

RIGHTS AND RESPONSIBILITIES¹

Governing Student Conduct in Cambridge Public Schools

1.0 POLICY

- 1.1** The Cambridge School Committee (“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 School Committee.
 - b. "Parents/Guardians/Caregivers" shall mean any student's parent, guardian, or caregiver who has been formally designated as such by the student’s parent or guardian in accordance with state law requirements, 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, guardian or caregiver.
- 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/caregivers 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/caregivers.

¹ Last updated March 7, 2023.

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 *Handbook* 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. School Department employees who confront situation(s) they consider to be unsafe for any reason, should take all reasonable steps within their ability to eliminate the potential for harm to others and thereafter report the circumstances involved to their Principal. The Superintendent or 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/Caregivers 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 parents/guardians/caregivers or the student's medical provider is due on the day that the student returns to school explaining the absence. No students, however, shall be sent home to obtain a written explanation from their parents/guardians/caregivers during a school session.
 - c. In instances of chronic or irregular absence reportedly due to illness, the principal may request a physician's statement certifying such absences to be justifiable.

- d. If an extended absence of a student is foreseen, the parents/guardians/caregivers should contact the principal to make arrangements for the completion of academic requirements.
- e. The Principal will work with students and their parents/guardians/caregivers to develop a plan to improve attendance when a student has been truant, chronically absent or tardy. Additionally, a student who is truant, chronically absent or tardy will be referred to the Office of the Safety and Security. The Director of Safety and Security, after consultation with the appropriate Principal, will review each matter and initiate corrective action which may include referral to the Middlesex County Court if the student is deemed to require additional services under the direction of the Court.

Excused absences include:

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

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

Unexcused absences include:

- a. Truancy from school or from individual classes or study halls;
- b. Trips not approved in advance by the principal;
- 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 parents/guardians/caregivers by a telephone call or written note from parents/guardians/caregivers or the student's medical provider upon the student's return to school.

When 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/Caregivers will be notified when a student has any unexcused absence, or unexcused tardy or unexcused misses of two (2) or more periods of school. The school must ensure that it notifies the student's parents/guardians/caregivers of a student's absence within three (3) days of the absence if the school has not received notification of the absence from the student's parents/guardians/caregivers. When a child has been tardy five (5) times, has been absent five (5) days or ten (10) half-days in the previous six (6) months for which no lawful excuse is received for said tardies or absences, misses five (5) or more school days unexcused in a school year or two (2) or more periods unexcused in a school year, it shall be the duty of the principal in which such child is enrolled to report such attendance record to the Superintendent of Schools. The principal or designee also shall make a reasonable effort to meet with the parents/guardians/caregivers of the student who has five (5) or more unexcused absences to develop action steps for student attendance. The action steps shall be developed jointly and agreed upon by the school principal or designee, the

student and the student's parents/guardians/caregivers and with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies, as appropriate.

Any student with an excused absence from school or classes has the privilege of making up the class assignments, missed homework, quizzes, exams, papers, projects and other assignments. The principal shall ensure that there is a school-wide education service plan in place for all students who are suspended or expelled from school for more than five (5) consecutive days, whether in or out of school. Additionally, the principal shall ensure that any student suspended or expelled from school for more than five (5) consecutive days, whether in or out of school, has an opportunity to make academic progress during the period of exclusion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers, projects and other assignments.

The parents/guardians/caregivers 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 parents/guardians/caregivers 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 a 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 the student's teacher and teachers should afford students a reasonable amount of time upon their return to class to make up missed homework, quizzes, exams, papers, projects and other assignments. No adverse, prejudicial or discriminatory effect shall result to any student because of an absence 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 (AV). Excused absences, including verified personal illness, will not be counted against a student and will not result in the issuance of an Attendance Violation (AV) if the absences fall into the following categories: (a) absences attributable to personal trauma; grieving, death in the family; (b) observance of a religious holiday; (c) medical appointments or counseling visits that absolutely cannot be made outside of school hours; (d) legal matters requiring a personal appearance; (e) suspensions in and out of school; (f) school-related trips, assemblies or meetings; (g) college visits (two days in junior year and three days in senior year); and (h) one trip or educational experience of no more than five days during a student's years at the high school.

Four (4) unexcused absences in any class, however, will result in an Attendance Violation. In this case, a grade of AV will be issued for the term grade by the Dean of Students. In addition, three (3) unexcused tardies to class will be counted as one (1) unexcused absence. Unexcused absences include: (a) truancy from school or from individual classes; (b) trips not approved in advance by the principal; (c) looking for employment without the approval of the principal; (d) staying home to avoid an examination in a given subject or to study for an examination; (e) leaving the school building during the school day without signing out in the dean's office (cutting class); (f) oversleeping or otherwise being tardy to school; (g) remaining on or near school grounds, but not attending assigned classes (cutting class); and (h) any other absence that is not excused or any excusable absence that is not reported by parents/guardians/caregivers by a phone call or written note from parents/guardians/caregivers or the student's medical provider upon the student's return to school. Additionally, a student who receives twelve (12) unexcused tardies in any one class, will receive an AV for the course.

In accordance with the School Committee's policy, the school will notify the parents/guardians/caregivers after each absence and/or tardy of the student and also will notify the parents/guardians/caregivers after four unexcused absences occur. Parents/Guardians/Caregivers may seek a medical waiver for any chronic condition, reoccurring illness or for any illnesses that exceeds four (4) days. Parents/Guardians/Caregivers will have the right to appeal any AV 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 AV and, if the appeal is denied, the parents/guardians/caregivers may within ten (10) days of the denial, submit a written appeal to the Superintendent of Schools for review. The decision of the Superintendent of Schools shall be final.

Learning Community teams will work with students who meet AV criteria and implement one of the following three (3) supports:

- a. Complete a Buy Back contract/proposal (offered to all students)
- b. Enroll student in Studentship Workshops (for students who need additional time management and studentship support)
- c. Individual Support Plan co-created with LC team (used for students with extenuating circumstances who need unique supports)

If a student does not successfully complete the support plan, they may receive a 10-point deduction.

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 parents/guardians/caregivers of the student notifying the parents/guardians/caregivers 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 the student's parents/guardians/caregivers 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 the student formally withdrawing from school. The parents/guardians/caregivers 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 parents/guardians/caregivers and the student, the principal or designee issues a letter to the parents/guardians/caregivers 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 the student wishes to resume pursuing an education.

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

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 a school safety specialist 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 from the school staff of the student's choice, whenever reasonably possible, must be present for the questioning of students by school security. An individual school safety specialist of the student's choice, whenever reasonably possible, must conduct all searches of students.

At the 9-12 grade level: an individual school safety specialist of the student's choice, whenever reasonably possible, must conduct all searches of students.

3.5 At the K-8 grade level: the Principal/, Assistant Principal, or Principal's designee must notify parents/guardians/caregivers prior to a search of a student conducted by school security. If prior notice is not successful, the parents/guardians/caregivers will be notified as soon as possible thereafter, and a letter will be sent the same day.

At the 9-12 grade level: the Principal, Assistant Principal, Dean, or Principal's designee must immediately notify parents/guardians/caregivers after school security has conducted a search. Further, a letter will be sent the same day.

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

3.6 At the K-8 grade level: the Principal, Assistant Principal, or Principal's designee, must notify

parents/guardians/caregivers or emergency contact prior to any questioning of a student by school security. If prior notice is not successful, the parents/guardians/caregivers will be notified as soon as possible thereafter, and a letter will be sent the same day.

At the 9-12 grade level: parents/guardians/caregivers 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 this *Rights and Responsibilities Handbook* (hereinafter “*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 choice, whenever reasonably possible, 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 choice, whenever reasonably possible, 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 *Handbook* and in the elementary schools and CRLS student handbooks the terms "questioning" and "search" are defined as follows:

"Questioning" is a formal inquiry of a student regarding academic, disciplinary or any other school-related matter.

"Search" is a physical search of a student's property or person, including but not limited to, a student's purse, bags or pockets. A search may also include a light pat-down of a student.

3.9 The Superintendent and Chief Operating Officer must be notified as soon as reasonably possible after any student searches by school security. Further, the

School Committee shall receive monthly summary reports relative to searches by security, in addition to the reports currently provided.

- 3.10** An "independent investigation" refers to an investigation of a serious threat to the safety of students, faculty and/or staff that is ongoing and is not merely the result of an isolated incident. The investigation must also involve one or more schools or CRLS schools in the District. All "independent investigations" involving more than one school in the District must be authorized by the Superintendent or Chief Operating Officer. When an independent investigation only involves more than one small school at the high school, an independent investigation must only be approved by the Principal.

4.0 STUDENT LOCKERS AND DESKS AND ELECTRONIC DEVICES

4.1 Student Lockers and Desks

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

- 4.2** A student's locker and/or desk also may be searched if there is reasonable suspicion to believe that the locker and/or desk contains contraband or evidence that will be found linking the locker and/or desk to evidence of a violation of a school rule or regulation, or unless there is a clear and present danger of immediate physical danger to the school building or persons therein. The person(s) conducting the search shall be the Principal or designee. The Principal or Principal's designee must notify parents/guardians/caregivers as soon as possible after such a search has been conducted, and a letter will be sent the same day.

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

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

- 4.5** Students will not put in their lockers or desks weapons, illegal drugs or related paraphernalia, alcoholic beverages, stolen property and any other contraband or items of no reasonable use to students while at school.
- 4.6** **Electronic Devices**
Students want the privilege of carrying electronic devices while on school property or at a school-sponsored or school-related event. With that privilege comes the responsibility of the students ensuring that the electronic devices are used appropriately. Students must understand that they each are solely responsible for the proper use and security of any electronic device that they bring into school or to a school-related or school-sponsored event. Additionally, students should not share or loan their electronic devices. If a student does so, the student also may be held responsible for any misuse of that electronic device by another just as though it remained in the student's possession.
- 4.7** Students may not use an electronic device in any manner that interferes with the educational process or creates a disruption. For example, if the electronic device is on, makes a noise, vibrates or otherwise calls attention to itself while in the school setting, or at a school-sponsored or school-related event, the device is creating a disruption. Misuse of electronic devices may result in the confiscation of the electronic device and may also result in the imposition of discipline.
- 4.8** The Cambridge Public Schools assumes no liability for and is not responsible for the loss, theft or damage to any electronic device that a student brings onto school property or to a school-sponsored or school-related event. Students should understand that they bring an electronic device into school or to a school-sponsored or school-related event at their own risk.

5.0 FREEDOM OF THE PERSON

- 5.1** Students shall have the right to be secure in their person while in school buildings, on school grounds or in transit to and from school, and at all times while at any authorized school function.
- 5.2** No student, teacher or school official shall use physical force in any manner to cause or attempt to cause intentional physical injury to a student, teacher or school official. However, a teacher or school official may use physical force if said physical force is reasonable and necessary:
- a. To obtain possession of a weapon or other dangerous object; or
 - b. For the purpose of self-defense; or
 - c. For the protection of another person or property.

- 5.3 No teacher or school official shall use physical force in any manner for purposes of student discipline or imposing punishment. Corporal punishment in any form is expressly forbidden.
- 5.4 No student, teacher, school official, or school employee shall intimidate, threaten or harass in any manner a student, teacher or school official, nor shall any such person degrade or abuse a student publicly in an attempt to humiliate a student.
- 5.5 Codes of Conduct, Cambridge Public Schools Non-Discrimination Policy and Title IX/Sexual Misconduct Policy

All students who believe that they have been subjected to sex/gender-based discrimination, sex/gender-based harassment, gender identity/gender expression discrimination, gender identity/gender expression harassment, including sexual assault and/or retaliation in any of its programs or activities and/or any other form of discrimination or harassment based on any of the protected areas (race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition) have the right to file a complaint with the Director of Talent Recruitment or the Chief Talent Officer. Students may initiate the filing of a complaint by contacting the principal, assistant principal, dean, the Director of Talent Recruitment or the Chief Talent Officer in compliance with the provisions of the Non-Discrimination Policy and procedures and/or the Title IX/Sexual Misconduct Policy and procedures, as applicable. School staff who observe any incidents of harassment or discrimination shall report such incidents immediately to the student's Principal, Assistant Principal or Dean. Students may also file complaints with the Massachusetts Commission Against Discrimination at:

Boston Office:

One Ashburton Place
 Suite 601
 Boston, MA 02108
 Phone: 617-994-6000
 TTY: 617-994-6196

Springfield Office:

436 Dwight Street
 Suite 220
 Springfield, MA 01103
 Phone: 413-739-2145

Email: mcad@mass.gov mcad@mass.gov

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

75 Pleasant Street, Malden, MA 02148-4906
Phone: 781-338-3000
TTY: N.E.T. Relay: 1-800-439-2370
Email: compliance@doe.mass.edu

or with the

United States Department of Education, Office for Civil Rights at:

5 Post Office Square, Floor 9
Boston, MA 02109
Phone: 617-289-0133
Fax: 617-289-0150
TDD: 1-800-877-8339
Email: OCR.Boston@ed.gov

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

5.6 Definition of Discrimination and Harassment

Discrimination is defined as: Treating an individual less favorably because of their actual or perceived membership in one or more protected categories (race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition).

Harassment is defined as: Unwelcome verbal, nonverbal, visual or physical conduct that is based on an individual's actual or perceived membership in one or more of the protected categories (race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition) that is persistent, pervasive or severe and objectively offensive and unreasonably interferes with, limits or denies an individual's educational or employment access, benefits or opportunities.

Unwelcome conduct may include, but is not limited to bullying, intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or putdowns, offensive objects or pictures, messages sent via email, text, posting or social media, sexual advances, requests for sexual favors, conduct of a sexual nature or any other sex-based conduct;

display or circulation of written materials or pictures that are degrading to a

person or group described above;

verbal abuse or insults about, directed at, or made in the presence of an individual or group described above; and/or

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 for the purposes of Title IX and as defined in 34 CFR Part 106, includes certain types of unwelcome sexual conduct, sexual assault, dating violence, domestic violence, and stalking. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A Cambridge Public Schools employee conditioning the provision of aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; Commonly referred to as "quid pro quo" sexual harassment, meaning that a school employee offers something to an individual in exchange for sexual conduct.
2. Any unwelcome conduct, determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity;
3. Sexual assault as defined by the Clery Act, 20 USC 1092(f)(6)(A)(v), and "dating violence" "domestic violence" and "stalking" as defined by the Violence Against Women Act, 34 U.S.C. 12291 (a)(8), (10) & (30). 3 a. Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - i. Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - ii. Fondling: The touching of the private body parts of another person

for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

iii. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

iv. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent (16).

- i. Dating Violence: For purposes of the Sexual Misconduct/Title IX policy, dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim (student). The existence of such a relationship is determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Issues and concerns related to Dating Violence, including situations in which both parties are not students, may also be addressed in accordance with the Cambridge Public Schools Policy Against Teen Dating Violence and the Cambridge Public Schools Domestic Violence and Teen Dating Violence Administrative Guidelines.

Domestic Violence: For purposes of the Title IX/Sexual Misconduct Policy, felony or misdemeanor crimes of violence (including threats or attempts) committed by a current or former spouse of the victim (student), by a person with whom the victim (student), shares a child in common, by a person who is cohabitating with or has cohabitated with the victim (student) as a spouse, by a person similarly situated to a spouse of the victim (student), under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim/survivor(student), who is protected from that person's acts under the domestic or family violence laws of the jurisdiction receiving grant monies. It should be understood that domestic violence/dating violence applies to any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate partner or dating partner. This pattern of behavior may include physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and economic control. Issues and concerns related to Domestic Violence, including situations in which parties are not students, may also be addressed in accordance with the Cambridge Public Schools Policy Against Domestic Violence, Domestic Violence Leave Policy and the Cambridge Public Schools Domestic Violence and Teen Dating Violence Administrative Guidelines.

- 5.8** Stalking: A course of conduct directed at a specific person (student) that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. It involves more than one instance of inappropriate and unwanted attention, harassment, threatening or intimidating physical or verbal contact, or any

other course of conduct directed at a person that could be reasonably regarded as likely to alarm or place that person in fear of harm or injury, including physical, emotional, or psychological harm. This includes the use of technology to pursue, harass, threaten, intimidate, or otherwise make unwelcome contact with another person. Stalking may involve people who are known to one another or have an intimate or sexual relationship, or may involve people not known to one another. Stalking is also prohibited by Massachusetts General Law, chapter 265, section 43. 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. Employees of the Cambridge Public Schools are expressly prohibited from engaging in any sexual relationship with a student. Such conduct is not allowed under any circumstances regardless of the student's age as such relationships are considered sexual violence whether the adult's behavior is unwanted or not.

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

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

Unwelcome sexual advances, whether they involve physical touching or not

Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments

Sexual epithets, jokes, written or verbal references to sexual conduct, comments about an individual's body, comments about an individual's sexual activity, deficiencies, or prowess

Discussion of one's own sexual activities or inquiries into others' sexual experiences

Displaying sexually suggestive objects, pictures, cartoons

The definitions of discrimination, harassment and sexual harassment are broad. In addition to the above examples, other unwelcome conduct, whether intended or not, that has the effect of creating a school or work environment that is hostile,

offensive, intimidating, or humiliating to any student or employee also may constitute discrimination, harassment and/or sexual harassment. “Work” or “school” includes school-sponsored social events, trips, sports events, work-related travel or similar events connected with school or employment, including without limitation, extracurricular and athletic activities and programs, traveling to and from school or on a school-sponsored field trip.

5.9 No reprisals or retaliation shall be invoked against any employee or student for processing, in good faith, a complaint, either on an informal or formal basis, or for participating in any way in complaint procedures. No reprisals or retaliation shall be invoked against any student who, in good faith, has testified, assisted or participated in any manner in any investigation, proceeding, or hearing of a complaint or for otherwise participating in any way in these complaint procedures. No teacher, school official or school employee shall, in any way, attempt to intimidate or discourage a student from attempting to appeal to higher officials of the School Department with complaints and objections. Any such attempts shall be reported to the School Committee and the Superintendent at once.

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

5.11 Physical Restraints

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

The Cambridge Public Schools has written procedures and guidelines related to this policy which are posted on the school department'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 that should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, including alternative methods in emergency situations that avoid resorting to physical restraint.

Physical Restraint Procedures

Definitions

“Consent” shall mean agreement by parents/guardians/caregivers who have been fully informed of all information relevant to the activity for which agreement is sought, in their native language or other mode of communication, that the parents/guardians/caregivers understand and agree in writing to the carrying out of the activity, and understand that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom.

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

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

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

“Mechanical restraint” shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of the student’s 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 parents/guardians/caregivers of the student.**

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

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

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

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

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

“Principal” shall mean the instructional leader of a public education school program or designee.

Use of a Restraint

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

Other Limitations on the Use of Restraint

The following practices are expressly prohibited: (i) use of restraint inconsistent with the provisions set forth above; (ii) use of a restraint as a means of discipline or punishment, as a response to the destruction of property or disruption of school order, or as a response to a student’s refusal to comply with a school rule or staff directive, or verbal threats when those actions do not constitute a threat of imminent, serious, physical harm is expressly prohibited; (iii) use of prone restraint, (iv) use of mechanical restraint; (v) use of medication that has not been

approved by a physician and consent to, in writing, by the student's parents/guardians/caregivers; (vi) use of restraint when students indicate that they cannot breathe or appear to be in severe distress (including but not limited to: difficulty breathing, sustained or prolonged crying or coughing).

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

Proper Administration of a Physical Restraint

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

Safety Requirements

No restraints shall be administered in such a way that a student is prevented from breathing or speaking. During the administration of a restraint, school personnel shall continuously monitor the physical status of the student, including skin color, temperature and respiration. Any and all restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to the student or others. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm. **If, at any time during a physical restraint the student demonstrates difficulty breathing or significant physical distress, including but not limited to, trouble breathing or prolonged coughing or crying, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.** School personnel shall review and consider any known medical or psychological limitations and/or

behavioral intervention plans regarding the use of physical restraint on an individual student as well as known or suspected trauma history. At any time during the administration of a physical restraint, school personnel may seek to contact the Office of Student Services behavioral specialists, or the Crisis Intervention Team, or take other steps to seek medical assistance if it appears that the student is demonstrating significant physical distress.

Follow-up Procedures and Reporting Requirements

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

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

The following are the reporting requirements followed by the school:

- a. Every use of physical restraint shall be reported in writing, including the name of student restrained, to the Office of Student Services and the immediate supervisor of the principal.
- b. The school staff member who administers a physical restraint that results in an injury to a student shall verbally inform the principal or 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 for review of the use of restraint no later than the next working day after the restraint was administered. If the principal has administered the restraint, the principal shall prepare the report and submit it to the Superintendent for review by a team designated by the Superintendent.
- c. The principal of the school shall maintain an on-going record of all reported instances of physical restraint.
- d. The principal or designee shall verbally inform the student's parents/guardians/caregivers as soon as possible but no later than twenty-four (24) hours after use of the restraint, and by a written report postmarked

no later than three (3) school working days following the use of the physical restraint. The principal shall provide the student and the parents/guardians/caregivers an opportunity to comment in writing on the use of the restraint and on information in the written report.

- 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 an injury to a student as well as a copy of the school's on-going record of all reported instances of physical restraint for the thirty (30) days preceding the reported physical restraint. **This documentation must be provided to the Office of the Superintendent by no later than one (1) school working day after the written report is received by the principal.** The principal shall convene a student support team to make an assessment of an individual student's needs if a student has been restrained on two (2) separate occasions within a seven (7) day period or three (3) times within a thirty (30) day period. Members of the grade level team and such other program staff as the principal may determine, shall participate in the assessment. Each member of the student support team shall read written reports of restraint and any comments provided by the student and parents/guardians/caregivers about such reports and the use of the restraints.

In addition to review and discussion of such reports by the student support team, the assessment shall include an analysis of the circumstances leading up to each restraint, including factors such as time of day, day of the week, antecedent events, and individuals involved. The assessment shall conclude with a plan for addressing any factors that may have contributed to escalation of behaviors, consideration of alternatives to restraint, including de-escalation techniques and possible interventions, and such other strategies and decisions, as appropriate, with the goal of reducing or eliminating the use of restraint in the future. If the principal directly participated in the restraint, a duly qualified individual designated by the Superintendent shall lead the student support team's discussion. The principal shall ensure that a record of each individual student review by the student support team is maintained and made available for review by the Massachusetts Department of Elementary and Secondary Education, upon request.

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

District's Training Requirements

A. For All Program Staff

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

B. For Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints

At the beginning of each school year, the principal of each school shall identify program staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. The content of the in-depth training shall be competency-based and at least sixteen (16) hours in length. Such individuals shall participate in at least one refresher course during subsequent school years of no less than eight (8) hours in length. Training shall include, but not be limited to: (a) appropriate procedures for preventing the use of physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint; (b) description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted; (c) the simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person

restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance; (d) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; (e) instruction regarding the impact of physical restraint on the student and family, recognizing the act of restraint has impact, including but not limited to psychological, physiological and social-emotional effects; and (f) demonstration by participants of proficiency in administering physical restraint. *See* 603 C.M.R. 46.03(3) and 46.03(4).

Complaint Procedures

- A. **Informal Resolution of Concern About Use of Physical Restraint**
Before initiating a formal complaint procedure, a student or the student's parents/guardians/caregivers who has concerns regarding a specific use of a physical restraint, may seek to resolve these concerns regarding a specific use of a physical restraint by raising the issue with the principal. The student and/or the student's parents/guardians/caregivers should direct their concerns regarding a specific use of a physical restraint to the principal within ten (10) days of the parents/guardians/caregivers' receipt of the written report from the school detailed above. The principal shall attempt, within their authority, to work with the individual to resolve the complaint fairly and expeditiously. If the student and/or the student's parents/guardians/caregivers are not satisfied with the resolution, or if the student and/or the student's parents/guardians/caregivers does not choose informal resolution, then the student and/or the student's parents/guardians/caregivers may proceed with the formal complaint process detailed below.
- B. **Formal Resolution of Concern About Use of Physical Restraint**
A student or the student's parents/guardians/caregivers, who have concerns regarding a specific use of a physical restraint, may seek to resolve these concerns regarding a specific use of a physical restraint by submitting a written complaint to the Office of the Superintendent. The student and/or the student's parents/guardians/caregivers should submit this letter to the Office of the Superintendent within twenty (20) days of the parents/guardians/caregivers' 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” to seek resolution of any complaints of discrimination or harassment that are based on a characteristic protected by law such as race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender, gender identity, sexual orientation, pregnancy, or pregnancy- related condition, and that the provisions of this section also does not preclude a student from using the complaint process set forth in the Cambridge Public Schools “Title IX/Sexual Misconduct Policy” to seek resolution of complaints of discrimination or harassment that are based on sex-based discrimination, sex-based harassment, gender identity/gender expression discrimination, gender identity/gender expression harassment, including sexual assault and/or retaliation in any of its programs or activities. 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 this *Handbook* to seek resolution of any complaints regarding a student’s deprivation of rights set forth in this *Handbook*.

5.12 Anti-Bullying Policy and Bullying Prevention and Intervention Plan

The Cambridge Public Schools is committed to creating a safe, caring, respectful learning environment for all students and strictly enforces a prohibition against bullying, including without limitation, cyberbullying, of any of its students by anyone and also strictly enforces a prohibition against retaliation of any person who reports bullying, provides information during an investigation of bullying or witnesses or has reliable information about bullying. Site-based initiatives, developed collaboratively between school administration and personnel, students, families and community members will seek to: (1) help students of all ages and abilities stay safe, act wisely, and believe in themselves; and (2) help adults respond effectively to students’ reports and their own observations.

Bullying is defined as the repeated use by one or more students, or by a member of school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim’s property; (ii) places the victim in reasonable fear of harm to themselves or of damage to their property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and

substantially disrupts the education process or the orderly operation of a school. Consistent with state law, the Cambridge Public Schools recognizes that certain students may be more vulnerable to becoming a target of bullying or harassment based on actual or perceived differentiating characteristics, including: race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity or expression, sexual orientation, pregnancy, or pregnancy-related condition, socioeconomic status, homelessness, academic status, physical appearance, or parenting status, or by association with a person who has or is perceived to have one (1) or more of these characteristics. For purposes of this policy, bullying shall include cyberbullying.

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

Aggressor or perpetrator is defined as a student or a member of school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional, school volunteer or a vendor, contractor or other person working under a contract with the school district who engages in bullying, cyberbullying, or retaliation.

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

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

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

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

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

Bullying of students occurring in the schools is prohibited by law and will not be tolerated by the Cambridge Public Schools. For purposes of this policy, "school" includes schools, school grounds, travel to and from school and/or school-sponsored events and functions, property immediately adjacent to school grounds, school-sponsored or school-related activities, functions, programs whether on or off school grounds (such as social events, trips, sports events, or similar school-sponsored events and functions), at a school bus stop, on a school bus or other vehicle owned, leased or used by the school district or a school, on the way to or from school or through the use of technology or an electronic device owned, leased or used by the school district or a school and at a location, activity, function or program that is not school-related or through the use of technology or an electronic device that is not owned, leased or used by the school district or school, if the act creates a hostile environment at school for the victim or witnesses, infringes on the rights of the victim or witnesses at school or materially and substantially disrupts the education process or the orderly operation of a school.

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

If any student, parents/guardians/caregivers 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, they 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 also may 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.

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

When the complaint is received, the principal will immediately notify:

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

The principal will promptly conduct an investigation of the complaint that is received.

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

In notifying the parents/guardians/caregivers of the target and aggressor, the principal must comply with the confidentiality requirements of the Massachusetts Student Record regulations, 603 C.M.R. 23.00, and the Federal Family Educational Rights and Privacy Act regulations, 34 C.F.R. Part 99, as set forth in 603 C.M.R. 49.07. More specifically, a principal may not disclose information from a student record of a target or aggressor to parents/guardians/caregivers unless the information is about the parent/guardian/caregiver's own child. A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 C.M.R. 49.06 without consent of a student or the student's parents/guardians/caregivers but the principal shall

communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances. Additionally, if the aggressor is a member of the school staff, the principal may take appropriate disciplinary action, up to and including termination. Additionally, if the principal has determined that there is an immediate and significant threat to the health or safety of the student or other individuals, a principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 C.M.R. 23.07(4)(e) and 34 C.F.R. 99.13(a)(10) and 99.36. In this latter situation, the disclosure is limited to the period of the emergency and the principal must document the disclosure and the reasons that the principal determined that a health or safety emergency exists.

The principal will provide a copy of the *Cambridge Public Schools Non-Discrimination Policy*, *Title IX/Sexual Misconduct Policy* and the *Cambridge Public Schools Anti-Bullying Policy* to all parties including the person making the complaint, the alleged student target, the parents/guardians/caregivers of the alleged student target, the alleged aggressor and the parents/guardians/caregivers of the alleged aggressor, if the alleged aggressor is a student.

Complaint Investigation

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

The investigation may include an interview with the student, parents/guardians/caregivers, staff member or community member filing the complaint, the student alleged to be a victim of bullying or retaliation, the student(s) or staff member(s) alleged to have committed the bullying or retaliation, witnesses to any alleged incidents or other individuals as determined by the school department. Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents/guardians/caregivers of the target and the aggressor and the parents/guardians/caregivers of the aggressor, if the aggressor is a student, of this and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents/guardians/caregivers prior to any investigation. Notice will be consistent with

state regulations at 603 C.M.R. 49.00. In notifying the parents/guardians/caregivers of the target and aggressor, the principal must comply with the confidentiality requirements of the Massachusetts Student Record regulations, 603 C.M.R. 23.00, and the Federal Family Educational Rights and Privacy Act regulations, 34 C.F.R. Part 99, as set forth in 603 C.M.R. 49.07. More specifically, a principal may not disclose information from a student record of a target or aggressor to parents/guardians/caregivers unless the information is about the parents/guardians/caregivers' own child. A principal may disclose a determination of bullying or retaliation to a local law enforcement agency under 603 C.M.R. 49.06 without consent of a student or the student's parents/guardians/caregivers but the principal shall communicate with law enforcement officials in a manner that protects the privacy of targets, student witnesses, and aggressors to the extent practicable under the circumstances. Additionally, if the principal has determined that there is an immediate and significant threat to the health or safety of the student or other individuals, a principal may disclose student record information about a target or aggressor to appropriate parties in addition to law enforcement in connection with a health or safety emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals as provided in 603 C.M.R. 23.07(4)(e) and 34 C.F.R. 99.13(a)(10) and 99.36. In this latter situation, the disclosure is limited to the period of the emergency and the principal must document the disclosure and the reasons that the principal determined that a health or safety emergency exists. Additionally, consistent with state law, the parents/guardians/caregivers of the target(s) shall be notified of the results of the investigation and any actions that will be taken to prevent any further acts of bullying or retaliation if it is determined that such conduct has occurred.

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

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

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

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

Disciplinary Action/Responses to Bullying

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

Before fully investigating the allegations of bullying or retaliation, the principal or designee will take steps to assess the need to restore a sense of safety to the alleged target and/or to protect the alleged target from possible further incidents. Responses to promote safety may include, but not be limited to, creating a personal safety plan; pre-determining seating arrangements for the target and/or the

aggressor in the classroom, at lunch, or on the bus; identifying a staff member who will act as a “safe person” for the target; and altering the aggressor’s schedule and access to the target. The principal or designee will take additional steps to promote safety during the course of and after the investigation, as necessary.

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

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

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

Where it is determined that inappropriate conduct has occurred, the Cambridge Public Schools will act promptly to eliminate the conduct and will impose corrective action as necessary, which may range from requiring the offender to work with school personnel on better behavior, the recommendation for the provision of counseling or other therapeutic services and/or disciplinary action where appropriate, up to and including suspension, expulsion and/or court involvement. Additionally, consistent with state law, if it is determined that bullying or retaliation has occurred, the principal, 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/caregivers of the perpetrator; and (iv) notify the parents/guardians/caregivers 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, the student shall be subject to discipline consistent with the provisions of this handbook.

Promoting Safety for the Target and Others

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

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

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

False Accusations/Retaliation

If it is determined that a student has knowingly made a false accusation of bullying or retaliation, the student shall be subject to discipline consistent with the provisions of this *Handbook*.

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

Review of School-based Actions

If the person making a complaint about bullying, the alleged target of bullying and/or the parents/guardians/caregivers of an alleged target of bullying are unable to resolve their concerns after a good faith attempt to use the informal means detailed above in cooperation with the Principal, a written complaint may be filed with the Superintendent or Chief Operating Officer. The written complaint shall

state the concerns and include a brief statement of the facts and the specific relief being requested.

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

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

Other Complaint Processes Also Available

It should also be noted that the provisions of these procedures detailed above in this section and in the Cambridge Public Schools Anti-Bullying Policy and Bullying Prevention and Intervention Plan do not preclude a student from using the complaint process set forth in the Cambridge Public Schools "Non-Discrimination Policy" to seek resolution of any complaints of discrimination or harassment that is based on a characteristic protected by law such as race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition, and does not preclude a student from using the complaint process set forth in the Cambridge Public Schools "Title IX/Sexual Misconduct Policy" to seek resolution of any complaints of sex -based discrimination, sex-based harassment, gender identity/gender expression discrimination, gender identity/gender expression harassment, including sexual assault and/or retaliation in any of its programs or activities. 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 this *Handbook* to seek resolution of any complaints regarding a student's deprivation of rights set forth in this *Handbook*.

Relationship To Other Laws

Consistent with federal and state laws and regulations and the policies of the School

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

5.13 Policy Against Teen Dating Violence

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

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

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

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

Teen Dating Violence: Dating violence (or relationship abuse) is a pattern of over-controlling behavior that someone uses against their romantic partner.

Dating violence can take many forms, including mental/emotional abuse, physical abuse, and sexual abuse and/or through the use of technology (i.e. cyberbullying). Someone may experience dating violence even if there is no physical abuse. It can occur in both casual dating situations and serious, long-term relationships.

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

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

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

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

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

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

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

Procedure for Reporting Teen Dating Violence

A student who believes that they have been a victim of teen dating violence, believes that they are in danger of teen dating violence, or has a restraining order against an individual, may report the matter to any of the following individuals:

(1) principal, (2) assistant principal, (3) dean, (4) teacher or (5) school nurse. The person who receives the report must immediately notify the principal.

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

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

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

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

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

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

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

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

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

Disciplinary Action

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

Other Remedies

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

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

6.0 FREEDOM OF EXPRESSION

- 6.1** Students shall enjoy certain constitutional rights as defined by the courts for a school setting. Students shall have the right to express themselves by speaking, writing, wearing or displaying symbols such as buttons, badges, emblems and

armbands, or through any medium or form of expression. The Principal 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 race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition.; 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 *Handbook* shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this *Handbook*.

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 unreasonably 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 *Handbook* shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this *Handbook*.

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 *Handbook*. 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 *Handbook* shall be grounds for an appeal pursuant to the provisions of Section 23.0 of this *Handbook*.

9.0 DRESS CODE

- 9.1 Students are permitted to dress in compliance with this dress code in a manner consistent with their gender identity or gender expression. Students shall have a right to express themselves by the dress and hair style of their own choosing provided students meet their responsibility to dress and groom in a manner that conforms to the reasonable and acceptable standards of health, safety and cleanliness, will not cause a disruption of the educational process, and is not

offensive and/or does not endanger the health, safety and welfare of the student or others. Feet must be covered (shod) at all times.

- 9.2** Students are prohibited from wearing clothing, jewelry and/or accessories that have slogans, comments or designs that are obscene, lewd or vulgar; are directed towards or intended to harm, harass, threaten, intimidate or demean individual groups or individuals on the basis of race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition ; and/or advertise alcoholic beverages, tobacco or marijuana products or illegal drugs.
- 9.3** Students may not come to school shirtless, pantless or shoeless. All students dressed in accordance with this policy should not experience student or staff repercussions related to their apparel regardless of how their clothing coincides with their body type, race, color, national origin, ethnicity, ancestry, religion, age, disability, genetic information, veteran status, marital status, sex, gender identity, sexual orientation, pregnancy, or pregnancy-related condition.
- 9.4** Conversations with a student about their apparel should be facilitated by a school administrator and should not occur in front of a class or in front of other students. Parents/guardians/caregivers will be notified if a student has arrived to school in clothing that is not suitable for school, and the student will be provided with a school-issued suitable item of clothing to wear (e.g., sweatshirt or t-shirt from the school store) during the course of the school day, asked to turn clothing inside out, sent home to change their clothing or to borrow clothing from a classmate/friend to wear during the course of the school day.
- 9.5** Students are expected to follow all school rules with respect to wearing any protective clothing, safety glasses or other protective or safety equipment that may be required for participation in specialized programs.
- 9.6** The Superintendent shall direct the principals to train staff about this policy to ensure equitable and consistent application of this policy. Any discipline that is to be imposed for a violation of this policy shall be administered by the principal in accordance with the applicable provisions of this *Handbook*.
- 9.7** Any violation by any person of any right set forth in this *Handbook* shall be grounds for an appeal pursuant to the applicable section of this *Handbook*.

10.0 FREEDOM OF RELIGION

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

11.0 STUDENT MARRIAGE AND PREGNANCY

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

12.0 STUDENT GOVERNMENT

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

13.0 DISCIPLINE POLICY AND PROCEDURES

13.1 General Policy

It shall be the policy of the School Committee and of all school personnel to help students to resolve conduct problems without resorting to extreme disciplinary measures. Suspension action is recommended only as a last resort. To that end, school personnel are encouraged to pursue and exhaust all other available and appropriate disciplinary actions to foster the education and good conduct of a student before resorting to suspension. Examples of the types of interventions that may be employed before resorting to suspension of a student include, but are not limited to, the following: apology restitution, community referral/services, conflict mediation, correction assignment restitution, counseling, exclusion from school activities, lunch detention, office discipline referral, out-of-class time out,

parents/guardians/caregivers contact, privilege loss, student contract, referral to guidance counselor, referral to grade level or building administrator, referral to Student Support Team (SST) for interventions, student behavior agreement, behavior support plan, teacher conference with parents/guardians/caregivers, teacher conference with parents/guardians/caregivers and student, teacher conference with student, and/or warning. It should be noted, however, that this list of interventions is not exhaustive and that not every intervention listed is used in every situation; rather, interventions that are utilized are related to the severity of the infraction.

Before suspending or expelling a student, the Principal or designee must employ alternative remedies in response to a specific incident and document their use and results. Alternative remedies include but are not limited to mediation, conflict resolution, restorative justice and collaborative problem solving. The only exceptions to this requirement are that if such remedies are unsuitable to a documented specific incident or are counter-productive, or the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or serious harm to another person while in school.

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 parents/guardians/caregivers (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 evaluation as a child in need of special education pursuant to the procedure set forth in applicable state and federal laws and regulations.
- l. use of evidence-based strategies and programs such as mediation, conflict resolution, restorative justice, and positive interventions and supports.

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.

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

- a. The staff member involved will contact the Principal and/or Assistant Principal
- b. The Principal will notify:
 - i. the Director of Safety and Security;
 - ii. the parents/guardians/caregivers 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 designee an incident report.
- d. The Principal will conduct disciplinary proceedings in accordance with the applicable procedures as detailed in this *Handbook*.

14.0 SUSPENSIONS

14.1 It is the policy of the Cambridge School Department that every effort should be made to help students solve conduct problems without resorting to extreme disciplinary measures. However, in those cases where a student's behavior is disruptive to the school, hurtful to the student or others or engages in activity forbidden by the laws of the Commonwealth of Massachusetts then a suspension may be warranted.

14.2 Before suspending a student, the Principal or designee must employ alternative remedies in response to a specific incident and document their use and results. Alternative remedies include but are not limited to mediation, conflict resolution, restorative justice and collaborative problem solving. The only exceptions to this requirement are that if such remedies are unsuitable to a documented specific incident or are counter-productive, or the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or serious harm to another person while in school.

Additionally, prior to initiating any disciplinary action, the following steps shall be taken by the Principal and/or designee in order to afford all students with their due process rights:

- a. In-School Suspensions
Prior to imposition of any suspension from regular classroom activities but not the school premises for up to ten (10) consecutive school days or no more than ten (10) school days cumulatively for multiple infractions during the school year, a student shall be informed of:

- i. The disciplinary offense;
- ii. The basis for the charge; and
- iii. The student shall be given an opportunity to respond.

On the same day as an in-school suspension decision, the Principal shall make reasonable efforts to notify the parents/guardians/caregivers orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction and the length of the in-school suspension and shall also invite the parents/guardians/caregivers to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to behavior. Such meeting shall be scheduled on the day of the suspension, if possible, and if not, as soon as practicable thereafter. *See* Section 16.1 for In-School Suspension Conference procedures.

If a student is placed in in-school or out of school suspension for more than ten (10) days, consecutively or cumulative during a school year, such suspension shall be deemed a long-term suspension for due process, appeal and reporting purposes. *See* Sections 14.3 and 16.3 for Long Term Suspension Conference Procedures. **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.

b. Short-term Suspensions

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

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

- vi. The right of the student and the student's parents/guardians/caregivers to interpreter services at the hearing if needed to participate.

Principals may, in their discretion, allow a student to serve a short-term suspension in school.

See Section 16.2 for Short Term Suspension Conference procedures.

If a student is placed in in-school or out of school suspension for more than ten (10) days, consecutively or cumulative during a school year, such suspension shall be deemed a long-term suspension for due process, appeal and reporting purposes. *See* Sections 14.3 and 16.3 for Long Term Suspension Conference Procedures. **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. Long-term Suspensions

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

- i. The disciplinary offense;
- ii. The basis for the charge;
- iii. The potential length of the student's suspension;
- iv. An opportunity for the student to have a hearing with the Principal concerning the proposed suspension and for the parents/guardians/caregivers to attend the hearing;
- v. The date, time and location of the hearing;
- vi. The right of the student and the student's parents/guardians/caregivers to interpreter services at the hearing if needed to participate;
- vii. The right, in advance of the hearing, to have the opportunity to review the student's record and documents upon which the Principal may rely in making a determination to suspend the student or not;
- viii. The right to be represented by counsel or a lay person of the

student's choice, at the expense of the student or the expense of the student's parents/guardians/caregivers;

- ix. The right to produce witnesses on the student's behalf and to present the student's explanation of the alleged incident but the student may not be compelled to do so;
- x. The right to cross-examine witnesses presented by the school;
- xi. The right to request that the hearing be recorded by the Principal and a copy of the audio recording provided to the student or the parents/guardians/caregivers upon request.
- xii. The right to appeal the Principal's decision to the Superintendent. Principals may, in their discretion, allow a student to serve a long-term suspension in school.

See Section 16.3 for Long Term Suspension Conference Procedures.

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

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

The Principal shall make reasonable efforts to notify the parents/guardians/caregivers orally and in writing of the opportunity to attend the hearing. To conduct a hearing without the parents/guardians/caregivers present, the Principal shall document reasonable efforts to contact the parents/guardians/caregivers. Reasonable efforts are presumed to have been made if the Principal has sent written notice and has documented at least two (2) attempts to contact the parents/guardians/caregivers in the manner specified by the parents/guardians/caregivers for emergency notification. Written notice to the parents/guardians/caregivers may be made by hand-delivery, first class mail or email to an address provided by the parents/guardians/caregivers for school communications, or by any other method of delivery agreed to by the Principal and the parents/guardians/caregivers.

The Principal and/or designee should exercise reasonable care in reviewing the circumstances and use their good professional judgment in making a suspension decision. Extenuating or mitigating

circumstances will receive consideration before a decision on suspension is made.

14.3 Depending on the severity of the incident, a student may be suspended for violations of school rules that occur while in school buildings, on school grounds, in transit to and from school or during any authorized school activity whether on or off school grounds if a student is found to have, including but not limited to:

a. Assault & Battery/Bodily Harm/Threats

- i. used or attempted to use violence, force, coercion, threats, intimidation or other comparable conduct.
- ii. interfered or attempted to interfere with any school personnel or student by use of threats, harassment or coercion or disrupts or obstructs any school activity with or without the use of force or violence.
- iii. harmed or attempted to harm a school employee or another person with a weapon or dangerous object.
- iv. committed assault, including sexual assault or assault and battery on a school employee or another person, or attempted to commit assault, including sexual assault or assault and battery on a school employee or another person.
- v. caused or attempted to cause physical injury to a school employee or another person.
- vi. endangered the physical safety of another by use of force or violence or threats of force or violence or attempted to endanger the physical safety of another by the use of force or violence or threats of force or violence. A threat of force or violence is some overt act that reasonably places the victim in fear of imminent bodily injury. This offense includes hazing and/or teen dating violence.
- vii. engaged in or attempts to engage in teen dating violence.
- viii. engaged in or attempts to engage in any unreasonable dangerous athletic technique that endangers the health or safety of an individual, such as using a helmet or any other sports equipment as a weapon.
- ix. incited, promoted or instigated or attempted to incite, promote or instigate violence, force, coercion, threats, intimidation, harm, assault, physical injury, teen dating violence or use of an unreasonable dangerous athletic technique that endangers the health or safety of an individual or other comparable conduct. This

also includes failing or refusing to leave the vicinity of disruptive altercation or fight after being asked to do so by school staff.

- x. engaged in or attempted to engage in an altercation or fight (whether verbal or physical) or mutual assault and battery.

b. Possession of Firearms, Dangerous Weapons, Dangerous Objects

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

c. Controlled Substances, Alcohol and Tobacco

- i. been or is in possession of or under the influence of a controlled substance or alcohol.
- ii. sold, distributed or been or is in possession with the intent to sell or distribute any prescribed or non-prescribed controlled substance or drug paraphernalia in school, on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
- iii. been or is in possession of or uses any non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind.
- iv. been found using tobacco products while in school, on school grounds, or while under school jurisdiction, including, at school-sponsored activities or events or while on school provided transportation.
- v. displayed, used or is otherwise in possession of a controlled substance or alcohol while in school, on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
- vi. participated in the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.

- vii. displayed, used or is otherwise in possession of drug paraphernalia while in school, on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
- viii. participated in the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction, including at a school-sponsored activity or event or while on school provided transportation.
- ix. been in the presence of and made no reasonable effort to leave the vicinity of the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind or the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction.

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

- i. violated the civil rights of others.
- ii. engaged in acts of harassment or discrimination, including acts of sexual harassment or other forms of sexual misconduct.
- iii. used slurs, profanity or obscene language in a persistent and/or abusive manner.
- iv. engaged in any activity that violates the Massachusetts law prohibiting the practice of hazing (M.G.L. c. 269, §§17-19).
- v. threatened, harassed or intimidated any person while on school grounds or at a school activity on or off school grounds.
- vi. used language and/or gestures, which are obscene, improper, derogatory and/or offensive while on school grounds, at a school-activity or at any school-related event.
- vii. engaged in any activity that violates the Massachusetts law prohibiting bullying (M.G.L.c. 71, §37O).
- viii. engaged in any activity that violates the Massachusetts law prohibiting cyberbullying (M.G.L.c. 71, §37O).

e. *Theft, Vandalism and Fire setting*

- i. set fire to or attempted to set fire to or damaged or attempted to damage any school building or property.

- ii. endangered the safety of others or attempted to endanger the safety of others by setting a fire on school property, at school-sponsored activity or while on school provided transportation.
- iii. sounded a school type alarm with knowledge that no fire or police emergency exists.
- iv. caused damage to or attempted to cause damage to or stole or attempted to steal school or private property.
- v. attempted by force or threat of force to steal school or private property.
- vi. damaged or stole personal property of another or was found in possession of stolen personal property while in school.
- vii. caused or attempted to cause damage to school property, stole or attempted to steal school property.
- viii. caused or attempted to cause a disruption of school or a school related event or activity by sounding or attempting to sound a false alarm.
- ix. endangered the safety of others by sounding or attempting to sound a false alarm.
- x. made or threatened to make bomb threats or other false threats or crises of a similar nature.
- xi. set or attempted to orchestrate or set a false alarm, including without limitation a bomb threat, setting off a pull station, pulling a firebox or any other false threat or crisis while on school grounds or at a school activity or school-related event.

f. Other Disruptions

- i. prevented or attempted to prevent by physical act the convening or continued functioning of any school or educational function or any lawful meeting on school property.
- ii. failed to comply with the directions of any school personnel acting legitimately in their official capacity that results in any disruptive effect upon the education of other students.

- iii. engaged in any activity forbidden by the laws of the Commonwealth of Massachusetts that constitutes a disruption of school activity.
 - iv. engaged in any activity that substantially disrupts the school, a classroom or classroom activity or causes harm to another individual.
 - v. engaged in conduct violative of M.G.L.c. 71, §§37H & 37H½.
 - vi. engaged in any activity or brought onto school property or to any school-sponsored activity or event any object of no reasonable use in the school setting
 - vii. caused or attempted to cause a disruption of the school, a classroom or classroom activity by bringing to school any object of no reasonable use in the school setting
- g. *Repeated Violations*
- i. repeatedly committed one or more violations of any of the rules and responsibilities set forth in this *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. It should be noted that an assault or an assault and battery on a person is a crime and police are notified of all physical assaults, and parents/guardians/caregivers are notified about their right to file a criminal complaint with the Middlesex County Court. Depending upon the circumstances, the Cambridge Public Schools may, on its own accord, file a criminal complaint with the Middlesex County Court on an assault and/or an assault and battery. Students know when they are in a dispute and are expected to seek assistance if necessary to resolve the dispute peacefully. A student has a responsibility to avoid fighting by bringing the situation to the attention of any

school official. Student-faculty mediators are available through the Office of Safety and Security at all times to help resolve disputes.

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

CATEGORY ONE:

Inciter/ Promoter/ Instigator:

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

- First Offense: Up to a three-day in-school suspension.
Parents/Guardians/Caregivers notified.
- Second Offense: Three-day to five-day out-of-school suspension.
Parents/Guardians/Caregivers conference.
- Third Offense: Five-day to ten-day out-of-school suspension.
Parents/Guardians/Caregivers conference. Expulsion hearing at the Principal's office.

CATEGORY TWO:

Assault and Battery Upon a Person:

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

- First Offense: Three-day to five-day out-of-school suspension.
Parents/Guardians/Caregivers conference.
- Second Offense: Five-day to ten-day out-of-school suspension. Expulsion hearing at the Principal's office.

CATEGORY THREE:

Fight/ Mutual Assault and Battery:

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

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

CATEGORY FOUR:

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

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

14.5 Setting False Alarm

A student who orchestrates a false alarm (i.e., bomb threat, setting off pull station, pulling firebox or any other false threat or crisis) which creates a disruption either on school grounds or at a school activity or school-related event and requires response by either the police department and/or fire department shall be

disciplined. Such conduct not only causes a disruption to the school, but it also may endanger the school population and responding fire and police department personnel. Accordingly, such conduct will not be tolerated.

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

14.6 Tobacco Free Policy

According to the Commonwealth of Massachusetts' Educational Reform Act of 1993, Section 37H: "The Superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel." Smoking, chewing or other use of tobacco products by staff, students and members of the public shall be banned from all school district buildings. The term "tobacco products" shall mean tobacco in any form, including but not limited to cigarettes, cigars, snuff, chewing tobacco, e-cigarettes, nicotine vaporizers, smokeless tobacco products and other products of a similar nature. This policy shall pertain to all school-sponsored and/or school-related events, including athletic games, whether or not such events occur on school district property and grounds. School property and/or grounds shall be defined as all ground up to the curbs of the sidewalks surrounding each school. Specifically, the Cambridge Rindge and Latin School grounds include the Cambridge Public Library grounds that are considered school grounds as regards to all student policies. Based upon the specific circumstances of a violation of these requirements, a student may be disciplined and may be referred to an appropriate city/health education program on tobacco assistance and/or substance abuse.

15.0 EMERGENCY REMOVAL

15.1 Emergency Removal

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

15.2 Notification to Parents/Guardians/Caregivers and Student of Emergency Removal

The Principal and/or designee authorizing the emergency removal shall:

- a. Make immediate and reasonable efforts to contact the parents/guardians/caregivers and to orally notify the student and the parents/guardians/caregivers of the emergency removal, the need for the emergency removal and of all other matters set forth above in Section 14.2(b)(i) – (vi) of this *Handbook*.
- b. Ensure that no student is removed from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student’s safety and transportation.
- c. Provide written notice to the parents/guardians/caregivers and the student as provided above in Section 14.2(b)(i)-(vi) of this *Handbook*.
- d. Provide the student with an opportunity for a hearing with the Principal in accordance with the provisions of Section 16.2 or 16.3 of this *Handbook* below, as applicable, and provide the parents/guardians/caregivers an opportunity to attend the hearing before the expiration of the five (5) school days, unless an extension of time for the hearing is otherwise agreed to by the Principal, student and parents/guardians/caregivers.
- e. Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

16.0 SUSPENSION CONFERENCE

16.1 In-School Suspension Conference

The Principal shall inform the student of the disciplinary offense and the basis for the charge; and the student shall be given an opportunity to respond. Prior to imposing a suspension the Principal shall consider ways to re-engage the student in the learning process and shall not suspend a student until alternative remedies, including without limitation, restorative practices, have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student’s continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. If the Principal determines that the student has committed the disciplinary offense, the principal shall inform the student of the length of the student’s in-school suspension. On the same day as the in-school suspension decision, the Principal shall make reasonable efforts to notify the parents/guardians/caregivers orally as soon as possible of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The Principal shall also invite the parents/guardians/caregivers to a meeting to discuss the student’s academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such meeting shall be scheduled on the day of the

suspension if possible, and if not, as soon thereafter as possible. If the Principal is unable to reach the parents/guardians/caregivers after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parents/guardians/caregivers of the in-school suspension.

The Principal shall also send written notice to the student and parents/guardians/caregivers about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parents/guardians/caregivers to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior, if such meeting has not already occurred. The Principal shall deliver such notice on the day of the suspension by certified mail, first-class mail, email to an address provided by the parents/guardians/caregivers for school communications or other method of delivery agreed to by the Principal and the parents/guardians/caregivers. During the period of the suspension, the student shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers and other school work as needed to make academic progress during the period of the in-school suspension.

Consistent with state regulations, in-school suspensions for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered short-term suspensions. If, however, a student is placed in in-school suspension for more than ten (10) days, such suspension shall be deemed a long-term suspension for due process, appeal and reporting purposes.

16.2 Short-term Suspension Conference

The Principal shall inform the student of the disciplinary offense and the basis for the charge and any other pertinent information. The student shall be given an opportunity to respond and to present information, including mitigating circumstances, that the Principal should consider in determining whether the student committed the disciplinary infraction and, if so, the consequences for the infraction, including other remedies or consequences that may be appropriate. The Principal also shall consider ways to re-engage the student in the learning process and shall not suspend a student until alternative remedies, including without limitation, restorative practices, have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. Based on the available information, including mitigating circumstances, the Principal shall determine whether the student committed the disciplinary offense, and if so, what remedy or consequence will be imposed.

The Principal shall notify the student and parents/guardians/caregivers of the determination and the reasons for it, and, if the student is suspended, the type and duration of the suspension. During the period of the suspension, the student shall

have the opportunity to earn credits, as applicable, make up assignments, tests, papers and other school work as needed to make academic progress during the period of the in-school suspension.

The determination shall be made in writing.

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

16.3 Long-term Suspension Conference

The Principal shall inform the student of the disciplinary offense and the basis for the charge and any other pertinent information. The student shall be given an opportunity to respond and to present information, including mitigating circumstances, that the Principal should consider in determining whether the student committed the disciplinary infraction and, if so, the consequences for the infraction, including other remedies or consequences that may be appropriate. The Principal also shall consider ways to re-engage the student in the learning process and shall not suspend a student until alternative remedies, including without limitation, restorative practices, have been employed and their use and results documented, following and in direct response to a specific incident or incidents, unless specific reasons are documented as to why such alternative remedies are unsuitable or counter-productive, and in cases where the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or other serious harm upon another person while in school. If the parents/guardians/caregivers of the student is present, the Principal shall provide the parents/guardians/caregivers with an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal should consider in determining consequences for the student.

Additionally, the student and the student's parents/guardians/caregivers has the right, in advance of the hearing, to have the opportunity to review the student's record and documents upon which the Principal may rely in making a determination to suspend the student or not; the right to be represented by counsel or a lay person of the student's choice, at the student's parents/guardians/caregivers' expense; the right to produce witnesses on the student's behalf and to present the student's explanation of the alleged incident but the student may not be compelled to do so; the right to cross-examine witnesses presented by the school; and the right to request that the hearing be recorded by the Principal and a copy of the audio recording provided to the student or the parents/guardians/caregivers upon request. If an audio recording of the hearing is requested by the parents/guardians/caregivers or student, the Principal shall inform all participants before the hearing that an audio recording will be made and a copy will be provided to the student and parents/guardians/caregivers upon request.

Based on the evidence, the Principal shall determine whether the student

committed the disciplinary offense, and if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long term suspension. The Principal shall notify the student and parents/guardians/caregivers of the determination and the reasons for it, and, if the student is suspended, the type and duration of the suspension. During the period of the suspension, the student shall have the opportunity to earn credits, as applicable, make up assignments, tests, papers and other school work as needed to make academic progress during the period of the in-school suspension.

The determination shall be made in writing. The written determination shall be sent to the student and parents/guardians/caregivers by hand-deliver, certified mail, first class mail, email to an address provided by the parents/guardians/caregivers for school communications or other method of delivery agreed upon the by Principal and the parents/guardians/caregivers.

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

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

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

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

17.0 APPEAL OF SUSPENSION

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

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

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

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

17.2 Review of Evidence

- a. The Principal or designee shall first address the Superintendent and/or designee and summarize the evidence presented at the hearing. The student, parents/guardians/caregiver sand/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 the student, except that a student may be excluded with the consent of the parents/guardians/caregivers or representative at times when the student's psychological or emotional problems are being discussed.

- c. The student, parents/guardians/caregivers 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 parents/guardians/caregivers and the Principal. However, if the Superintendent or designee determines that no violation of this *Handbook* has occurred or that non-exclusionary alternatives were neither tried nor considered carefully, no documentation regarding the suspension shall be placed in the student's records or communicated to any person except those entitled to receive a copy under Student Record Regulations (**APPENDIX A**). If the suspension has not already been fully served, the Superintendent or designee may determine that the student be readmitted immediately and request that the parents/guardians/caregivers and student attend a re-entry conference meeting with the Principal in connection with re- admittance.
- 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 the 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 *Handbook* apply. Within forty-eight (48) hours of the hearing, a copy of the findings shall be mailed to the student, the parents/guardians/caregivers, 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, parents/guardians/caregivers, student's representative, if any, and Principal, a written decision within five (5) calendar days after the appeal is heard which decision shall affirm, overrule or otherwise modify the prior decision. The Superintendent or designee may also request that the parents/guardians/caregivers and student attend a re-entry conference meeting with the Principal upon the conclusion of the suspension period. The decision of the Superintendent shall be the final decision of the school district with regard to the suspension.
 - f. Whenever it is determined by a hearing, appeal or informal administrative decision that a student did not commit a violation with which the student has been charged, all references to the incident and disciplinary proceedings shall be expunged from the student's record. The Superintendent or designee shall inform the parents/guardians/caregivers and student 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 the student's family.

18.0 SPECIAL EDUCATION/504 PLAN DISCIPLINE PROCEDURES

18.1 Students with disabilities, as defined by federal and state laws and regulations, shall be subject to the provisions of this *Handbook*, except as otherwise provided by this section.

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

- 18.1.2 If a student's behavior is impacted by the student's disabilities, such behaviors will be dealt with through the TEAM process.
- 18.1.3 In conjunction with making any administrative decision under the *Rights and Responsibilities Handbook* the Principal (or designee) will notify the Office of Student Services (or designee) of the suspendable offense of a student with disabilities whose IEP and/or 504 Plan does not reflect the need for modifications to the discipline code set forth in this *Handbook* or any school-based rules, and a copy of the suspension notice will be forwarded to the Office of Student Services.
- 18.2** Staff from the Office of Student Services shall be involved in all administrative decisions under this *Handbook* involving students with disabilities.
- 18.2.1 If an administrative decision under this *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 this *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 this *Handbook*, the Principal shall determine whether or not the student has been designated a student with disabilities or has been referred for a special education evaluation but not yet determined to be eligible
- 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 parents/guardians/caregivers have expressed concern in writing to supervisory or administrative personnel or a teacher of the child that the student is in need of special education and related services; or

- (ii) The parents/guardians/caregivers have requested an evaluation of the student; or
 - (iii) The student's teacher or other school personnel have expressed specific concern about a pattern of behavior demonstrated by the student directly to the director of the Office of Student Services or other supervisory personnel in the Office of Student Services.
- b. The school department is deemed not to have knowledge that the student is a student with a disability if:
- (i) The parents/guardians/caregivers have not allowed an evaluation of the student; or
 - (ii) The parents/guardians/caregivers have 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 this *Handbook* except that the following limitations apply:
- (i) If the parents/guardians/caregivers of the student request 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 this *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/caregivers and other relevant members of the student's TEAM to determine whether the student's misconduct was a manifestation of the student's 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

to assist Cambridge Public Schools personnel in rendering decisions regarding offenders of said policy and should not violate student rights as they relate to 603 C.M.R. 28.00 and other Massachusetts state laws and regulations.

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

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

Additionally, any student, regardless of age, who has been drinking alcoholic beverages while on school grounds, prior to attendance at, or participating in, a school sponsored activity, including athletic events, will be barred from that activity and subject to disciplinary action as detailed in this *Handbook*. Furthermore, any student, regardless of age, who is found to be in possession of, using, in the presence of, distributing or selling alcoholic beverages while on school grounds, prior to attendance at, or participation in, a school sponsored activity, including athletic events, may be subject to disciplinary action as detailed in this *Handbook*.

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

19.4 Definitions of Drugs/Substance Abuse

- a. In the presence of controlled and/or dangerous substance implies that a student has been found to be in the immediate area of the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, opioids, alcoholic beverage or intoxicant of any kind on school grounds or while under school jurisdiction or the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction where the controlled and/or dangerous substance was used, detected, or confiscated; and makes no reasonable attempt to leave the area. For example, a student may be found to be in the presence of a controlled and/or dangerous substance if a student was found to be walking down the hallway of a school in the company of one or more students who are actively involved in the process

of selling, distributing, using and/or possessing a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, opioid, alcoholic beverage or intoxicant of any kind, and the student who is accompanying the student engaged in the prohibited conduct has made no reasonable attempt to leave the area. In other words, the student is aware of the violation of the code of conduct that is occurring and continues to remain in the presence of the violation as opposed to leaving the other students and the on-going violation.

- b. In appropriate cases where a student is under the influence of alcoholic beverages or drugs while in school, the Principal or designee may send the student to the nurse or doctor, notify the student's parents/guardians/caregivers, and refer the matter to appropriate medical and/or legal authorities, and a meeting with the student and the student's parents/guardians/caregivers will be scheduled.
- c. Students with drug, alcohol and other substance abuse problems and their parents/guardians/caregivers are encouraged to seek the assistance of school personnel in solving such problems, and will be referred to the appropriate city/health agencies for substance abuse treatment and support.
- d. At the discretion of the Principal or assistant principal, such a student may be given the opportunity and encouraged to attend a facility specializing in the treatment of persons with such problems. Students with drug, alcohol or other substance abuse problems and their parents/guardians/caregivers are encouraged to seek the assistance of school personnel for planning, intervention and referral to appropriate city/health agencies for substance abuse treatment and support.
- e. All communications regarding such problems are to be kept in strictest confidence.
- f. Additionally, principals will assess each incident and its impact not only on the students involved but also those that may have witnessed the incident to ensure appropriate emotional/social wellness measures are implemented as necessary.
- g. Procedure for Students in Presence of Alcohol or Controlled Substance:
 - i. If it is evident that the student was aware that someone was using, dealing, displaying drugs or alcohol and made no reasonable attempt to leave, there will be up to a three-day suspension and

referral to an appropriate city/health agency education program on substance abuse.

- ii. If the administrator determines there is enough circumstantial evidence to confirm that the student was present to participate in drug or alcohol use, the student will receive the same consequences as the user.
- h. Possession of a controlled substance implies that the student has a controlled substance on the student's personal property, or under the student's control (e.g., locker) while under the jurisdiction of school authorities.
- i. Use of a controlled substance and/or dangerous substance implies that a student is reasonably known to have made use of same (e.g. drinking alcohol, using cocaine or an opioid, smoking marijuana, taking a pill, etc.) or is reasonably found to be under the influence of same while under the jurisdiction of school authorities. Use shall also include unauthorized use or abuse of a prescription drug.
- j. Distribution of such a substance implies the transfer of such substance to another person, with or without the exchange of money or other valuables. Possession, use and distribution of a controlled substance are governed by the expulsion policy.

19.5 Assaults/Threats on School Staff

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

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

Any student who assaults a Principal, 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 for Weapons, Drugs and Assault on Staff Violations

19.6.1 Procedures for Grades K through Grade 8. If a student is found with either a legally dangerous weapon or any other weapon, or is using an item in a threatening way, assaulting, threatening, battering of staff, assaulting educational staff on school premises or at school-related events or possessing, distributing alcohol or a controlled substance, or in the presence of alcohol or a controlled substance, the punishment is very serious. The following procedure will apply:

- a. The staff member involved will contact the Principal and/or the Assistant Principal.
- b. The Principal will notify:
 - i. the Director of Safety and Security; and
 - ii. the parents/guardians/caregivers 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 designee an incident report.
- d. The student will be removed from school grounds in accordance with the applicable provisions of this *Handbook*.
- e. When a law has been violated, the Director of Safety and Security will notify the Cambridge Police and may file a complaint with the Middlesex County District Court, and will, if necessary, take other appropriate action.
- f. The Principal will conduct a suspension hearing in accordance with the applicable provisions of this *Handbook*.

If the Principal finds the student to be in violation of the weapons policy the Principal may suspend the student for up to ten (10) days for a violation of the weapons, drugs, and assault on school staff policy as detailed above in Sections 14.3(a) and/or 14.3(b) and Section 19.1 through 19.5 of this *Handbook*. It is recommended that the student's grade level and the nature of the infraction be considered when determining the number of days of suspension and whether to proceed with an expulsion hearing for the student for the violation. In accordance with this recommendation, guidelines for suspending a student for such an infraction are as follows:

- | | |
|------------|---|
| Grades K-2 | No suspension, but a meeting with the parents/guardians/caregivers of the student will be scheduled |
| Grades 3-5 | Up to three to five days |

Grades 6-8 Up to five to ten days

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

- g.** 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 parents/guardians/caregivers in writing of an opportunity to have a hearing at the school level. The expulsion hearing notice must be in writing in both English and the student's home language, if different. The notice also must set forth the section of this *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 present evidence and witnesses and that an interpreter will be provided if needed. **In the case of students with an individualized education program (IEP) or Section 504 Plan, however, a hearing may only occur after a TEAM determination that the conduct in question was not a manifestation of the student's disability. See Section 18.0 above. Moreover, a student receiving special education and related services must receive a free appropriate public education during any exclusion period. See Section 18.0 above.**

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

The hearing shall be conducted by the Principal 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/caregivers, student's legal counsel, if applicable, and other persons as determined by the Principal and/or 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 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 parents/guardians/caregivers as to the reasons for the decision. Such notice also shall inform the student of the right to file a written appeal to the Superintendent or designee within ten (10) days of receipt of the notification of the expulsion decision, and the right to be represented by counsel at the appeal and shall include a request that the parents/guardians/caregivers and student attend a re-entry conference meeting with the Principal upon the conclusion of the expulsion period.
- 19.6.4 At the hearing before the Superintendent or designee, the subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provision of this *Handbook*. In presenting the appeal, the student should state the grievance, including a statement as to the ground(s) for the appeal and a brief statement of the facts and the specific relief being requested.

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

- a. The hearing shall be in closed session and conducted informally;
- b. All parties are entitled to be represented by counsel or by another person of the party's choice;
- c. All parties may inspect the school records and all other documents relevant to the appeal;
- d. All parties shall be permitted to question all witnesses;
- e. All parties shall have the right to present witnesses and evidence;
- f. The Superintendent or designee may cause legal counsel to be present either for the purpose of acting as counsel for any school personnel or for the purpose of advising the Superintendent or designee in the conduct of the conference. Any counsel who advises the Superintendent or designee in the conduct of the conference may not also act as counsel for school personnel.

The Superintendent or designee shall determine whether the student has been deprived of the specific right(s) set forth in the appeal. If the Superintendent or designee determines that a deprivation of rights has occurred, the Superintendent or designee shall further recommend whatever appropriate relief is necessary to assure that the deprivation of right(s) is immediately and permanently ceased.

The Superintendent or designee may also request that the parents/guardians/caregivers and student attend a re-entry conference meeting with the Principal upon the conclusion of the expulsion period.

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

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

19.6.5 Procedures for High School Grades 9-12. If a student is found with either a legally dangerous weapon or any other weapon or is using an item in a threatening way, assaulting, threatening, battering of staff, assaulting educational staff on school premises or at school-related events or possessing, distributing alcohol or a controlled substance or in the presence of alcohol or a controlled substance, the punishment is very serious. The following procedure will apply:

- a. The staff member involved will contact the Dean, Assistant Principal or Principal.
- b. The Dean, Assistant Principal or Principal will notify:
 - i. The Director of Safety and Security; and
 - ii. the Principal of Cambridge Rindge and Latin School; and
 - iii. the parents/guardians/caregivers 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 designee; a copy of the incident report will be forwarded to the Principal and to the Superintendent or designee by the end of the school day.
- d. The student will be removed from school grounds in accordance with the applicable provisions of this *Handbook*.
- e. When a law has been violated, the Director of Safety and Security will notify the Cambridge Police and may file a complaint with the Middlesex County District Court, and, if necessary, take other appropriate action.
- f. The Principal will conduct a suspension hearing in accordance with the applicable provisions of this *Handbook*.

- g. If the Principal finds the student to be in violation of the weapons, drugs or assault on school staff policies, the Principal may suspend the student for up to five (5) to ten (10) days for a violation of the weapons, drugs and assault on school staff policies in accordance with the applicable provisions of this *Handbook* and may initiate expulsion proceedings for the violation. Copies of the suspension letter will be sent to the Chief Operating Officer, Principal, security, and counselor. Based upon the specific circumstances of a violation, a student may also be referred to an appropriate city/health education program. At the conclusion of any such suspension, the Principal will request that the parents/guardians/caregivers and student attend a re-entry conference meeting with the Principal.

- h. During the suspension period and if the Principal's findings warrant it, the Principal shall initiate procedures to conduct a formal expulsion hearing in accordance with the applicable provisions of this *Handbook*. To initiate expulsion proceedings, the Principal shall notify the student and the student's parent/guardian/caregiver in writing of an opportunity to have a hearing at the school level. The expulsion hearing notice must be in writing in both English and the student's home language, if different. The notice also must set forth the section of this *Handbook* violated and the facts pertaining to the alleged violation; that the student has a right to representation at the hearing along with the opportunity to represent evidence and witnesses and that an interpreter will be provided if needed. **In the case of students with an individualized education program (IEP) or Section 504 Plan, however, a hearing may only occur after a TEAM determination that the conduct in question was not a manifestation of the student's disability. Section 18.0 above. Moreover, a student receiving special education and related services with must receive a free appropriate public education during any exclusion period. See Section 18.0 above.**

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

The hearing shall be conducted by the Principal unless the Principal is the victim or witness, then the hearing shall be conducted by the Assistant Principal or other impartial school administrative personnel not directly involved in the incident. In attendance at the hearing will be the student, the parents/guardians/caregivers and/or 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 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 parents/guardians/caregivers as to the reasons for the decision in accordance with the applicable provisions of this *Handbook*. After the hearing, the Principal may decide to suspend the student and refer the student to an alternative program rather than expel the student. Such notice also shall inform the student of the right to file a written appeal to the Superintendent or designee in accordance with the applicable provisions of this *Handbook*.

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

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

- a. The hearing shall be in closed session and conducted informally;
- b. All parties are entitled to be represented by counsel or by another person of the party's choice;
- c. All parties may inspect the school records and all other documents relevant to the appeal;
- d. All parties shall be permitted to question all witnesses;
- e. All parties shall have the right to present witnesses and evidence;
- f. The Superintendent or designee may cause legal counsel to be present either for the purpose of acting as counsel for any school personnel or for the purpose of advising the Superintendent or designee in the conduct of the conference. Any counsel who advises the Superintendent or designee in the conduct of the conference may not also act as counsel for school personnel.

The Superintendent or designee shall determine whether the student has been deprived of the specific right(s) set forth in the appeal. If the

Superintendent or designee determines that a deprivation of rights has occurred, the Superintendent or designee shall further recommend whatever appropriate relief is necessary to assure that the deprivation of right(s) is immediately and permanently ceased. The Superintendent may also request that the parents/guardians/caregivers and student attend a re-entry conference meeting with the Principal upon the conclusion of the expulsion period.

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

Any school that suspends or expels a student in accordance with the applicable provisions of this *Handbook* for an alcohol, weapon or drug violation shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76 and in accordance with the applicable provisions of this *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 an individualized education program (IEP) or Section 504 Plan, however, a hearing may only occur after a TEAM determination that the conduct in question was not a manifestation of the student's disability. See Section 18.0 above. Moreover, a student receiving special education and related services must receive a free appropriate public education during any exclusion period. See Section 18.0 above.

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

20.2 The following are the procedures to follow with respect to indefinite suspension and/or expulsion hearings under the provisions of M.G.L.c. 71, §37H½:

- a. During any suspension period of 10 days or less, if the Principal/ 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 parents/guardians/caregivers 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 this *Handbook* violated and the facts pertaining to the alleged violation; that the student has a right to representation at the hearing along with the opportunity to represent evidence and witnesses and that an interpreter will be provided if needed. **In the case of students with an individualized education program (IEP) or Section 504 Plan, however, a hearing may only occur after a TEAM determination that the conduct in question was not a manifestation of the student's disability. See Section 18.0 above. Moreover, a student receiving special education and related services must receive a free appropriate public education during any exclusion period. See Section 18.0 above.**

b. Conduct of the Hearing.

The hearing shall be conducted by the Principal 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/caregivers, student's legal counsel, if applicable, and other persons as determined by the Principal and/or 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 designee determines that identification of the student witness would endanger the physical safety of the student witness(es).

APPENDIX A