearing except (i) in the case of expert testimony such as ballistics evidence or drug analysis, or (ii) student witness(es) if the Principal and/or his/her designee determines that identification of the student witness would endanger the physical safety of the student witness(es).

If, after the hearing, the Principal decides to expel the student, the Principal shall provide written notification to the student and the student's parent/guardian as to the reasons for the decision in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*. After the hearing, the Principal may decide to suspend the student and refer him/her to an alternative program rather than expel the student. Such notice also shall inform the student of his/her right to file a written appeal to the Superintendent or his/her designee in accordance with the applicable provisions of the *Rights and Responsibilities Handbook*.

19.6.7 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 the *Rights and Responsibilities Handbook*. In presenting his/her appeal, the student should state his/her grievance, including a statement as to 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 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 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 may also request that the parents/guardians and student attend a re-entry conference meeting with the Principal upon the conclusion of the 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 an alcohol or drug violation shall continue to provide educational services to

25

the student during the period of suspension or expulsion under section 21 of chapter 76 and in accordance with the applicable provisions of the Rights and Responsibilities Handbook.

20.0 OUT-OF-SCHOOL CONDUCT

- 20.1 Section 37H½ of chapter 71 of the Massachusetts General Laws allows the Principal/Head of Upper School of a school to suspend a student who has been charged with a felony or is the subject of a felony delinquency complaint, regardless of whether or not the alleged conduct occurred at a school or in connection with school-related activity, if the Principal/Head of Upper School determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. Section 37H½ also allows the Principal/Head of Upper School to expel a student who has been convicted or who has admitted guilt with respect to a felony or felony delinquency; if the Principal/Head of Upper School determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

In the case of students with 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 the student's disability. See Section 18.0 above. Moreover, a student with special needs must receive a free appropriate public education during any exclusion period. See Section 18.0 above.

Any student who is suspended from school under the provisions of M.G.L.c. 71, §37H ½ shall have an opportunity to receive educational services and make academic progress during the period of removal as set forth below in Section 21.

- 20.2 The following are the procedures to follow with respect to indefinite suspension and/or expulsion hearings under the provisions of M.G.L.c. 71, §37H½:
- a. During any suspension period of 10 days or less, if the Principal/Head of Upper School determines that the conduct warrants the initiation of either an indefinite suspension or expulsion of the student, then the Principal/Head of Upper School shall notify the student and the student's parent/guardian in writing of an opportunity to have a hearing at the school level. The hearing notice must be in writing and in English and in the student's home language, if different. The notice also must set forth the section of the *Rights and Responsibilities Handbook* violated and the facts pertaining to the alleged violation; that the student has a right to representation at the hearing along with the opportunity to represent evidence and witnesses and that an interpreter will be provided if needed.
In the case of students with 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 the student's disability. See Section 18.0 above. Moreover, a student with special needs must receive a free appropriate public education during any exclusion period. See Section 18.0 above.

b. Conduct of the Hearing.

The hearing shall be conducted by the Principal/Head of Upper School unless the Principal/Head of Upper School is the victim or witness, then the hearing shall be conducted by the Assistant Principal or other impartial school administrative personnel not directly involved in the incident. In attendance at the hearing will be the student, the parents/guardians and/or parent/guardian-appointed representative, student's legal counsel, if applicable, and other persons as determined by the Principal/Head of Upper School and/or his/her designee and/or requested by the student.

- i. Charges. The hearing officer will state the charges and determine that the student understands them.
- ii. Witnesses. If the student disputes the charges, persons with knowledge of the alleged incident shall be summoned. All witnesses presenting testimony shall appear in person at the hearing except (i) in the case of expert testimony such as ballistics evidence or drug analysis, or (ii) student witness(es) if the Principal/Head of Upper School and/or his/her designee determines that identification of the student witness would endanger the physical safety of the student witness(es).

- c. If, after the hearing, the Principal/Head of Upper School decides to expel or indefinitely suspend the student, the Principal/Head of Upper School shall provide written notification to the student and the student's parent/guardian as to the reasons for the decision. Such notice also shall inform the student of his/her right to file a written appeal to the Superintendent or his/her designee within five (5) days of receipt of the notification of the expulsion or indefinite suspension decision, and the right to be represented by counsel at the appeal. The Principal/Head of Upper School also will request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School upon the conclusion of the expulsion or indefinite suspension period.

21.0 EDUCATION SERVICES AND ACADEMIC PROGRESS UNDER SUSPENSION

- 21.1 Any student who is serving an in-school suspension, short term suspension, or long term suspension shall have the opportunity to make up assignments, tests, papers and other school work as needed to make academic progress during the period of his/her removal from the classroom or school. The Principal/Head of Upper School shall inform the student and parent/guardian of this opportunity when the suspension is imposed.
- 21.2 Any student who is expelled or suspended from school for more than ten (10) consecutive days, whether in school or out of school, shall have an opportunity to receive timely education services that will enable the student to make academic progress toward meeting state and local requirements through the school wide education service plan that is developed by the Principal/Head of Upper School. This school-wide education service plan shall describe the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days and shall include the process for notifying such students and their parents/guardians of the services and the process for arranging such services. Education services shall be based on, and be provided in a manner consistent with the academic standards and curriculum frameworks established for all students under state law and regulations.

22.0 EXCLUSIONS

- 22.1 No student shall be involuntarily excluded from school in any manner or for any duration of time except pursuant to the procedure contained in this Code unless the student has a contagious disease or other illness dangerous to the public health, or has not provided certification of immunization, in which case the parent/guardian shall be notified immediately and the student sent home.
- 22.2 If a student, sixteen (16) years of age or older, chooses to leave school voluntarily, within seven (7) days after the student has ceased to attend school the Principal/Head of Upper School or designee shall send a written notice to the parent/guardian of the student in both the primary language of such parent/guardian and English requesting that the student and his/her parent/guardian meet with the Principal/Head of Upper School or designee prior to the student permanently leaving school.
- 22.3 Exit Interview. If necessary, the letter should be sent certified mail. The purpose of such meeting shall be to review the reasons for the student leaving school, the student's record and the student's future educational or employment plans, and to determine that the student is leaving school of his/her free will; that there has been no force or pressure to leave school applied upon the student by any school official or employee.
- 22.4 If the parent/guardian and/or the student does not respond within ten (10) school days to a request for an exit interview, the Principal/Head of Upper School or

designee will send a note to the parent/guardian that the student may be dropped from the rolls of the school.

22.5 This section shall not be construed to permanently exclude a student who wishes to resume his/her education at a later time. The student may return to school at the beginning of any subsequent semester prior to the student's twenty-first (21st) birthday upon written application to the Principal/Head of Upper School for a re-entry conference.

22.6 The Principal/Head of Upper School and/or Assistant Principal, subject to regulations established by the State Board of Education, shall maintain a record of every student who leaves school for a period of one (1) consecutive month or longer, whether by reason of expulsion, exclusion, illness, voluntary departure or for any other reason. Such records shall include name, age, race, sex, address, grade level, date the student ceased to regularly attend school and the reason the student ceased to attend. The Principal/Head of Upper School and/or Assistant Principal shall submit an annual report to the Superintendent or his/her designee and to the School Committee which shall contain a summary of the students who have left school for a period of one (1) month or longer, but the report shall not disclose the identity of any student.

23.0 RIGHT TO HEARING TO REDRESS DEPRIVATION OF RIGHTS

23.1 If a student and/or parent/guardian believes that the student has been deprived by an official or employee of the School Department 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.

23.2 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/Head of Upper School of the school, to the employee(s) of the school department, 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.

23.3 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.

23.4 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, age, socioeconomic status and homelessness as well as student needs with respect to equity, language, social/emotional wellness and technology.

- 23.5 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, sex, race, color, ancestry, national origin, ethnicity, religion, age, disability, genetic information, marital status, gender identity, 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 in the school district's Bullying Prevention or Intervention Plan to seek resolution of complaints regarding bullying.
- 23.6 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.
- 23.7 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.
- 23.8 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.

24.0 STUDENT HANDBOOKS

Additional Codes of Conduct are printed in the Cambridge Rindge and Latin School Student Handbook, and each school's student handbook. All students, parents/guardians and staff should consult these handbooks for additional information pertaining to important rules concerning student life.

| *Last Update: September 20, 2016*

APPENDIX A