

Cambridge Public Schools
159 Thorndike Street, Cambridge, Massachusetts 02141

Cambridge Public Schools

Rights and Responsibilities Handbook

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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, she/he 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. 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 school principal 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 to make arrangements for the completion of academic requirements.

- e. 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, 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. absences attributable to personal trauma; grieving, death in the family;
- b. observance of a religious holiday;
- c. medical appointments that absolutely cannot be made outside of school hours or counseling visits;
- d. legal matters requiring a personal appearance;
- e. suspensions in or out of school;
- f. school-related trips, assemblies or meetings;
- g. college visits (two days in junior year of high school and three days in senior year of high school); or
- h. one trip or educational experience of no more than five days during a student's years at high school.

Unexcused absences include:

- a. Truancy from school or from individual classes or study halls;
- b. Trips not approved in advance by the principal;
- c. Looking for employment without prior approval from 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 principal'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's office to leave early. Any student who does not sign out of school in the principal'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 of any absence and/or tardiness by a student. When a child has been tardy five (5) times or has been absent five (5) days or ten (10) half-days in the previous six (6) months for which no lawful excuse for said tardies or absences is provided, it shall be the duty of the principal of the school in which such child is enrolled to report such attendance record to the Superintendent of School.

Any student with an excused absence from school or classes has the privilege of making up the class assignments according to school policy.

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 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. After a fourth such absence the school will notify the parent/guardian. 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.

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, Assistant Principal, or Principal'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, Assistant Principal, Dean or Principal'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, Assistant Principal or Principal'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 gender as the student, whenever reasonably possible, must be present for the questioning of students by school security. An individual of the same gender as the student must conduct all searches of students by school security.
- At the 9-12 grade level:** an individual of the same gender as the student must conduct all searches of students by school security.
- 3.5 **At the K-8 grade level:** the Principal, Assistant Principal, or Principal'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.
- "Emergency contact" is an individual designated by the parent or guardian to respond to instances involving disciplinary issues, including questioning or searches. Every academic year, parents or guardians will be asked to designate an emergency contact for disciplinary issues, including questioning or searches, and that contact shall act for the parent or guardian with respect to disciplinary issues, including questioning or searches, to the extent authorized by the parent or guardian.
- 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.
- 3.6 **At the K-8 grade level:** the Principal, Assistant Principal, or Principal'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, Dean of Curriculum and Program, Dean of Students, or Principal'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, Dean of Curriculum and Program, Dean of Students, or Principal'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

- 4.1 A student's locker may not be searched unless there is reasonable suspicion to believe that the locker contains contraband or evidence that will be found linking the locker 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 or designee. Since lockers are the property of the school department, the school department maintains the right to search lockers.
- 4.2 All items suspected of being contraband shall be removed from the student's locker unless removal represents a clear and present danger to others. Should this occur, the locker will be closed and the Principal will be notified immediately. 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 will be disposed of at the end of the school year. The Cambridge School Department is not responsible for the loss of property left in the locker after the last day of school.
- 4.3 Master keys and copies of all combinations for students' lockers shall be kept in the Principal's office. Only school department issued locks are to be used. Any other locks will be removed at the student's expense.
- 4.4 Students will not put in their lockers 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.
- 4.5 The provisions of sections 4.1 through 4.4 above also apply to a student's desk. The school retains the right to inspect lockers and desks periodically for compliance with these rules. The school will conduct announced and unannounced desk inspections and locker inspections to insure compliance. The School Department retains the right to search lockers and desks.

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, age or sexual orientation) has the right to file a complaint with the Office of Affirmative Action or the Executive Director of Human Resources. Students may initiate the filing of a complaint by contacting the principal, assistant principal, dean, the 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, Assistant Principal or Dean.

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 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.

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.

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 unreasonable use of physical restraint, and that physical restraint shall only be used with extreme caution in emergency situations, after other less intrusive alternatives have failed or been deemed inappropriate. School personnel

shall only administer a physical restraint 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 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's office, identifying: (i) appropriate responses to student behavior that may require immediate intervention; and (ii) alternative methods 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.

Physical Restraint Procedures

Definitions

“Physical restraint” shall mean the use of bodily force to limit a student’s freedom of movement.

“Physical escort” shall mean the touching or holding of a student without the use of force for the purpose of directing the student.

“Extended restraint” shall mean a physical restraint the duration of which is more than twenty (20) minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation as described in 603 C.M.R. 46.06.

“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 restraint” shall mean physically confining a student alone in a room or limited space without access to school staff. The use of “time out” procedures during which a staff member remains accessible to the student shall not be considered a seclusion restraint. **The use of a seclusion restraint is expressly prohibited.**

“Chemical restraint” shall mean the administration of medication for the purpose of restraint. **The use of a chemical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent/guardian of the student.**

Determining When to Use a Physical Restraint

If all other 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. In other words, **a physical restraint can only be used when non-physical interventions would not be effective and the student’s behavior poses a threat of imminent, serious physical harm to himself or herself or others.** Any physical restraint shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

Prohibitions on Use of a Physical Restraint

The use of a physical restraint as a means of punishment or as a response to the destruction of property, disruption of school order, a student’s refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm is expressly prohibited.

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. Floor and prone restraints are prohibited unless the school personnel administering the restraint has received in-depth training, and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present. It should be noted, however, that these training requirements shall not preclude a teacher, employee or agent of the school from using reasonable 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 and respiration. A 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 significant physical distress, 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. At any time during the administration of a physical restraint, school personnel may seek to contact the Office of Special Education 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 school 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. consider whether any follow-up is appropriate for the students who witnessed the incident.

The following are the reporting requirements followed by the school:

- a. Any physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff member shall be reported.
- b. The school staff member who administers a physical restraint of five minutes or longer and/or who administers any physical restraint that results in an injury to a student or staff shall verbally inform the principal 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 no later than the next working day after the restraint was administered.
- c. The principal of the school shall maintain an on-going record of all reported instances of physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff.
- d. The principal or his/her designee shall verbally inform the student's parents or guardians of any physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff as soon as possible and by a written report postmarked no later than three school working days following the use of the physical restraint of five minutes or longer and/or any physical restraint that results in an injury to a student or staff.
- e. The principal shall provide the Office of the Superintendent with a copy of the written report of a physical restraint when such restraint has resulted in a serious injury to a student or staff member, or when an extended restraint (20

minutes or longer) has been administered as well as a copy of the school's ongoing record of all reported instances of physical restraint for the thirty days preceding the reported physical restraint. **This documentation must be provided to the Office of the Superintendent by no later than one school working day after the written report is received by the principal.**

District' Training Requirements

A. For All Program Staff

Within the first month of each school year, the principal of each school shall provide all program staff with training on this policy. Additionally, for all new school employees that are hired after the start of the school year, the principal 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; (c) types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; (d) administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student; and (e) 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 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 include, but not be limited to: (a) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint; (b) description and identification of dangerous behaviors on the part of students that may indicate the need for 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; and (e) 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 of the school. The student and/or his/her parent/guardian should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parent/guardian's receipt of the written report from the school detailed above. The principal 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, marital status 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

The Cambridge Public Schools is committed to creating a safe, caring, respectful learning environment for all students and strictly enforces a prohibition against bullying 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 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. 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.

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, 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 bullying creates a hostile environment at school for the victim, infringes on the rights of the victim 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 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 may also be made anonymously to the principal of the 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.

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, in conjunction with the Director of Safety and Security, shall (i) notify local law enforcement if the principal 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.

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 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 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 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 gender, race, color, ancestry, religion, disability, national origin, age, veteran status, marital status, genetic information, sex, or sexual orientation; 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 will require that no literature be distributed unless a copy is submitted to the Principal 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 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 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 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 or Assistant Principal for prior approval. The Principal 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 shall have the 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 standards of health, safety and cleanliness and which will not cause a disruption of the educational process.

9.2 Feet must be covered (shod) at all times.

9.3 Clothing will be deemed inappropriate if it is disturbing to other students or in any way interferes with the educational process. This includes, but is not limited to, bare midriffs, short shorts, low slung trousers and other clothing which is offensive and/or violates acceptable standards of dress.

9.4 Students are prohibited from wearing clothing and accessories that:

- a. have slogans, comments or designs that are obscene, lewd or vulgar;
- b. are directed towards or intended to harm, harass, threaten, intimidate or demean individual groups or individuals of gender, race, color, ancestry, religion, disability, national origin, age, sex, genetic information, or sexual orientation;
- c. advertise alcoholic beverages, tobacco products or illegal drugs.

9.5 Parents/guardians will be notified and students will be sent home to change if their clothing is not suitable for school.

9.6 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.

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.

13.2 Other Appropriate Proactive Disciplinary Actions

In order to deter behavior which may warrant suspension, the Principal 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.
- 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 core 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.

- 13.3 The Principal 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.

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 and/or his/her designee in order to afford all students with their due process rights:
- a. Prior to suspension from school transportation services or from school for up to ten (10) school days, or assignment to a detention hall, a student and his/her parent/guardian shall be given:
 - i. An oral or written notice of the charges.
 - ii. An explanation of the evidence against the student.
 - iii. An opportunity for the student to present his/her side of the story.
 - b. Prior to suspension of a student from school for more than ten (10) days or prior to the exclusion of a student from school, a student and his/her parent/guardian shall be given:
 - i. A written notice of the charges.
 - ii. Notice that the student has the right to be represented by legal counsel, at the student's expense, at a formal hearing.
 - iii. Adequate opportunity to prepare for the hearing.
 - iv. Have the right to ask questions at the hearing.
 - v. Receive a prompt written decision with the reasons for the decision stated.

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.

- c. 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. In this case, the hearing may be delayed but must be held within a reasonable period of time.

The Principal 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.

The Principal may suspend a student from school for a period from 1 to 10 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.

14.3 Depending on the severity of the incident, a student will be suspended from one to ten days if he/she is found to have, including but not limited to:

- a. *Assault & Battery/Bodily Harm/Threats*
 - i. uses violence, force, coercion, threats, intimidation or other comparable conduct.
 - ii. interferes 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. harms or attempts to harm a school employee or another person with a weapon or dangerous object.
 - iv. commits assault, including sexual assault or assault and battery on a school employee or another person.
 - v. causes or attempts to cause physical injury to a school employee or another person.
 - vi. endangers the physical safety of another by 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.

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. uses 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. sells, distributes or been or is in possession with the intent to sell or distribute any prescribed or non-prescribed controlled substance in school, on school grounds or while under school jurisdiction.
- 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. is found using tobacco products on school property, at school-sponsored activities or while on school provided transportation.
- v. displays, uses 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.
- vi. in the presence of to participate 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.

d. *Harassment, Discrimination, Bullying, Cyberbullying and Violations of Civil Rights*

- i. violates the civil rights of others.
- ii. engages in acts of harassment or discrimination, including acts of sexual harassment.

- iii. uses slurs, profanity or obscene language in a persistent and/or abusive manner.
 - iv. engages in any activity that violates the Massachusetts law prohibiting the practice of hazing (M.G.L. c. 269, §§17-19).
 - v. threatens, harasses or intimidates any person while on school grounds or at a school activity on or off school grounds.
 - vi. uses 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. engages in any activity that violates the Massachusetts law prohibiting bullying (M.G.L.c. 71, §37O).
 - viii. engages in any activity that violates the Massachusetts law prohibiting cyberbullying (M.G.L.c. 71, §37O).
- e. *Theft, Vandalism and Fire setting*
- i. sets fire to or damages any school building or property.
 - ii. endangers the safety of others by setting a fire on school property, at school-sponsored activity or while on school provided transportation.
 - iii. sounds a school type alarm with knowledge that no fire or police emergency exists.
 - iv. causes damage to or steals school or private property.
 - v. attempts by force or threat of force to steal private property.
 - vi. damages or steals personal property of another or was found in possession of stolen personal property while in school.
 - vii. causes or attempts to cause damage to school property, steals or attempts to steal school property.
 - viii. causes or attempts to cause a disruption of school or a school related event or activity by sounding or attempting to sound a false alarm.
 - ix. endangers the safety of others by sounding or attempting to sound a

false alarm

- x. makes or threatens to make bomb threats or other false threats or crises of a similar nature

f. *Other Disruptions*

- i. prevents or attempts to prevent by physical act the convening or continued functioning of any school or educational function or any lawful meeting on school property.
- ii. fails 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. engages in any activity forbidden by the laws of the Commonwealth of Massachusetts that constitutes a disruption of school activity.
- iv. engages in any activity that substantially disrupts the school, a classroom or classroom activity.
- v. engages in conduct violative of M.G.L.c. 71, §§37H & 37H½ .
- vi. engages in any activity or brings onto school property or to any school-sponsored activity or event any object of no reasonable use in the school setting
- vii. causes or attempts 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 commits one or more violations of any of the rules and responsibilities set forth in this *Rights and Responsibilities Handbook*.

The Principal 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. Police are notified of all physical assaults, and parents are notified about their right to file a criminal complaint with the Middlesex County Court. Depending upon the circumstances, the Cambridge School Department 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. They 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 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 will be made by the responsible administrator, based upon the circumstances of each particular case.

CATEGORY ONE:

Horseplay/ Play-fighting/ Rowdiness:

First Offense: A one-day in-school suspension. Parents/Guardians notified.

Second Offense: One-day out-of-school suspension. Parents/Guardians conference.

Third Offense: Three-day out-of-school suspension. Parents/Guardians conference.

CATEGORY TWO:

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: Two-day out-of-school school suspension.
Parents/Guardians notified.

Second Offense: Five-day out-of-school suspension. Parents/Guardians requested to return with student for conference. Expulsion hearing at the Principal's office

CATEGORY THREE:

Assault and Battery Upon a Person:

An assault on a person is a crime. Police will be notified and an arrest will be encouraged. A criminal complaint will be filed against the perpetrator.

First Offense: Five-day out-of-school suspension. Parents/Guardians conference. Criminal complaint will be filed. Police notified.

Second Offense: Ten-day out-of-school suspension. Expulsion hearing at the Principal's office. Criminal complaint will be filed. Police notified.

CATEGORY FOUR:

Fight/ Mutual Assault and Battery:

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

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

Third Offense: Ten days out-of-school suspension. Expulsion hearing at Principal's office

CATEGORY FIVE:

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. Multiple offenses of this policy will result in a review by the Principal and may result in a recommendation for expulsion.

First Offense: Five-day out-of-school suspension. Parents/Guardians conference. Criminal complaint may be filed.

Second Offense: Ten day out-of-school suspension. Expulsion hearing in the Principal'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: Ten day out-of-school suspension. Expulsion hearing in the Principal'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." 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.

Procedures for Student Violations at Elementary Schools; In all cases, Tobacco Education classes will be taught by school personnel (or those appointed by school personnel) specifically trained by the Massachusetts Prevention Center in Tobacco Education Groups and Tobacco Assistance Programs (TEG/TAP). TEG classes will educate students on the dangers of tobacco and the facts of addiction. Students will meet for a three day period (one-half hour each day) that may be held either before or after school.

First Offense – will result in detention, work detail, smoking cessation class or other measures as determined appropriate by the building administrator. Implementation of these consequences will be based on

specific circumstances and individual students in compliance with each school's established procedures

Second Offense – will result in a one-day suspension

Third Offense – will result in a three-day suspension or one-day suspension with completion of a designated smoking cessation program

Fourth Offense – will result in a five-day suspension or a two-day suspension with completion of a designated smoking cessation program

Fifth Offense – will result in a recommendation for expulsion for insubordination

Procedures for Student Violations at the High School: In all cases, Tobacco Education classes will be taught by school personnel (or those appointed by school personnel) specifically trained by the Massachusetts Prevention Center in TEG/TAP. TEG classes will educate students on the dangers of tobacco and the facts of addiction.

First Offense: Either a three-day (one hour each day) Tobacco Education Group (TEG) to be held after school, or a five-day detention.

Repeat Offenses: Parents/Guardians notified and repeat the three-day TEG or a five-day detention.

Note: A pre-arranged "miss" will result in making up the TEG class the following week. An unexcused "miss" will result in one detention in addition to making up the TEG class.

Elementary or high school students may be referred to TEG by any faculty or staff member using the following steps:

- a. Student will identify him/herself and the reporter will complete a Detention Report form by deleting the section labeled "did not attend" and writing: "smoking referral" in the space provided.
- b. Reporter will send the original to the Dean/Principal and a copy to the appointed TEG presenter. The Dean/Principal will inform the student.
- c. Dean/Principal will be notified whether the student successfully completes the three, one hour each, mandatory TEG sessions.

15.0 EMERGENCY SUSPENSIONS

15.1 Emergency Suspension

The Principal and/or his/her designee may immediately suspend a student from school for a period no longer than the end of the school day when a student has committed an offense which is suspendable under the *Rights and Responsibilities Handbook*, and the continued presence of the student in the school poses a danger to the health and safety of the student, others, property or a disruption of the educational process at the school.

15.2 Notification to Parents/Guardians of Emergency Suspension

The Principal and/or his/her designee authorizing the emergency suspension shall make all possible reasonable efforts to contact the parents/guardians and/or parent/guardian-appointed representative.

15.3 Scheduling of Conference

Within twenty-four (24) hours of the beginning of the emergency suspension, the Principal shall, in accordance with the provisions of section 16.0 below, have a conference with the parents/guardians regarding whether further suspension is warranted. If, after such conference, it is found that a continued need for a suspension exists, the suspension may be extended up to the limits provided for that offense in this *Rights and Responsibilities Handbook*. Time spent out of school during the emergency suspension shall count toward any additional suspension imposed after this conference.

16.0 SUSPENSION CONFERENCE

16.1 Notice to Parents/Guardians

The Principal and/or his/her designee shall make all possible reasonable efforts to contact the parents/guardians and/or parent/guardian-appointed representative by telephone to inform the parents/guardians and/or parent/guardian-appointed representative of the contemplated suspension. These efforts shall include telephone calls and may include the issuance and delivery of a letter to the student's home address. All correspondence regarding a suspension must be in English and the home language of the student, if different. If the parents/guardians and/or parent/guardian-appointed representative expresses an intent to participate in the conference, then the conference shall be delayed up to the end of the next day to permit attendance

16.2 Conduct of the Conference

The conference shall be conducted by the Principal and/or his/her designee who shall be an impartial person not directly involved in the incident. During the conference the student, the parents/guardians and/or parent/guardian-appointed representative (if the parents/guardians and/or parent/guardian-appointed representative has indicated that he/she will be attending and/or participating in the conference) and other persons as determined by the Principal and/or his/her designee will attend and/or participate.

- a. Charges. The Principal and/or his/her designee 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).
- c. 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.

16.3 Notice of Suspension and Right to Appeal

Within twenty-four (24) hours of the conference, the Principal and/or his/her designee shall determine if the student committed a suspendable offense as charged, and shall mail and/or cause to be hand-delivered to the parent/guardian a written notice with respect to this determination. The notice shall be in English and in the home language of the student and shall contain:

- a. A complete description of the provisions of the school's regulations that the student has been found to have violated;
- b. A statement of the acts for which the student is being suspended;
- c. A statement as to the effective date and duration of the suspension;
- d. A request that the parents/guardians attend a parent/guardian-student-teacher conference with the Principal as soon as possible.
- e. A statement that the student has the right to appeal, within fifteen (15) days of receipt of the notice of the suspension, to the Superintendent and/or his/her designee pursuant to Section 17.0 of the *Rights and Responsibilities Handbook*.

- f. A statement that if the infraction is of a more serious nature as to warrant expulsion the parent/guardian will be notified prior to the expiration of the suspension period that an expulsion hearing has been scheduled.

17.0 APPEAL OF SUSPENSION

17.1 If the student or parent/guardian requests an appeal, it shall be conducted as follows by the Superintendent and/or his/her designee:

17.2 Review of Evidence

- a. The Principal 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 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. 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.

- b. The Principal 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 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, a written decision within ten (10) school days after filing of the appeal which decision shall affirm, overrule or otherwise modify the prior decision.
- 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 hearing officer 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 DISCIPLINE PROCEDURES

- 18.1 Students with special needs, 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) for every student with special needs 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.
 - 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 Prior to making any administrative decision under the *Rights and Responsibilities Handbook* the Principal (or his/her designee) will notify the Office of Special Education in writing of the suspendable offense of a student with special needs whose IEP 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 record will be kept of such notices.
- 18.2 Staff from the Office of Special Education 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 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 Special Education or other supervisory personnel in the Office of Special Education.

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. 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, 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 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 and heroin, may be subject to expulsion from the school or the school district by the Principal. Additionally, any student who assaults a Principal, an Assistant Principal, teacher, teacher's aide or other member of the staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or the school district by the Principal.

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

19.2 Weapons

Disciplinary Action for Incidents Involving 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 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.
- 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.

NOTE: No toy or replica weapons of any kind, including guns and knives, will be permitted on school premises, 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 or Assistant Principal to be in violation of this policy.

19.3 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 School Department 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.

19.4 Definitions of Substance Abuse

- a. Presence of controlled and/or dangerous substance implies that a student has been found to be in the immediate area where it was used, detected, or confiscated; and makes no reasonable attempt to leave the area.
- b. In appropriate cases where a student is under the influence of alcoholic beverages or drugs while in school, the Principal 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.
- c. Students with drug and alcohol problems 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. With the discretion of the Principal, such a student may be given the opportunity and encouraged to attend a facility specializing in the treatment of persons with such problems.
- e. All communications regarding such problems are to be kept in strictest confidence.

- f. Procedure for Students in Presence:
 - 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 a three-day suspension and referral to CASPAR day assessment program.
 - 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.
- g. 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.
- h. 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, 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.
- i. 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 Employees

Students are prohibited from assaulting, battering or harassing any school employee. 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 include: (1) Ten-day suspension and expulsion hearing; (2) criminal complaint filed; and (3) police notified.

Any student who assaults a Principal, 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.

19.6 Procedure

19.6.1 Elementary Schools K-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, or in the presence category, the punishment is very serious. The following procedure will apply:

- a. The staff member involved will contact the Principal and/or the Assistant Principal.
- b. The Principal 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 student will be removed from school grounds in accordance with the provisions of section 15.0 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 will file a complaint with the Middlesex County District Court, and will, if necessary, take other appropriate action.
- f. The Principal will conduct a suspension hearing in accordance with the provisions of sections 15.0 and 16.0 of the *Rights and Responsibilities Handbook*.
- g. If the Principal finds the student to be in violation of the weapons policy the Principal will **IMMEDIATELY SUSPEND THE STUDENT FOR TWO (2) TO TEN (10) DAYS DEPENDING UPON THE STUDENT'S GRADE LEVEL** and further disciplinary action will be taken, as described below:

Grades K - 1 2 days
Grades 2 - 4 4 days
Grades 5 - 6 8 days
Grades 7 - 8 10 days

- h. During the suspension period and if the Principal's findings warrant it, the Principal shall initiate procedures to conduct a formal expulsion hearing. 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 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 special needs, however, such action may only be taken 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 period of expulsion. See Section 18.0 above.**

19.6.2 Conduct of the Hearing.

The hearing shall be conducted by the Principal unless the Principal is 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 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).

19.6.3 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. 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.

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*.

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 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 or in the presence of category, the punishment is very serious. The following procedure will apply:

- a. The staff member involved will contact the Dean.
- b. The Dean will notify:
 - i. The Director of Safety and Security,
 - ii. the Principal of Cambridge Rindge and Latin School,
 - 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 provisions of section 15.0 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 will 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 provisions of sections 15.0 and 16.0 of the *Rights and Responsibilities Handbook*.
- g. If the Principal finds the student to be in violation of the weapons policy, the Principal will **IMMEDIATELY SUSPEND THE STUDENT FOR TEN (10) DAYS** and further disciplinary action may be taken, as stipulated below. Copies of the suspension letter will be sent to the Chief Operating Officer, Principal, security, and counselor.
- h. During the suspension period and if the Principal's findings warrant it,

the Principal shall initiate procedures to conduct a formal expulsion hearing. 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 and in 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 special needs, however, such action may only be taken after a TEAM determination that the conduct in question was not a manifestation of the student's disability. Section 18.0 above. Moreover, a student with special needs must receive a free appropriate public education during any period of expulsion. See Section 18.0 above.**

19.6.6 Conduct of the Hearing.

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. 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 within ten (10) days of receipt of the notification of the expulsion decision and the right to be represented by counsel at the appeal.

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*.

20.0 OUT-OF-SCHOOL CONDUCT

- 20.1 Section 37H½ of chapter 71 of the Massachusetts General Laws allows the Principal 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 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 to expel a student who has been convicted or who has admitted guilt with respect to a felony or felony delinquency; if the Principal 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 special needs, however, such action may only be taken 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 period of expulsion. See Section 18.0 above.

- 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 determines that the conduct warrants the initiation of either an indefinite suspension or expulsion of the student, then 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 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 special needs, however, such action may only be taken 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 period of expulsion. See Section 18.0 above.**
 - b. Conduct of the Hearing.

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 parents/guardians and/or parent/guardian-appointed representative, student's legal counsel, if applicable, and other persons as determined by the Principal 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 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 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. 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 decision, and the right to be represented by counsel at the appeal.

21.0 EXPULSION

The following provisions are applicable for all matters with the exception of those that relate to weapons, drugs and assaults. (Section 19.0) and those related to indefinite suspensions and expulsions under the provisions of M.G.L.c. 71, §37H½ (Section 20.0).

- 21.1 The Principal may recommend to the Superintendent or his/her designee the expulsion of a student for violations of a serious nature as listed below (Section 21.2). Expulsion shall be defined as the permanent exclusion from regular classroom instruction and school activities.

No expulsion shall exceed in duration the end of the school year during which the acts leading directly to the expulsion occurred. Any student expelled during the first semester of the school year shall have the expulsion automatically reviewed by the Principal and the Superintendent or his/her designee prior to the beginning of the second semester. The expelled student will be reinstated if his/her conduct has improved substantially.

- 21.2 The Principal may expel a student only if:
- a. the student's continued presence in school represents a danger to the physical safety of others; or
 - b. the student's conduct constitutes a continual, material and substantial disruption of the educational process; and
 - c. all other appropriate disciplinary alternatives have been tried and deemed unworkable.
- 21.3 If the Principal recommends expulsion, the Principal shall mail a notice to the student and to the parent/guardian. Such notice shall be in the language of the parent/guardian as well as English and shall contain if applicable:
- a. A statement that the Principal is recommending expulsion of the student;
 - b. The length of time for which expulsion is being recommended;
 - c. A complete description of the school regulation(s) allegedly violated by the student;
 - d. A full statement of the facts, as known to the Principal, leading to the recommendation for expulsion;
 - e. A statement of the student's rights which shall include the right to inspect his/her records, the right to have parents/guardians, counsel or representative present, the right to remain silent, the right to present his/her case, the right to obtain a copy of the record, the right to appeal, and the right to access documented evidence before the hearing. In addition, the student or his/her parents/guardians may request that the meeting be tape-recorded and that the proceedings be interpreted into the student's parents/guardians' primary language.
 - f. A statement that the student may attend school pending the expulsion hearing, unless the Principal or designee orders the student temporarily suspended pending the hearing, in which case the notice shall comply with Section 21.4.
 - g. A statement that the parent/guardian has the right to obtain a referral for special education evaluation if the parent/guardian feels the student may need special education services.
- 21.4 The Superintendent or his/her designee or the Principal may order an emergency suspension pending the hearing only if one or both has reasonable grounds to believe that the physical safety of the student or of others is and will be

endangered, or if the continued presence of the student in school would be detrimental to the orderly educational process of the school.

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 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 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 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 for a re-entry conference.
- 22.6 The Principal 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 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 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 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.
- 23.5 Notwithstanding the provisions of this section, a student may use the complaint process set forth in the Cambridge Public Schools "Anti-Harassment and 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 or sexual orientation.
- 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.

24.0 STUDENT HANDBOOKS

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

APPENDIX A