

# **The Academy of the Pacific Rim Charter Public School**

## **Code of Conduct, Character and Support:** Creating an Equitable, Restorative and Accountable Community



**Focused Minds and Big Hearts.**

## **The Academy of the Pacific Rim Charter Public School**

The Academy of the Pacific Rim Charter Public School (APR) is a free, public school offering a rigorous college preparatory program to 535 students in 5th through 12th grade. For 23 years, APR has been committed to serving students of Boston such that they achieve their full intellectual and social potential, and we now have more than 500 alumni. We operate as an integrated middle and high school and provide extensive college placement and alumni support, and we provide opportunities for students to travel and learn outside of our walls.

### **School Mission**

To empower students of all racial and ethnic backgrounds to achieve their full intellectual and social potential.

### **School Vision**

Our work is grounded in the vision that graduates of APR have a **focused mind and a big heart**. They are ready for post-secondary education because they have mastered college and career ready academic and social skills including the knowledge and dispositions to joyfully pursue future opportunities based on their passions and participate in and transform civic life. At APR, our goal is to prepare all students for success in college and beyond. We know that all of us - students, families, and faculty - must work together to achieve this goal. Everything at APR is done to help students succeed.

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Sarah Koppelkam, Antonio Corral, Euridio Evora, Marissa Drossos, Janet Jackson, Leigh Carroll, Lara Miller,  
Michael Knight, Toni Klein, Nicholas DiMille, Carrie Rodman, Caitlin, Francis, Alexandra Kuehnle,  
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Greetings to all members of the APR community!

We are a community that takes pride in the way that we work together to develop Focused Minds and Big Hearts. Our community binds us together and forms the foundation for a healthy, supportive and challenging learning environment, where we are all challenged through deeper learning to develop mastery, identity and creativity. Our Code of Conduct, Character and Support is one way of providing healthy guidelines to achieve our goals.

As a community we engaged in a year-long process during SY 2019-2020 to collectively define our commitments and obligations as well as our rights and responsibilities. This Code was created based upon student, staff, and family feedback. From the outset of our development process the goal was to provide a fair, equitable, restorative and co-accountable guide that fosters the kind of learning environment we need. The result of this extensive process is a Code of Conduct, Character and Support that not only better defines responses to behavior but also fully articulates supports and common agreements amongst all stakeholders - students, staff and families.

For too long schools have relied on rules and exclusionary punishments for students, which remove them from the classroom. While APR has always been a special place and a uniquely positive learning community, we have been complicit in some of these exclusionary practices. While we have taken pride in the learning partnerships that we forge in our community and in the restorative practices that occur, we have not fully articulated the systems and structures which build partnership and reinforce trust and respect through restorative practices. Until now.

This Code of Conduct, Character and Support is not a “magic wand,” but it is a clear blueprint and a clearly written set of guidelines for all of our community members. It will serve as a guide when we: continue to restate our commitments to one another; build lessons around character development; provide differentiated support to students who struggle; and implement consistent consequences for conduct that is outside of our agreed upon norms. The Code is a living document that serves as a touchstone for our work with each other, and it should be earmarked, highlighted, reread and used actively over the course of the year.

Students, families, teachers and school administrators are partners in this work. We need one another to reach our mission and to achieve our vision of one community filled with unique individuals who embody Focused Minds and Big Hearts.

Oliver Truog

Interim Executive Director

# Introduction

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## Why Do We Have a *Code of Conduct, Character, and Support*?

The goal of the *APR Code of Conduct, Character and Support: Creating an Equitable, Restorative and Accountable Community* is to ensure all students' right to an education in a safe, purposeful, and caring environment. It is based upon the laws, regulations, and policies that create access to education for all while protecting the due process rights of the individual. The Code recognizes that schools are public places that must balance individual rights with civic obligations and the needs of others. The *APR Code of Conduct, Character and Support* serves as a guide to good citizenship and provides the tools for helping students and the entire school community understand and appreciate the norms of behavior within the school culture.

The Code addresses the development of both student conduct and student character. The development of good character is essential to healthy development and responsible behavior, academic success in school today, and future success in college, career, and life. The Code ensures that schools provide equal access to a wide range of supports and interventions that promote positive behavior, help students develop self-management as well as social and emotional efficacy, and enable students to improve and correct inappropriate, unacceptable, and unskillful behaviors.

## Beliefs about Children, Learning, and Behavior

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The following beliefs about children, learning, and behavior inform all Code policies and practices. All children and young people must be assured that they can learn in a safe and predictable atmosphere and will be treated in a fair, consistent and nondiscriminatory manner.

1. All children and young people are capable of achieving their personal best, and when necessary, improving their behavior with guidance, instruction, support, and coaching. These practices fall along a continuum that responds to children of all abilities.
2. Students need different kinds and amounts of time, attention, tasks, and support to act responsibly, succeed academically, and achieve at high levels.
3. The use of out-of-school suspension as a response to challenging behavior does not improve school climate or outcomes for students. Students are more likely to do the right thing when...
  - they understand the positive behaviors that are expected of them.
  - they feel that staff members care about them and will help them learn and grow.
  - all school staff consistently use shared language and practices.
  - all staff provide recognition and feedback for behaving appropriately, making their best effort, and completing high-quality work.
4. Students learn best in a safe learning environment rooted in trust and respect. Building and maintaining healthy and supportive relationships encourages them to try new things and take risks. Restorative practices provide the strategies and supports to enable students to self-correct, problem solve, make amends, repair harm, learn new behaviors, and restore their good standing within the community.

# Guiding Principles of the Code of Conduct, Character, and Support

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The following principles form the foundation for creating safe, healthy, supportive, and high achieving learning environments. These principles will guide APR staff, students, families, and community partners in the shared work of ensuring a positive school environment and improved student outcomes.

1. A commitment to equity fosters a barrier-free environment where all students, regardless of their race, ethnicity, religion, gender, sexual orientation, status, class, or ability, have the opportunity to benefit equally in order to succeed and thrive. Every adult is expected to treat every student as capable of success and recognize the uniqueness and strengths of each student allowing for differences in time, attention, instruction, and support to ensure that all students can succeed academically and participate responsibly in our learning community.
2. The Code is informed by a **restorative and accountable approach to responding to student misbehavior and aligned supports**. Being accountable involves an obligation to account for one's words and actions and accept responses to misbehavior and aligned supports with good will when standards of behavior have not been met. A restorative approach is based on the belief that students are resilient, capable of turning around adverse situations, and can restore themselves and their relationships with the understanding and guidance of caring adults. A restorative and accountable approach involves implementing responses and support, in contrast to a punitive approach that focuses only on responses. A restorative and accountable school culture fosters responsive listening, open and honest dialogue, reflection and self-assessment, collaborative problem solving, and kindness and empathy.
  - **School responses to misbehavior** signal that a student's actions are deemed to be inappropriate, unacceptable, unsafe, or unskillful. Responses should be timely, predictable, standardized and fair given the severity and frequency of the behavior infraction. Consistent responses ensure that students, families, and staff know "what will happen when....".
  - **Restorative and accountable supports** involve practices and processes that enable students to restore relationships, restore self, and restore community. The student is accountable to own what they have said and/or done, reflect on the impact of their behavior, take responsibility to self-correct, problem solve, make amends and repair the harm, learn and demonstrate target behaviors, restore their good standing, and make things right.
3. APR builds a culture based on high expectations, respect, and co-accountability. At the heart of a healthy school culture is the commitment of all staff to take responsibility for the healthy development of students and model the skills, behaviors, and mindsets they seek to cultivate in children and young people. To this end, school staff, teachers and administrators are encouraged to set high expectations for student success, build positive relationships with students and teach and model for students how to behave successfully in all school settings (classrooms, the cafeteria, hallways, bathrooms, outside areas).
4. Adults – teachers, principals, administrators, school staff, parents and the larger community have an obligation to help students learn to be good citizens and lead productive lives by:
  - enabling them to discern right from wrong.
  - fostering in them the desire to do what is good.
  - encouraging them to take responsibility for their words and actions.
  - modeling the behaviors, the adults want to cultivate in children and youth.

5. School behavior and support policies and practices must be implemented in ways that are perceived to be **RESPECTFUL**. Interactions between and among school staff, students, and parents are expected to protect the dignity of each individual and ensure a tone of decency.
6. Improving educational outcomes for all students requires that schools provide support at three levels of care and instruction throughout the whole school: in classrooms, in small groups, and with individual students and families. APR's system of academic and behavior support is aimed at addressing students' academic learning gaps and the causes of misbehavior. Prevention and support strategies may include more personalized academic instruction and support, student support services, and programs to address personal and family circumstances; social/ emotional learning, such as conflict resolution, peer mediation, anger management, communication skill building; behavior replacement strategies; and other restorative strategies that may include restorative circles and family group conferencing.
7. Levels of Student Support and Responses in maintaining a healthy learning environment:
  - **Level 1: SKILL BUILDING and PREVENTION:** School staff foster the social and emotional well-being of all students through school wide efforts to teach, practice, recognize and assess positive behaviors and promote social and emotional learning. School staff are prepared to prevent, minimize, and defuse most challenging situations and intervene early when students experience persistent behavioral challenges.
  - **Level 2: SELECT SUPPORTS:** School staff provide coordinated care and supports that match students' social, emotional, and mental health needs as a planned support designed to address the root cause of a student's lagging skill or skill deficit to recognize, manage and resolve social situations in a safe, age-appropriate manner. Supports are typically progress monitored with adjustments made to the length or frequency of the support.
  - **Levels 3 and 4: INTENSIVE SUPPORTS:** Comprehensive supports need to be in place for students at highest risk.
8. Student behavior and support policies must be implemented in ways that are **EQUITABLE, RESTORATIVE and ACCOUNTABLE**. Students and families need to know that the school will provide behavioral support inside and outside of the classroom that are restorative rather than punitive. Students have the obligation to accept assigned responses and fully participate in the supports designed to address specific behaviors or incidents. School staff must be reassured that students will be held accountable for their words and actions. Restorative supports require students to own the problem, reflect on the impact of their behavior on themselves and others, and understand why the behavior was unacceptable, inappropriate, or unskillful. Supports engage students in some action or learning process that will enable them to correct behaviors, repair relationships and the harm they have done to others, learn desired replacement behaviors, or restore their good standing.
9. Student behavior and support policies and practices must be implemented in ways that are perceived to be **FAIR, EQUITABLE, AND DIFFERENTIATED**. Students need different amounts of time, attention, tasks, and support to behave responsibly and achieve at high levels. Differentiated support and responses must occur within a larger framework of fair and equitable practices under which all students are treated fairly without favor toward or prejudice against any one group of students according to ability, talent, age, gender identity, developmental and acquired disabilities, race and ethnicity, socio-economic status, religious and spiritual orientation, national origin and home language, sexual orientation, and indigenous heritage.

10. Student behavior and support policies and practices must be implemented in ways that are **ENFORCEABLE, VIABLE, AND EFFECTIVE**. APR must ensure that all stated school agreements, policies, responses, and supports are actually enforceable, viable, and effective. In other words, APR discourages school agreements that are too difficult to enforce consistently; agreements that will not generate 100 percent staff agreement to enforce them; policies and responses that demand more administrative and staff time than is possible to enforce and process; and policies and responses that have demonstrated little effectiveness.
11. The Code supports the use of **A LEVELED SYSTEM OF RESPONSES** (see pages 31-39) addressing inappropriate, unacceptable, and unskillful behaviors with the ultimate goal of teaching positive behaviors and strengthening students' personal, social, and academic efficacy. A leveled student behavior response and support system emphasizes both student accountability and behavioral change. The goal is the prevention of a recurrence of unacceptable behavior by helping students to:
- understand why the behavior is unacceptable and learn from their mistakes.
  - acknowledge the harm that they have caused or the negative impact of their actions.
  - understand what they could have done differently in the situation.
  - take responsibility for their actions.
  - be given the opportunity to learn prosocial strategies and skills to use in the future.
  - understand that more intensive consequences and interventions will take place if unacceptable behaviors persist.

## APR Schoolwide Agreements

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At APR, we believe healthy relationships form the core of a vibrant, thriving learning environment. Feeling valued and respected in one's full identity allows community members to feel safe and encourages them to take risks in their learning. In the spirit of promoting student empowerment and agency and balancing the rights of the individual with those of the group, APR stakeholders will adhere to the following agreements generated from input given during the process of creating APR's new Code of Conduct, Character and Support.

### **APR AGREEMENTS:**

***I will contribute to a safe and respectful learning environment by:***

1. valuing everyone's individual and group identity and respecting everyone's belongings and personal space.
2. staying safe in class, during transitions and when using the school's facilities or equipment.
3. arriving on time and prepared, staying in class, and having a pass/permission to travel in public spaces.
4. participating in class, listening to others, acknowledging multiple viewpoints and being kind, encouraging and helpful to others.
5. listening and responding to instructions and requests.
6. demonstrating a learner's mindset by accepting and learning from feedback.

***To learn more about what these agreements look like in practice, please review stakeholder responsibilities.***



# Positive Behavior Interventions and Supports (PBIS)

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Positive behavior support is an application of a behaviorally-based systems approach to enhance the capacity of schools, families, and communities to design effective environments that improve the link between research-validated practices and the environments in which teaching and learning occurs. There is an emphasis on schoolwide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments. A continuum of positive behavior support for all students within a school is implemented in areas including the classroom and non-classroom settings (such as hallways, buses, and restrooms). Attention is focused on creating and sustaining Tier I supports (universal), Tier II supports (targeted group), and Tier III supports (individual) systems of support for all children and youth by making targeted behaviors less effective, efficient, and relevant and desired behavior more functional. This is consistent with the Massachusetts Multi-Tiered Systems of Support framework supported by the Department of Elementary and Secondary Education.

All APR adults are tasked with implementing Positive Behavior Interventions and Supports throughout the building. This includes defining and teaching behavioral expectations, acknowledging expected student behavior and using school-wide and individual student data to make necessary adjustments to systems and supports when necessary to further student success.

## Why Knowing the Code Matters

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### Students:

APR's Code of Conduct, Character, and Support is your guide for behavior expectations and your rights and responsibilities at school. Your principal, teachers, and other staff members will support your efforts to be successful in the personal, social, and academic behaviors that are expected at school. When you follow the expectations and rules in the Code, you will be demonstrating your good citizenship and character and helping to make your school a safe, respectful, and productive learning environment. The Code also describes specific behaviors that are unacceptable at school and explains the responses and support that will be assigned to you when your conduct does not meet expected standards of behavior.

### Parents/Guardians/Caregivers:

The term “**parent**” is defined in the Code as the student’s parent(s), guardian(s), or legally authorized caregiver (any person(s) in a parental or custodial relationship to the student). APR’s Code of Conduct, Character, and Support is your guide for understanding the personal, social, and academic behaviors expected of your child at school, as well as how school principals, teachers, and staff will work with you and your child to help them demonstrate positive behavior and enjoy academic success. The Code provides you with information about your rights and responsibilities, as well as those of your child. The Code also lists types of unacceptable behavior and explains the responses and support that will be utilized if your child violates school rules and policies. If you have concerns about your child, please talk to an administrator so that you can resolve any concerns and work with school staff to fully support your child’s success. **Please review the Code with your child** and discuss any questions you have with administrators at your child’s school; **the district will provide assistance in reviewing and discussing this code if requested.**

### School Staff:

APR’s Code of Conduct, Character, and Support is your guide for supporting positive student behavior at school. It will help you prevent behavior problems through the use of effective strategies and systems. It outlines expectations for staff regarding interactions with students and families and describes the beliefs that we

value. This includes a focus on promoting positive relationships in interactions with all students, working in an equitable and culturally responsible manner, as well as, explicitly teaching social emotional, behavioral and academic skills and content. Following the Code will provide guidance for intervening effectively and appropriately if students don't meet expected standards of behavior or if they violate school rules and policies. The Code outlines a mindset in which we view behavioral infractions as an opportunity for reteaching prosocial behavior and repairing harmed relationships, while also holding students accountable for their actions.

### **School Administrators:**

APR's Code of Conduct, Character, and Support is your guide for supporting a safe, purposeful, and productive learning environment. It helps you promote positive student behavior at school and provides guidance in supervising and monitoring effective implementation of school-wide expectations, agreements, policies, systems, and practices. It will also help the school address students' behaviors while supporting students to correct unacceptable behaviors and work to achieve school success through accountable and restorative interventions.

## **Learning about APR's Code of Conduct, Character and Support**

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APR will ensure that the community is aware of this Code of Conduct, Character, and Support by:

1. Providing a public hearing prior to APR's Board of Trustees for approval
2. Providing copies of a summary of the Code to all students, in an age-appropriate, plain language version, at a general school assembly held at the beginning of the school year
3. Making copies of the Code available to all parents at the beginning of the school year
4. Providing informational sessions for parents
5. Providing a summary of the Code written in plain language to all parents of District students before the beginning of the school year and making this summary available later upon request
6. Providing all teachers and other staff members with a copy of the Code and a copy of any amendments to the Code after adoption
7. Providing all new employees with a copy of the current Code of Conduct when they are first hired
8. Making copies of the Code available for review by students, parents and other community members and providing opportunities to review and discuss this Code with the appropriate personnel
9. Ensuring that each school implements an annual plan for discussing and interacting with the Code of Conduct, Character, and Support during the new school year orientation, through professional development, and through the delivery of at least three classroom lessons related to the Code during the first two weeks of school every year; the District will provide materials and resources for these activities

# Rights and Responsibilities of School Stakeholders

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## Student Rights

Every student has *rights*. A right is a freedom of protection that a person has. Rights define what is allowed of a person or owed to a person.

Your rights are part of you regardless of your age, race, creed, color, gender, gender identity, gender expression, religion national origin, citizenship or immigration status, weight, sexual orientation, physical and/or emotional condition, disability, marital status, or political beliefs. Your rights belong to you and cannot be threatened or taken away.

### ***We at APR believe that Students have the right:***

1. To attend school in the district in which the student actually resides and to receive a free and adequate public education.
2. To be afforded a sound, quality education from Pre-K through grade 12 in a school environment that is safe, loving, orderly, and promotes learning.
3. To be respected as an individual and treated fairly and with dignity by other students and school staff.
4. To engage in all school activities on an equal basis regardless of race, color, creed, religion, religious practices, sex, sexual orientation, gender, national origin, ethnic group, political affiliation, age, marital status, or disability.
5. To be protected from acts of intimidation, harassment and bullying including cyberbullying, and/or discrimination by employees or students on school property or at a school function including but not limited to, such conduct based on a student's actual or perceived race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression), or sex.
6. To engage in opportunities that encourage students to:
  - be active learners in the educational process that takes into account student views, teaches students effective leadership and participation skills, and provides explanations to students when decisions contradict their views;
  - serve on student councils, advisory bodies, and school teams and committees that make decisions about school life, with the necessary supports to participate;
  - participate in school forums in which students can voice their opinions about school decisions and policies;
  - form groups that present their needs and interests.
7. To have access to individuals or agencies capable of providing direct assistance to students with mental health, substance abuse, or other personal concerns.
8. To be afforded due process by:
  - being provided with the Code of Conduct and rules and regulations of the school; the school shall ensure that all students are made aware of and have access to detailed information about school expectations, policies, and procedures and state and local laws guaranteeing or affecting students' right to participation;
  - being informed of what is appropriate behavior and what behaviors may result in official school responses;
  - being counseled and coached by members of the professional staff in matters related to their behavior as it affects their education and well-being in the school;

- being provided an opportunity to be heard relative to alleged violations of the Code for which they may be suspended or removed from class by their teachers;
- being informed of the procedures for appealing the actions and decisions of school officials with respect to their rights and responsibilities as set forth in this document;
- being accompanied by a parent and/or representative at conferences and hearings where provided for under applicable laws and regulations;
- being accompanied by a parent in situations where there may be police involvement if the student is under 16. Any student under the age of 16 being questioned by the police has a right to have their parents/guardians present;
- having student support staff present in situations where there may be police involvement;
- being fully informed of the school responses being assigned, type of action, length/duration of a disciplinary consequence when assigned.

## **Student Responsibilities and Expected Behavior**

***As an APR student, I will take responsibility for my actions and my behavior by displaying PRIDE in the following ways:***

### **Purpose**

- attending school regularly, arriving on time, and staying in class.
- using all equipment in schools and on buses in a safe manner.
- being prepared to learn.

### **Respect**

- accepting instructions, requests, feedback, and support from adults with respect and urgency.
- treating others the way they want to be treated.
- doing my best to listen without distraction when others are speaking.
- acting with empathy, compassion, and sensitivity toward others.
- helping to make the school community free from violence, intimidation, bullying, harassment, and discrimination.
- staying safe and respecting others' personal space.
- taking care of property that belongs to other students, adults, or the school.

### **Integrity**

- being truthful about and accountable for my words, actions and impact on others.
- accepting responses when behavioral expectations are not met or school agreements aren't followed.
- demonstrating self-discipline by making responsible behavioral and academic choices.
- requesting permission to enter the personal space of or use the property of others.

### **Daring**

- challenging myself to move beyond my comfort zone to experience and learn new things.
- making an effort to correct and improve behavior through restorative interventions.
- asking for assistance when I need help resolving conflicts and differences.

## **Excellence**

- following the expectations and meeting the standards of character in the *APR Code of Conduct, Character, and Support*.
- demonstrating a strong work ethic.
- completing high-quality work in every subject.
- striving to be the best version of myself daily.

## **Parents/Guardians/Caregivers**

The term “**parent**” means the student’s parent(s), guardian(s), or legally authorized caregiver (any person(s) in a legally authorized parental or custodial relationship to the student), or the student if the student is an emancipated minor or has reached 18 years of age. It should be noted, however, that the parents of an adult student continue to have the right to receive notice of and to participate in any disciplinary hearings conducted relative to the adult student and retain the right to access the student’s educational record while the Student remains in school. **The term “parent” will be used throughout the rest of this document to represent all three familial groups.**

“Parents” have the right to be active and effective participants in the learning process, to express their views, and to give input into the decisions that affect their children’s lives and education. Parents are vital to the success of the school. They have the responsibility to reinforce the learning process at home, model successful and prosocial behaviors, to motivate their children to be interested in school, and to see that their children attend school regularly. Parents along with teachers should work together with their children to work to one’s full potential. Parents are welcomed and encouraged to communicate and/or schedule and participate in meetings with teachers to find out how their children are progressing. They are also encouraged to discuss with their children’s teachers and other school staff issues that may affect student behavior and strategies that might be effective in working with the student. The more parents are involved, the higher the quality of their children’s education.

**Students, parents and school personnel all have a role in making schools safe and must cooperate with one another to achieve this goal. Parents should expect that school staff inform them of their child’s behavior and enlist parents as partners in addressing areas of concern. Outreach to parents can include, but is not limited to, a phone call and/or written communication. As role models, school staff and parents should exhibit the behaviors that they would like to see in their children/students.**

## **Parent Rights**

### ***Parents have the right to:***

1. be actively involved in their children’s education.
2. be treated courteously, fairly, and respectfully by all school staff and principals.
3. receive timely information about the policies of the Academy of the Pacific Rim and procedures that relate to their children’s education.
4. receive regular reports, written or oral, from school staff regarding their children’s academic progress or behavior, including, but not limited to, report cards, behavior progress reports, and conferences.
5. receive information and prompt notification of inappropriate or disruptive behaviors by their children and any responsive actions taken by principals or school staff.
6. receive information and prompt notification about incidents that may impact their children.
7. receive information about due process procedures for Code violations concerning their children, including information on conferences and appeals.

8. receive information from school staff about ways to improve their children's academic or behavioral progress, including, but not limited to: counseling, tutoring, after-school programs, academic programs, and mental health services within the Academy of the Pacific Rim and the community.
9. receive information about services for students with disabilities and English Language Learners.
10. receive notification from the principal, principal's designee, and/or their child's teachers in the event that your child engages in inappropriate, unacceptable, or unskillful behaviors at school.
11. be contacted directly when a student is believed to have committed a crime and police are summoned.
12. request a mediated conference with the parent of a student who is alleged to have physically harmed their child.
13. request a mediated conference with the school staff person or other individuals who is alleged to have harmed their child.
14. receive communication in English and the primary language of the home.
15. file a complaint when there has been a violation or misapplication of a written provision of school policy.

## **Parent Responsibilities**

### ***Parents have the responsibility to:***

1. give updated contact information to the Academy of the Pacific Rim (APR).
2. make sure their children attend school regularly and on time.
3. let APR know when and why children are absent.
4. tell school officials about any concerns or complaints in a respectful and timely manner.
5. work with principals and school staff to address any academic or behavioral problems their children may experience.
6. support APR by talking with their children about school and expected behavior.
7. read and become familiar with the policies of APR's Board of Trustees, administrative regulations and APR's *Code of Conduct, Character and Support*.
8. encourage their children to complete their homework by asking about homework, checking homework, and making an area for children to do their homework without interruption (e.g., a quiet corner; space in a bedroom; a clear kitchen table).
9. be respectful and courteous to staff, other parents, and students while on school premises.
10. teach their children that all children have the right to attend school and be treated with respect and dignity regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, which will strengthen the child's confidence and promote learning.

## **All School Staff Rights and Responsibilities**

### ***All school staff have the right to:***

1. work in a safe and purposeful environment.
2. be treated courteously, fairly, and respectfully by students, parents or guardians, and other school staff.
3. communicate concerns, suggestions, and complaints to a building administrator.
4. receive supportive professional development and training.
5. receive the necessary resources to deliver quality instruction.
6. modify instruction consistent with the policies of APR's Board of Trustees and with state and federal regulations.

***All school staff have the responsibility to:***

1. maintain safe and purposeful schools by using prevention and intervention strategies, and by following APR's *Code of Conduct, Character and Support*.
2. be respectful and courteous to students, parents, and guardians, serving as role models for students.
3. be knowledgeable about the schools' policies, regulations, and rules, and enforce them fairly and consistently.
4. be knowledgeable about federal and state laws and regulations about the process for responses to misbehavior from students with disabilities.
5. communicate policies, expectations, and concerns, and respond to complaints or concerns from students and parents in a timely manner in understandable language.
6. refer students to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary.
7. inform parents of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.
8. inform parents of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.
9. participate in required professional development opportunities.
10. maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender/gender identity, or sex, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.
11. address issues of bullying, discrimination and/or harassment in any situation that threatens the emotional or physical health or safety of any students, school employee or any person who is lawfully on school property or at a school function and report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services personnel, or other staff, in a timely manner.
12. address personal biases that may prevent equal treatment of all students in the school or classroom setting.
13. make every attempt to resolve conflicts with families.
14. Principals: Follow up on any incidents of bullying, discrimination and/or harassment that are witnessed or otherwise brought to the principal's attention in a timely manner in collaboration with the relevant members of APR's Leadership Team and in accordance with applicable policies and regulations.

***Teachers have the responsibility to:***

1. be prepared to teach as the best promotion/prevention tool is a well-planned lesson.
2. demonstrate an interest in teaching and concern for student achievement.
3. know school policies and rules and enforce them in a fair and consistent manner.
4. maintain confidentiality in accordance with federal and state law.
5. communicate to students and parents:
  - a. course objectives and requirements,
    - i. marking/grading procedures,
    - ii. assignment deadlines
    - iii. expectations for students,

- iv. behavior management plan.
- 6. communicate regularly with students, parents and other teachers concerning growth and achievement.
- 7. participate in school-wide efforts to provide adequate supervision in all school spaces.
- 8. address issues of discrimination, bullying, and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- 9. address personal biases that may prevent equal treatment of all students in the school or classroom setting.
- 10. report incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to a teacher's attention to the building administrator in a timely manner.
- 11. report incidents of discrimination, bullying, and/or harassment that are witnessed or otherwise brought to school adjustment counselors and psychologists' attention to the principal or designated administrator in a timely manner.

***Other School Personnel have the responsibility to:***

- 1. maintain confidentiality in accordance with federal and state law.
- 2. be familiar with APR's *Code of Conduct, Character, and Support*.
- 3. help students understand the district's expectations for maintaining a safe, orderly environment.
- 4. participate in school-wide efforts to provide adequate supervision in all school spaces.
- 5. address issues of discrimination, bullying, and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
- 6. address personal biases that may prevent equal treatment of all students.
- 7. report incidents of bullying, discrimination and harassment that are witnessed or otherwise brought to the individual's attention to the principal or designated administrator in a timely manner.



***Principals and School Administrators have the responsibility to:***

1. ensure that students and staff have the opportunity to communicate regularly with principal/administrators and have access to the principal/administrators for redress of grievances.
2. maintain confidentiality in accordance with federal and state law.
3. evaluate on a regular basis all instructional programs in a school.
4. support the development of and student participation in appropriate extracurricular activities.
5. provide support in the development of the Code of Conduct, Character, and Support when called upon.
6. disseminate the Code and anti-harassment policies.
7. be responsible for enforcing the Code and ensuring that all infractions are resolved promptly and fairly.
8. participate in school-wide efforts to provide adequate supervision in all school spaces.
9. address issues of discrimination, bullying, and/or harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. address personal biases that may prevent equal treatment of all students and staff.
11. report incidents of bullying, discrimination and/or harassment that are witnessed or otherwise brought to the administrator's attention in a timely manner.
12. Collect, monitor, analyze and report data on the implementation of the Code including but not limited to data on the use of in-school and out-of-school suspension by student demographic characteristics.
13. develop and implement policies and procedures that encourage safe and purposeful schools for all students and school staff.
14. protect the legal rights of school staff, students, and parents.
15. be courteous, respectful, and fair with students, parents, and school staff.
16. provide a broad-based and varied curriculum to meet individual school needs.
17. inform the community, students, parents, and school staff about APR policies.
18. ensure the legal rights of students with disabilities are protected.
19. provide staff who are trained to meet students' needs.
20. provide support and professional development training to school staff to help them support students.
21. support school staff in the fulfillment of their disciplinary responsibilities as defined by APR's Code of Conduct, Character, and Support.
22. contact and involve parents regarding behavior issues related to their children.

***The Executive Director also has the responsibility to:***

- inform the APR Board of Trustees of educational trends relating to student behavior and school responses.
- review with school administrators the policies of the APR Board of Trustees as well as state and federal laws relating to school operations and management.
- maintain confidentiality in accordance with federal and state law.
- work to create instructional programs that minimize incidence of misconduct and are sensitive to student and teacher needs.
- work with school administrators in enforcing the *Code* and ensuring all infractions are resolved promptly and fairly.
- address issues of bullying, discrimination and/or harassment as well as any situation that threatens the emotional or physical health or safety of any student, school employee or person who is lawfully on school property or at a school function.
- address personal biases that may prevent equal treatment of all students and staff.

- report or ensure the reporting of incidents of harassment, bullying and/or discrimination that are witnessed or otherwise brought to the Executive Director's attention are dealt with in a timely manner.

***The APR Board of Trustees has the responsibility to:***

- maintain confidentiality in accordance with federal and state law
- develop and recommend a budget that provides programs and activities which will support achievement of the goals of the Code and the school's mission and vision.
- support students, teachers, administrators, parent organizations, school safety personnel, and other school personnel to implement this Code, clearly defining expectations for the conduct of students, school personnel, and visitors on school property and at school functions.
- adopt and review, at least annually, APR's Code of Conduct, Character, and Support to evaluate the code's effectiveness and the fairness and consistency of its implementation.
- lead by example by conducting Board meetings in a professional, respectful, and courteous manner.
- address personal biases that may prevent equal treatment of all students and staff.
- review data and the recommendations of the Executive Director on the implementation of the Code, including but not limited to the use of in and out-of-school suspensions with regard to student demographics; implement reforms if needed

**APR Institutional Responsibilities:**

***APR has the institutional responsibility to:***

1. ensure parents have a right to participate in decision-making affecting school policies and procedures, including, but not limited to:
  - informing parents in a timely and clear manner as to when and how they can participate, and ensuring that all parents have equal access to information on opportunities for participation,
  - ensuring that parents have concrete opportunities to make recommendations to the school about effective methods for participation,
  - giving parents structured opportunities to give input, get information and help make decisions.
2. ensure that parents have a right to participate in decisions affecting their individual child's education, including but not limited to:
  - adherence by teachers, administrators and other school staff to a problem solving process that identifies academic or behavioral challenges as soon as possible and works with parents or guardians to identify solutions,
  - participation in restorative behavior solutions.
  - protection of due process rights, including as related to school responses to student behavior.

# Getting Help with a Problem

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## School Problems

If students have a problem related to behavior, security, personal safety or welfare, or vandalism, they should:

1. tell the nearest administrator, teacher or adult staff member (i.e. homeroom teacher, advisor, school social worker or psychologist, dean or principal) and express their feelings. Tell them exactly what has happened to themselves or what they have observed happening to others. Problems of behavior, security, and personal safety are considered very serious.
2. ask to talk to a school social worker or school psychologist, who can help them learn ways to deal with problems so that they may feel safer and more comfortable when faced with similar problems in the future.
3. tell their parents about the problem in addition to alerting school personnel.

It is important for students to know that when a report is made to the school about an incident of this nature, every effort will be made to keep the information and the student's identity confidential.

## Personal Problems

If students have a personal problem that may affect their school life or activities:

1. they should, if possible, discuss the problem with their parents.
2. they may speak to a teacher with whom they feel comfortable. If students and their parents cannot solve the problem, there are a number of people in the school who may be able to offer additional help.
3. there are school social workers and psychologists at the school who are trained to offer help with personal problems. They can also lead students to additional resources.
4. when students indicate that they are thinking about hurting themselves or other students, school personnel are required to take any action to ensure the safety of the student and/or other students. This action will include sharing of information with the school principal, parents, school adjustment counselor and possibly other, outside agencies.

## Academic Problems

For help with an academic problem, students should:

1. see the teacher who teaches the subject. Students may seek out the teachers outside of class time. Teachers may recommend help sessions or may make a referral for additional assistance. Teachers may also ask for a conference with students and their parents.
2. if teachers are unable to help students resolve the problem to their satisfaction, students should go to their advisors next.
3. discuss the matter with their parents and the principal, assistant principal or dean if they feel the problem has not been resolved after talking with advisors. Parents may wish to join students in discussions with principals.
4. recognize that solving academic problems requires student help, along with help from teachers and sometimes parents, advisors, and other school professionals.

## Extracurricular Activities

For help with problems involving extracurricular activities, students should:

1. see adult sponsors assigned (e.g. coaches, teachers, etc.) to activities at a time when they can give them their undivided attention. Students should try not to discuss the problem during the activity period itself.
2. see the Athletic Director if the activity involves athletics.
3. see an administrator if students don't know who the adult sponsor of the activity is.
4. discuss the matter with parents and principals if students are unable to get help in solving problems by doing the above. Parents may wish to join students in discussions with principals.

## Bullying, Cyberbullying, Retaliation & Hazing

Bullying, cyberbullying retaliation and hazing are unsafe and do not reflect respect for others as defined by the Code of Conduct, Character and Support. If you or someone you know is a target of one of these behaviors, you can report it using the **Bullying Prevention and Intervention Incident Reporting Form**, available on the school website or in the dean's or social worker's offices ([Bullying Incident Report Form](#)). You can also tell a staff member, who will respond quickly and provide a practical, private, and safe place to report. If an administrator determines that one of these behaviors has occurred, the students involved will receive support from a school administrator, school social worker, pupil personnel worker, or school nurse to be sure everyone involved feels safe and supported and understands how to avoid these situations in the future.

### If You are Being Bullied...

- *Tell someone — a parent, a teacher, a counselor*
- *Calmly tell the student to stop...or say nothing and walk away*

### If You Know Someone who is Being Bullied...

- If you feel safe, be an "Upstander" and
  - *Tell the bully to stop by saying, "We don't do that at this school." Or "That's not right to treat someone like that."*
  - *Say words of support to the student being bullied—Be a friend!*
  - *Don't encourage the bully by laughing or joining in*
  - *Tell other bystanders how to help stop bullying*
- If it doesn't feel safe...
  - *Tell an adult*
  - *Encourage the bullied student to talk to someone*

## Concerns About Suspected Bullying

[APR's Bullying Prevention and Intervention Plan \(BPIP\)](#) is a comprehensive approach to addressing bullying and cyberbullying, and the school is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. We have established this BPIP for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principals are responsible for the implementation and oversight of the BPIP.

In June 2013, the Massachusetts anti-bullying law (M.G.L. chapter 71, section 37O) was amended in order to extend protections to students who are bullied by a member of the school staff, who are defined to include but

are not limited to an "educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional." Based on these amendments, all districts and schools, updated their Bullying Prevention and Intervention Plans and anti-bullying policies, and informed school staff, students, and parents of these changes.

The following information is excerpted from APR's Bullying Prevention and Intervention Plan:

## **Bullying Prohibited (Priority Statement)**

APR is a place where students are held to the highest behavioral standards and where we work in partnership with students and families to foster a positive and safe learning environment. The school is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

### **This prohibition is in effect in the following locations:**

- In the school building and on school grounds
- On property immediately adjacent to school grounds
- At a bus stop, on the school bus, or in other school-sanctioned transportation such as another vehicle owned, leased, or used by the school district
- At a school-sponsored or school-related activity, function, or program whether it takes place on or off school grounds
- Through the use of technology or an electronic device that is owned, leased, or used by the school district or school
- At any program or location that is not school-related, or through the use of personal technology or electronic device, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the education process or the orderly operation of a school

## **Definitions of Key Terms Related to Bullying**

(Definitions based upon M.G.L. c. 71, §370)

**Bullying:** The repeated use by one or more students or a member of a school staff of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that causes physical or emotional harm to the target or damage to the target's property; places the target in reasonable fear of harm to himself/herself or of damage to his/her property; creates a hostile environment at school for the target, infringes on the rights of the target at school; or materially and substantially disrupts the education process or the orderly operation of a school. Bullying includes cyber-bullying.

Bullying is prohibited: (i) on school grounds, property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school and (ii) 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 a school district or school, if the bullying creates a hostile environment at school for the target, infringes on the rights of the target at school or materially and substantially disrupts the education process or the orderly operation of the school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

**Cyberbullying:** Bullying through the use of technology or any electronic communication, which shall include, but shall not be limited to, any transfer of 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. Cyber-bullying 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. Cyber-bullying 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:** A student or a member of a school staff who engages in bullying, cyberbullying, or retaliation.

**Target:** A student against whom bullying, cyberbullying, or retaliation is directed.

**Retaliation:** Any form of intimidation, reprisal, or harassment directed against an individual who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying.

**Hostile Environment:** A situation in which bullying causes the school environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive as to alter the conditions of the student's education.

**School Staff:** Includes, but is not limited to, educators, administrators, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or paraprofessionals.

## **Notification of Bullying Requirements**

### **Notice to Parents or Guardians**

Upon determining that bullying or retaliation has occurred, the principal or designee will promptly notify the parents or guardians of the target and the aggressor of this determination and of the procedures for responding to it. There may be circumstances in which the principal or designee contacts parents or guardians prior to any investigation. Notice will be consistent with state regulations at 603 CMR 49.00.

### **Notice to Another School or District**

If the reported incident involves students from more than one school district, charter school, nonpublic school, approved private special education day or residential school, or collaborative school, the principal or designee first informed of the incident will promptly notify by telephone the principal or designee of the other school(s) of the incident so that each school may take appropriate action. All communications will be in accordance with state and federal privacy laws and regulations, and 603 CMR 49.00.

### **Notice to Law Enforcement**

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 will notify the local law enforcement agency. Notice will be consistent with the requirements of 603

CMR 49.00 and locally established agreements with the local law enforcement agency. Also, if an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in school, the principal or designee shall contact the local law enforcement agency if he or she has a reasonable expectation that criminal charges may be pursued against the aggressor.

In making this determination, the principal will, consistent with the APR's Bullying Prevention and Intervention Plan and state and federal policies and procedures, consult with the school resource officer, if any, and other individuals and organizations such as the Boston Police Department and the District Attorney's Office, as the principal or designee deems appropriate.

## **Responses to Bullying**

### **Teaching Appropriate Behavior Through Skill-Building:**

Upon the principal or principal's designee determining that bullying or retaliation has occurred, the school will use a range of responses that balance the need for accountability with the need to teach appropriate behavior. [M.G.L. c. 71, § 37O(d)(v)] Skill-building approaches that the principal or designee may consider include:

- Offering individualized skill-building sessions.
- Providing relevant educational activities for individual students or groups of students in consultation with guidance and/or school adjustment counselors and other appropriate school personnel.
- Implementing a range of academic and nonacademic positive behavioral supports to help students understand prosocial ways to achieve their goals.
- Meeting with parents and guardians to engage parental support and to reinforce the anti-bullying curricula and social skills building activities at home.
- Developing individual behavior plans to include a focus on specific social skill development.
- Making a referral for counseling or other mental health services for targets, aggressors, and family members.

### **Taking Disciplinary Action**

If the principal or designee decides that disciplinary action is appropriate, the disciplinary action will be determined on the basis of facts found by the principal or designee, including the nature of the conduct, the age of the student(s) involved, and the need to balance accountability with the teaching of appropriate behavior. Discipline will be consistent with the BPIP and with APR's Code of Conduct, Character and Support.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and state laws and regulations regarding student discipline.

If the principal or designee determines that a student knowingly made a false allegation of bullying or retaliation, that student may be subject to disciplinary action.

### **Promoting Safety for the Target and Others**

Any school staff member who witnesses possible bullying should immediately intervene and stop the possible bullying at that moment, as well as subsequently report suspected bullying behavior to the principal or designee when further investigation is warranted.

The principal or designee will consider what adjustments, if any, are needed in the school environment to enhance the target's sense of safety and that of others as well.

Supportive services will be offered to the target. These services may include safety planning, school adjustment counselor services, and a mental health referral.

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.

The full text of APR's Bullying Prevention and Intervention Plan is available at [www.pacrim.org](http://www.pacrim.org) in the Student and Family Handbooks. Questions regarding APR's plan for the prevention of bullying can be directed to the school principals: MS - Yeji Son [yson@pacrim.org](mailto:yson@pacrim.org) (617) 361-0050 x130 or, HS - Caleb Balderston [cbalderston@pacrim.org](mailto:cbalderston@pacrim.org) (617) 361-0050 x151

### **Bullying Finding Problem Resolution**

Upon a determination that bullying has occurred, the principal shall notify the target's parents about the Department of Elementary and Secondary Education's Problem Resolution System ("PRS") problem resolution system and the process for seeking assistance or filing a claim through PRS if the parents are dissatisfied with the school's investigation or determination relative to the bullying of their child.

## **General Complaint Procedures**

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Students and parents have the right to file a complaint if they believe that there has been a violation or misapplication of a written provision of school policy.

A complaint is a claim that there has been a violation or misapplication of a written provision of school policy.

A student or parent with a complaint will first discuss the problem with the person who made the decision in question. If the student or parent is not satisfied, the principal should be contacted next. If the student or parent is dissatisfied with the decision made at the principal level, the person may file a formal written complaint to the Executive Director.

If formal legal advice is considered to be necessary by either party [parent or school] or if the case alleges a violation of law that may lead to litigation/lawsuit, the complaint will proceed immediately to the Executive Director.

It is important to note that students and parents have the right to file a verbal or written complaint and that neither the Board, nor any member of the administration or faculty, will make reprisals affecting anyone because of a complaint that she/he/they made.

## **APR Tiered Supports and Success Strategies**

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As stated throughout, the focus of the Code of Conduct, Character and Support is on finding a balance between assigning accountable responses for behavioral infractions and providing supports and a restorative approach to success strategies to both address behavior and to assist students to learn effective skills to positively impact future behavior. It is also important to keep in mind that one of the best ways to prevent problematic behavior is the presence of a well-structured, engaging and culturally responsive lesson that fosters deeper learning in the classroom.

Supports and success strategies are aligned with each level of the behavioral infraction matrix and represent a menu of suggested responses. Teachers, support personnel and administrators may select one or more



responses in each level. It is not expected that all strategies at each level would be used. Administrators, teachers, and student support personnel may also use a lower level support when it is appropriate. They will strive to match students with supports that are the least intensive, while being the most effective. Supports will be monitored and adjusted based on student response.

School personnel are responsible for developing and using strategies that promote optimal learning and positive behavior throughout a student's school experience. Administrators, teachers, social workers, related service providers and other school staff are also expected to use these strategies to engage students, including students with disabilities, in a way that facilitates students' academic and social-emotional growth, assist them in following school rules and policies, and support when behavioral challenges arise. If, at any time, school officials suspect that a student's difficulties may be the result of a disability which may require special education services, the student should be referred immediately to the school's Director of Student Support and their team.

Teachers are expected to use Universal Tier 1 practices to create safe and respectful classrooms through (1) the development of caring, supportive relationships with and among students; (2) organizing and implementing instruction in ways that optimize students' access to deeper learning opportunities; (3) using group management methods that encourage students' engagement in academic tasks; (4) promoting the development of students' self-management and social efficacy; and (5) using appropriate supports to assist students with behavior challenges.

The following chart is a tool to indicate how supports and success strategies are aligned at the four levels of behavioral infractions. Note that it is always acceptable, and often appropriate, to include lower level restorative and accountable actions even when addressing higher level behavior.

<b>Level 1 Behavior: Support/behavior success strategy provided by the teacher.</b> <b>The behavior requires supports and responses by the teacher.</b> <b>May include additional consultation with student support personnel when patterns of behavior persist.</b> Level 1 behavior does not include exclusion, such as suspension, as an initial response.	
<b>Level 1 Documentation and Restorative &amp; Accountable Responses</b>	<b>Level 1: Prevention and Classroom Behavior Support Responses</b>
<p><b><u>Documentation:</u></b> Consider submission of a discipline referral for "Classroom Misbehavior" in DeansList if a pattern of behavior persists or intensifies that the staff member believes should be documented.</p> <p><b><u>Accountability Responses:</u></b> Suggested communication with parent/family to discuss and problem solve a concern via phone, email, in-person conference or letter.</p>	<p><b><u>Prevention:</u></b></p> <ol style="list-style-type: none"> <li>1. Promote opportunities to <b>get to know your students</b> and develop positive, trusting relationships, including meeting and greeting students daily or learning about students' lives outside the classroom.</li> <li>2. Practice clear, consistent academic and behavioral classroom procedures and routines daily.</li> <li>3. Pre-teach, model, practice, reinforce, and monitor classroom <b>expectations</b>.</li> <li>4. <b>Differentiate classroom instruction</b> to best meet diverse student needs. Students will have less behavioral difficulties when they can access the instruction.</li> <li>5. Provide activities that <b>promote group cohesion and deeper learning</b> in your classrooms.</li> <li>6. Use <b>positive, specific praise/feedback</b> in a 3:1 ratio over negative feedback. Include individual and group kudos, recognitions and celebrations.</li> <li>7. Use developmentally appropriate <b>sensory, motor and space modifications</b> to change the environment or the ways that students engage.</li> <li>8. Lesson Planning--remember that one of the best ways to prevent problematic behavior is the presence of a <b>well-structured, engaging and culturally responsive lesson</b>.</li> </ol>

Assign teacher-supervised consequences.

**Restorative Responses:**  
**Personal, Academic and Behavioral Check-ins**

Choose from the following based on relevance (See following pages for descriptions.):

1. Restorative Question Conference
2. Personal Efficacy Conference
3. Diffusing Conference
4. Problem-Solving Circle

**Classroom Behavior Support Responses:**

1. First Response--use **redirection strategies** including: prompts, cues, proximity, effective reminders, positive directives that invite cooperation and self-correction.
2. Diffuse and de-escalate upset students or charged situations by **calmly responding to negative and inappropriate speech** in ways that support students to self-correct.
3. Avoid or **disengage** from power struggles.
4. Remain calm. **Avoid taking conflict personally.** It's rarely about you, even when it feels like it.
5. Watch that the **nonverbal messages** you are giving out match what you want to communicate.
6. Use **brief behavior check-ins** with individual students during class time or during a group/class discussion to solve a problem, assist students to make a positive choice to self-correct their behavior.
7. Utilize brief **restorative conversations** to promote self-reflection and help repair relationships with the teacher or students experiencing an interpersonal conflict.
8. **Consult with student support personnel** to generate possible strategies to reduce unskillful behaviors and increase desired target behaviors.

Other Supports could include:

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Positive directives that state expectations.</li><li>• Re-teaching and rehearsal of skill or procedure</li><li>• Increased opportunity to respond during instruction</li><li>• Increase teacher proximity</li><li>• Verbal prompt, redirection and/or correction</li><li>• Reminders and redirection</li><li>• Student/Teacher restorative conference</li><li>• Use of Restorative questions</li></ul> | <ul style="list-style-type: none"><li>• Create a classroom check-in plan</li><li>• Reflection activity</li><li>• Mentoring</li><li>• Peer Mediation</li><li>• Mediated conflict resolution conference</li><li>• Referral to school-based health or mental health providers</li><li>• Service to the school community</li><li>• Restitution plan</li><li>• Referral to community organization</li><li>• Develop relationship with families</li><li>• Family conference</li><li>• Daily progress sheets on behavior</li></ul> |
|--|---|

## **Level 2 Behavior: Involves support staff and/or appropriate administration.**

The behavior persists after teacher supports are not successful; it may involve student removal from classroom, restorative supports, meeting with administrator or student support staff member or family conference. It could include referral to the Student Support Team.

Level 2 behavior does not include suspension, internal or external, as an initial response.

<b>Level 2 Documentation and Accountability Response</b>	<b>Level 2: Behavior Support Responses (Incorporate all Level 1 Prevention and Classroom Behavior Support Responses as well.)</b>
<p><b><u>Documentation:</u></b> REQUIRES submission of a log entry in DeansList to document the incident.</p> <p><b><u>Accountability Responses:</u></b> Requires communication with parents to discuss and problem solve a concern via phone, email, in-person conference or letter.</p> <p>Teacher- supervised and/or administrative consequences can be assigned.</p> <p>If behavior warrants use of the Reset Protocol, all requirements of the protocol must be met.</p>	<p><b>Teacher Facilitated Level 1 Behavior Supports PLUS</b></p> <ol style="list-style-type: none"><li>1. Restorative conferencing between teacher and student (might also include parent and/or student support personnel) to develop a plan for improving behavior, engagement, and academic performance in the classroom. Restorative conferencing should include the relevant type of conferencing listed to the left.</li><li>2. More intensive academic and/or behavioral progress monitoring.</li><li>3. Review and rehearse classroom and/or school-wide academic and behavioral expectations.</li></ol> <p><b>Student Support Staff/Administrator Facilitated Supports:</b></p> <ol style="list-style-type: none"><li>1. Continued incident investigation.</li><li>2. Meeting with a member of the school administration, social worker, or other support staff.</li><li>3. Conference with the student followed by conferencing with teacher teams and/or Student Support Team (SST) when a pattern persists.</li><li>4. Provide Tier II student support staff facilitated supports that could include referral to school counseling services and other building-based PBIS Tier II or PBIS Tier III programming, which could include individual, and small group supports, mediation, restitution, social and emotional learning programs.</li><li>5. Individualized case management services for students with IEPs and 504 plans with possible reconvene of IEP/504 Team to review needs for additional accommodations and supports when concerns persist.</li><li>6. Referral to services, collaboration and coordination as appropriate with community-based supports and agencies.</li></ol>
<p><b><u>Restorative Responses:</u></b> (See following pages for descriptions.)</p> <ol style="list-style-type: none"><li>1. Problem-Solving and Planning Conference</li><li>2. Return Conference After Classroom Removal</li><li>3. Student-Teacher Mediated Conference.</li></ol>	

### Level 3 Behavior: Behavior Support Responses

#### Warrants in-school and/or short-term out-of-school suspension (1-10 Days)

The behavior presents a risk to the safety, health, or welfare of the adults and students; may involve in-school suspensions (partial or full day) or short-term suspensions from 1 to 10 days based on severity and repeated occurrences; may also involve meeting with administrator or student support team member, family conference, and/or re-entry restorative planning conference.

If a student presents with significant mental health distress and concerns about immediate risk to self or others, the school social worker should be consulted to assess the need for a referral to the BEST Team. Parent permission is required.

##### **Documentation:**

REQUIRES submission of a log entry in Deanslist to document the incident.

Discipline letter sent home by administrator, including information to parent on due process rights.

Due process hearing as required

##### **Accountability Responses:**

Behavior warrants removal from classroom or other building location by administrator.

Parent notification and scheduling of conference with administrator, student and parent. Administrator investigation of incident and consideration of past pattern of referrals in determining consequences.

Manifest Determination Review (MDR) required when a student with disability will exceed 10 cumulative school days of suspension as a result of the discipline to be assigned.

Consultation with public safety officials, police and fire, when a crime is suspected.

##### **Incorporate all Level 1 and Level 2 Prevention and Classroom Behavior Support Responses as well.**

##### **Additional Responses Should Include one or more of the following:**

- Development of comprehensive student specific academic and behavioral support plan, such as, completion of a functional behavioral assessment and plan, reassess and adjust existing plans and increase monitoring.
- Creation of a safety plan.
- Utilize support staff Root cause assessment/trauma assessment.
- Referral to SST, IEP/504 eligibility or reconvene team as indicated based on student's current services.

##### **Restorative Response Protocols:**

(See following pages for descriptions.)

1. Return Conference after Classroom Removal
2. Bullying-Harassment Caucus and Conference when relevant
3. Restorative Group Conferencing

## Level 4 Behavior: Behavior Support Responses

### Warrants longer-term out-of-school suspension (11 days or more)

Infractions at this level represents the most serious infractions and may result in a suspension of more than 11 days, up to and including a full-year of suspension or exclusion from school.

Behavior involves violent or dangerous behavior violations that have a substantial detrimental effect on safety and the general welfare of the school.

If a student presents with significant mental health distress and concerns about immediate risk to self or others, the school social worker should be consulted to assess the need for a referral to the BEST team. Parent permission is required.

#### **Documentation:**

REQUIRES submission of a log entry in Deanslist to document the incident.

Discipline letter sent home by administrator, including information to parent on due process rights.

Due process hearing as required.

#### **Accountability Responses:**

Behavior warrants removal from classroom or other building location by administrator.

Parent notification and scheduling of conference with administrator, student and parent.

Administrator investigation of incident and consideration of past pattern of referrals/removals in determining consequences.

Manifest Determination Review (MDR) is required when a student with a disability will exceed 10 cumulative school as a result of the discipline to be assigned.

Consultation with public safety officials, police and fire, when a crime is suspected.

#### **Incorporate all Level 1 and Level 2 Prevention and Classroom Behavior Support Responses as well.**

#### **Additional Responses Include:**

- Development of comprehensive student specific academic and behavioral success planning, such as, completion of a functional behavioral assessment and plan, reassess and adjust existing plans and increase monitoring.
- Creation of a safety plan.
- Utilize support staff Root cause assessment/trauma assessment.
- Referral to SST, IEP/504 eligibility or reconvene team as indicated based on student's current services.

**Restorative Response Protocols:** 1. Return Conference after Classroom Removal; 2. Bullying-Harassment Caucus and Conference when relevant; 3. Restorative Group Conferencing (See following pages for descriptions.)

# Levels of Behavior Concerns, Violations, and Responses

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## Determining Responses to Misbehavior

School administrators must consult this document when determining which responses to misbehavior to impose. In determining how to best address inappropriate, unacceptable, and unskillful behaviors, it is necessary to evaluate the totality of the circumstances surrounding the behavior. This may result in differentiated responses to challenging behaviors. Responses are embedded within levels of just and equitable practices under which all students are treated fairly with respect, dignity and decency and without favor toward or prejudice against any one group of students according to ability, talent, age, gender (including gender identity and/or gender expression), disability, race, color, ethnicity, socio-economic status, pregnancy or parenting status, religious and spiritual orientation, national origin and home language, sexual orientation, and/or indigenous heritage.

In practical terms, this means that:

- all opportunities and supports must be accessible to every student, including students with disabilities.
- responses and supports at Level 2 and Level 3 must be consistently applied across all groups of students with fidelity and integrity.
- data must be transparent to determine the use and impact of all responses and supports, paying particular attention to indicators of overuse and disproportionality of suspension among various student groups.

The following facts must be considered prior to determining the appropriate assignment of responses and supports

- the student's age and maturity
- the student's behavior record (including the nature of any prior misconduct and the number of prior instances of misconduct)
- the responses and supports applied in prior behavior violations
- the nature, severity and scope of the behavior
- the circumstances/context in which the conduct occurred
- the frequency and duration of the behavior
- the number of persons involved in the behavior
- the student's IEP, BIP (Behavioral Intervention Plan) and Section 504 Accommodation Plan, if applicable
- the student's response to intervention previously put into place

## Where and When the Code Applies

The APR Code of Conduct, Character, and Support applies to incidents that occur:

- In the school building and on school grounds
- On property immediately adjacent to school grounds
- At an MBTA bus or train stop, on the school bus, or in other school-sanctioned transportation such as another vehicle owned, leased, or used by the school district
- At a school-sponsored or school-related activity, function, or program whether it takes place on or off school grounds
- Through the use of technology or an electronic device that is owned, leased, or used by the school district or school

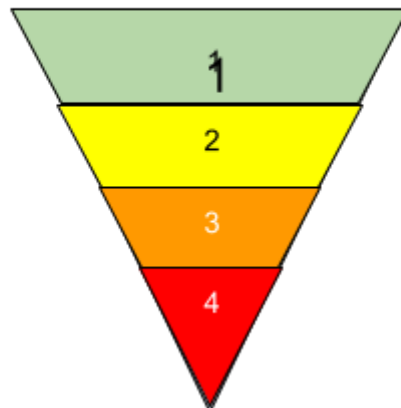
- At any program or location that is not school-related, or through the use of personal technology or electronic device, if the incident creates a hostile environment at school for the target, infringes on the rights of the target at school, or materially and substantially disrupts the educational process or the orderly operation of a school.

## List of Behavior Concerns, Infractions and Aligned Responses and Supports

### Major Shifts in the Responses to Possible Infractions Matrix in the Current Code:

- The Code places a greater focus on standardized responses and supports that are accountable and restorative. When an exclusionary response, such as in-school (ISS) or out-of-school (OSS) suspension is warranted, the focus will be on short-term removals from the classroom and fewer days of out-of-school suspension.
- The Code of Conduct, Character and Support places greater emphasis on responses where students must account for their behavior and do something to repair harm or make things right, rather than relying only on exclusionary practices.
- Misconduct is described as concretely as possible to avoid problems with assigning responses that cover too wide a range of options.
- The delineation of four levels of responses and supports reduces the risk of discretionary determinations with the intended result to be increased equitable responses and decreased disproportionate responses for groups of students that are often overrepresented in exclusionary practices.
- Differential responses will occur when indicated to accommodate for differences in the severity and frequency of the infraction and developmental differences in students based on age and ability.
- Level 1 low impact behaviors are expected to be managed by classroom teachers.
- As with all levels of behavior, if behavior persists, responses to such behavior may be imposed at a higher level.

Leveled Responses to Behavior Infractions



**Level 1** responses incorporate universal schoolwide and classroom practices that promote the development and practice of prosocial behaviors, self-discipline, habits of learning, and healthy well-being. Teachers aim to prevent minor discipline problems from becoming major incidents

**Level 2** involves targeted responses when a student's behavior warrants them.

**Level 3 and 4** involve violent or dangerous behavior violations that seriously jeopardize school and classroom safety and function. Students who are experiencing high risk or pervasive behavioral, academic, and physical and mental health concerns are assigned more intensive, individualized responses.

Responses to infractions and supports apply to all students, grades 5-12, including all students with IEPs and 504 plans. Multiple incidents or chronic displays of unskillful or unacceptable behavior will warrant more intensive responses and more serious outcomes. Level 3 and 4 responses may be modified for students to ensure the developmental appropriateness of the response, as well as, compliance with applicable laws and regulations applicable to students with disabilities. Exclusionary responses, such as internal or external suspension, allows the school community to devise a safety and reintegration plan. Parents of any student who has engaged in highly aggressive or dangerous behaviors are expected to participate in the intervention plan created to support their child's success.

The matrix below outlines the definitions of unacceptable behaviors and the range of leveled responses to be used. All behavior responses in levels 2-4 need to be documented in DeansList.

## LEVELS OF BEHAVIOR CONCERNS, VIOLATIONS AND RESPONSES

### **Level 1**

***Classroom support and learning team***

May be appropriate when the behavior is a minor disruption, the student has had no prior incidents, and/or supports have not been put in place

### **Level 2**

***Intensive support staff and appropriate administration***

May be appropriate when supports have been put in place in the classroom to address behavior, but the behavior has become persistent and has continued to negatively influence the learning of the student and others

### **Level 3**

***Short-term suspension or alternative consequence***

May be appropriate given the seriousness of the behavior and impact on the school community, and/or when documented supports and initial responses have been put in place but the behavior is escalating

### **Level 4**

***Request for long-term or permanent suspension***

May be appropriate when behavior presents an imminent threat of serious harm to the school community, or when the student's behavior seriously affected the safety of others in the school and/or educational process



## UNACCEPTABLE BEHAVIOR AND LEVELS OF RESPONSE

Unacceptable Behavior	Level 1	Level 2	Level 3	Level 4	School Resource Officer	Notes
Academic Dishonesty						
Plagiarism, copying another’s work, cheating, or altering records	●	●				Student may receive failing grade for that assignment
Arson						
Starting a fire			●	●	●	MA Uniform Fire Prevention and Building Code requires principals to contact the fire department for any and all unwanted fires.  Principals must complete an Incident Report Form.
Starting a fire causing destruction of property			●	●	●	
Attendance Policy Violation (Not attending school or classes as required)						
Forging an excused absence document and/or signature		●				Social workers and Director of Student Supports monitor this in conjunction with the operations team.
Skipping - refusal to attend class or leaving class or school without permission	●	●				
Tardiness	●	●				
Truancy and/or Chronic Absenteeism (Massachusetts defines Chronic Absenteeism as missing at least 10% of days enrolled (e.g., 18 days absent if enrolled for 180 school days regardless of whether the absences are considered excused, unexcused and/or for disciplinary reasons)	●	●				Possible referral of the student to the Juvenile Court Department for assistance.
Bullying - Verbal, Physical, and Electronic						
The repeated use by one or more students (aggressors) of a written, verbal or electronic expression or a physical act or gesture of any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target’s property;		●	●	●	●	Bullying investigation is required

(ii) places the target in reasonable fear of harm to him/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; (v) materially and substantially disrupts the education process of the orderly operation of a school. This includes cyber bullying.						
Classroom Misbehavior						
Refusal to do work or participate in lesson; lack of compliance with classroom routines and procedures; off-task behavior; interrupting others from doing their work; engages in demand, argumentative and adversarial speech, confrontations or “back talk” (includes share or buddy teachers)	●					
Persistent classroom misbehavior as defined above.		●				
Damage to Personal or School Property						
Minor damage (less than \$50)	●	●				Restitution is permitted in lieu of suspension; restitution may be in the form of monetary restitution or the student’s assignment to a school work project
Damage to another person’s or school property (\$50 to \$500)	●	●	●		●	
Damage to another person’s or school property (over \$500)			●	●	●	
Dress Code (Incomplete)						
Wearing clothing that is not part of the school’s dress code	●	●				
Drugs (Includes alcohol, tobacco, inhalants and other illicit substances)						
Under the influence		●				School staff is required to refer students to appropriate substance abuse counseling
Using or possessing		●	●	●	●	
Distributing or selling			●	●	●	School nurse must be immediately notified
Electronic Devices						
Use of cell phones, handheld mobile devices, electronic game devices, and other similar items	●	●				Possession and/or transmission of child pornography is subject to

during unauthorized times						prosecution and must be reported to the police  Students with parent(s) who are in the military <b>and</b> deployed overseas may keep their cell phones on during school hours  Investigation may be warranted
Use of electronic devices that lead to the threat of harm against another person		●	●			
Recording or publishing a fight		●	●			
Use of electronic devices for which it is determined that such use directly causes physical or emotional harm to another person			●	●	●	
Emotional Outburst						
Emotional outburst or rage which causes harm or substantial disruption	●	●				
False Activation of Fire Alarm						
Intentional false activation of fire alarm			●	●	●	If the fire alarm is activated the fire department must be notified and they have jurisdiction until event/source is investigated
Fighting						
Fighting without bodily injury - <b>Mutual</b> participation in an altercation involving physical violence. <b>No victims, only offenders.</b>		●				
Fighting with bodily injury - <b>Mutual</b> participation in an altercation involving physical violence including, hitting, kicking, shoving, punching, scratching or spitting on another person resulting in bodily injury to one or both participants. <b>No victims, only offenders.</b>			●	●	●	
Fighting which causes the principal to initiate emergency procedures and prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, and/or poses a serious threat to the safety of large numbers of students, such as a threat of harm to students			●	●	●	
Gambling						
Requires the use of money or exchangeable goods	●	●				
Discriminatory Harassment (Based on race, color, ethnicity, gender (including gender identity and gender expression), sexual orientation, disability, religion, and/or age , against members of the school community)						

						Bullying investigation may be warranted
Harassment		●	●	●	●	
Harassment that is life-threatening or presents a threat of substantial emotional or physical harm to the victim.				●	●	
Inciting or Participating in Disturbance						
Causing a large disruption of the atmosphere of safety and purpose in the school that is necessary for effective learning, outside of general classroom disruption			●	●	●	A large disruption is defined as a disruption which causes the principal to initiate emergency procedures and prevents large numbers of students from moving through the hallways, disrupts the educational process for large numbers of students across the school, and poses a serious and grave threat to the safety of large numbers of students
Using an electronic device to bring others to initiate or engage in a disturbance		●	●	●	●	
Leaving Classroom or School Without Permission						
Leaving classroom or school without permission	●	●				
Non-Compliance (All school personnel)						
Unwillingness to respond to a reasonable request or instruction from any school personnel	●	●				Nonviolent/ nonphysical
Physical Altercations/Attacks/Assault *						
Physical Altercation (Minor) - Confrontation, horseplay, or physical aggression that does not result in injury.	●	●				
Physical Altercation, Attack or Assault resulting in bodily injury - Committing an act of violence toward a person which results in bodily injury or damage to property. <b>Must have an offender and a victim.</b>			●	●	●	<ul style="list-style-type: none"><li>* In accordance with M.G.L. c. 71, §37H, the assault of a school staff member may result in permanent expulsion.</li></ul>
Public Space Misconduct (hallways, stairwells, cafeterias, bathrooms, offices, outdoor areas)						
Running, making excessive noise, loitering, or persistent hall-walking	●	●				Serious public misconduct is defined as conduct which prevents others from moving through spaces, disrupts the educational process for students and/or poses a threat to the safety of large numbers of
Minor public space misconduct		●				

Serious public space misconduct			●			people
Robbery						
Taking money or property from another by force			●	●	●	
Sexual Offenses						
Sexual assault				●	●	School staff is required to refer students to appropriate counseling.  Possession and/or transmission of child pornography is subject to prosecution and must be reported to the police.
Sexual harassment (e.g. inappropriate verbal or written conduct of a sexual nature)			●	●	●	
Sexual misconduct (e.g. engaging in sexual activity). Must have 2 willing participants.		●	●	●	●	
Tardiness						
Excessive tardiness to class or school	●	●				
Technology Policy Violation						
Violation of APR Technology Policy	●	●				Refer to the school website at <a href="http://www.pacrim.org">www.pacrim.org</a> for details on this policy.
Theft						
Under \$500		●	●			Restitution is permitted in lieu of suspension; restitution may be in the form of monetary restitution or the student's assignment to a school work project
Over \$500			●	●	●	
Threats						
Bomb Threat - Making threats or providing false information about the presence of explosive materials or devices on school property			●	●	●	
Extortion - Obtaining money or property from another student through coercion, intimidation, or threat of physical harm			●	●	●	
Name calling, insults, making inappropriate gestures, symbols, or comments, or using profane or offensive language	●	●				
Confrontational and aggressive arguing	●	●				

Confrontational or aggressive arguing that repeatedly impacts the school environment and persists after interventions have been put in place			●	●		Documented Intervention
Verbal or written threats against individuals or groups within the community			●	●		
Terroristic threats to harm students or school officials, and/or to destroy school property.			●	●	●	
<b>Weapons, Firearms, Explosives</b>						
Verbal or written threat involving weapons against school community			●	●	●	
Firearms (possession of a firearm as defined in USC 921 of the federal code; e.g. handguns, rifles, shotguns, and bombs)				●	●	
Other guns (possession of any gun of any kind, loaded or unloaded, operable or inoperable including BB guns and pellet guns, etc.)			●	●	●	
Possession of weapons (knife, pepper spray, etc.)			●	●	●	
Instruments or objects used as weapons with intent to cause injury			●	●	●	
Explosives (possession, sale, distribution, detonation, or threat of detonation of an incendiary or explosive material or device including firecrackers, smoke bombs, flares, or any combustible or explosive substances or combination of substance or articles other than a firearm.)			●	●	●	

**\*Please note that under Massachusetts law, the Principal or Principal's designee shall exercise sole authority with regard to determining whether an object, item or material constitutes a weapon.**

# Restorative Conferencing

Listening and speaking responsively are the basic building blocks of all restorative interventions. Restorative conferencing provides the structure in which we listen and speak responsively. Restorative conferencing ranges from informal one-to-one conferences to more formal processes like mediation, family and restorative group conferences, and a school re-entry conference. All of these conferencing structures create a safe space in which people directly affected by an incident or problem can discuss it safely, openly, and honestly. All responsive conferencing protocols involve a structured set of steps and questions to ensure that all participants feel supported and all participants' thoughts and feelings are invited into the process. The chart below shows a continuum of restorative conferencing protocols.

## Restorative Conferencing Protocols:

<p><b>Restoration After Committing Harm Conference</b></p> <p>When a specific incident or behavior has harmed others and prompts immediate attention...</p> <ol style="list-style-type: none"> <li>1. What happened? (What was your part in what happened?)</li> <li>2. What were you thinking and feeling at the time?</li> <li>3. Who else was affected by this? How?</li> <li>4. What have been your thoughts/feelings since then?</li> <li>5. What are you thinking/feeling now?</li> <li>6. What do you need to do to make things right?</li> </ol> <p>Optional: What can I (others) do to support you? Optional: What might you do differently when this happens again?</p>	<p><b>Personal Efficacy Conference</b></p> <p>When a student's unproductive or ineffective behaviors, habits, or mindsets raise an adult's concerns...</p> <ol style="list-style-type: none"> <li>1. Here's what I've been noticing. What's going on for you?</li> <li>2. What are you thinking or feeling about this?</li> <li>3. What are some things you think I might be concerned about?</li> </ol> <p>If the student is struggling with this, say:</p> <ol style="list-style-type: none"> <li>4. I am concerned about _____ and I am worried about how this is impacting _____.</li> <li>5. So what might be some things you can stop doing or start doing to get better at _____?</li> <li>6. How will you know that your plan is working?</li> </ol> <p>Optional: What might I do to support you?</p>
<p><b>Defusing Conference</b></p> <p>When students are upset and their emotional state is making it hard to focus and learn....</p> <ol style="list-style-type: none"> <li>1. I've noticed that you look upset (angry, frustrated, bored, distracted). What's going on for you?</li> <li>2. What's not working for you right now? Is there anything else bothering you? Is there anything else that can help me understand?</li> <li>3. How are you feeling right now? How do you want to feel?</li> <li>4. What might you do to feel better / to be okay right now?</li> </ol> <p>Optional: Is there something else we might talk about later that would help?</p>	<p><b>Problem-Solving Conference</b></p> <p>When the focus is on helping a student address a specific academic or behavioral problem</p> <ol style="list-style-type: none"> <li>1. What do you want or need?</li> <li>2. What are you doing to get what you want or need?</li> <li>3. Is it working? If so, how? If not, why don't you think it is working?</li> <li>4. What kind of plan will help you get _____.</li> <li>5. How will you know that your plan is working?</li> </ol> <p>Optional: What can I do to support you?</p>

# Disciplinary Procedures

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## Provisions for Classroom Removal and Suspension

### Teacher Removal of Student from the Classroom

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can use redirection prompts and reminders or a quick check-in conference to support the student's re-engagement. Other techniques may include prompting the student to use the in-class calming space for a brief time out to re-center her/him/themselves or contacting a student support team member for a "check-in.". In both of these situations, the goal is to give the student an opportunity to regain his or her composure and self-control without physically or visually separating the student from the learning activity. These actions do not constitute a disciplinary removal for purposes of this code. Separation of the Student from the classroom by choice or by direction for non-disciplinary reasons and solely for the purpose of calming the student, shall be subject to the requirements applicable to exclusionary time-out as set forth in 603 CMR 46.00 and DESE Technical Assistance Advisory 2016-1. For grades 5-12, an administrator determines time in the office, recommended not to exceed 30 minutes.

When a student's inappropriate, unacceptable, or unskillful behavior is identified as a Level 2, 3 or 4 violation of the Code and jeopardizes other students' safety in the classroom or seriously interrupts learning of others, teachers may remove a student from the Classroom on a disciplinary basis. Before removing a student from the classroom for disciplinary reasons, the teacher will explain to the student why he or she is being removed from the classroom and explain that the student will have an opportunity to present her or his version of the story in an investigation of the incident within 24 hours. The referring teacher submits the Office Referral with student removal and has until the end of day to complete details of the referral that include documentation of what happened prior to and during the incident as well as any prior responses or interventions that the teacher has attempted before this incident occurred. Teachers must enter all referrals into DeansList for all cases of removal of students from their class. Teachers are also expected to make at least two attempts to contact a parent and submit dates and times in the Communication Log function of DeansList.

The student will be escorted from the classroom for processing with a member of the Student Support Team. The student is offered the opportunity to complete a Reflection Report and other educational activities during their time in the dean's or assistant principal's office. In all instances, the removal from regular classes ends at the close of the school day. Any classroom removal that will extend beyond half of the time in which school is in session for that day shall constitute an in-school suspension and shall be subject to applicable due process requirements. The administrator who investigates the incident may determine that other responses are warranted (including assigned time in the office for appropriate interventions or while intervention is being finalized, in- school suspension, or out-of-school suspension).

The administrator must fully investigate the incident within 24 hours, including hearing the teacher's and student's version of the incident. If in-school suspension or out-of-school suspension is warranted, the administrator must complete suspension documentation. If additional time in the office is assigned for further responses, the administrator must complete appropriate documentation, discuss reasons for further responses with the student, and assign scheduled time for the student in the office. The receiving administrator must



complete the referral log of all removals in DeansList of students from class. No student removed from the classroom by a classroom teacher for disciplinary reasons will be permitted to return to the classroom until the dean or assistant principal has determined whether any additional responses are warranted. If the student is assigned to the office for additional class periods when the student would otherwise be attending class with the referring teacher, the referring teacher will provide educational assignments for the student until the student is permitted to return to the classroom.

Within 24 hours after the student's removal from a classroom, the principal or another administrator designated by the Principal must notify the student's parents, by telephone or in writing, that the student was removed from class and the reason(s) why. The notice must also inform the parent that he or she has the right, upon request, to meet informally with the principal or an administrator to discuss the reason(s) for the removal. The written notice must be postmarked within 24 hours of the student's removal to the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents. The communication must inform parents that they can request a conference with an administrator and/or teacher to discuss reason(s) for classroom removal. Within 24 hours of the incident (until Monday close of school, if an incident occurred on Friday), the student's parent can request a phone or in-person conference with the Principal and/or teacher to discuss reason(s) for classroom removal and next steps to resolve the problem.

The principal may require the teacher who removed the student from the classroom to attend an informal conference with the student and parent. The goal of the informal conference is to explain why the student was removed, ensure that the teacher and student can present their versions of the incident, respond to parent questions, and agree on next steps that the student and teacher will take to resolve the problem. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and Principal.

If an informal conference with an administrator, student, and parent has not taken place, the teacher must facilitate a one-to-one conference with the student within 48 hours of the student's return to class or arrange for a student support team member to facilitate a conference between the student and teacher to discuss reasons for removal and make a plan to improve the student's behavior and engagement in the classroom. The teacher is expected to complete the conference log documentation and is expected to monitor the student's progress through timely oral and written feedback.

The disciplinary removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or another school administrator that the removal will not violate the student's rights under state or federal law or regulation. Where a student with a disability is subjected to repeated short-term disciplinary removals from class, the Student's IEP or Section 504 Team shall be convened to consider modifications of the student's services, behavior plan (if any), IEP or Section 504.

## **Why would a student be removed from the classroom?**

If a student's inappropriate, unacceptable or unskillful behavior is identified as a Level 2 violation and jeopardizes students' safety in the classroom or seriously interrupts the learning of others after other responses and supports have been attempted, the teacher may remove the student from the classroom. If a

student's inappropriate, unacceptable or unskillful behavior is identified as a Level 3 or 4, the student must be removed from the classroom.

## **Suspension of Students – M.G.L. c. 71, §37H3/4**

Except in the case of an emergency removal or disciplinary offense defined under M.G.L. c. 71, §§ 37H or 37H½ or an in-school suspension as defined by 603 CMR 53.02(6), the school shall provide the student and parent with written and oral notice of the student's potential out-of-school suspension, the opportunity to participate in a hearing prior to the imposition of an out-of-school suspension. Notice shall set forth in plain language:

- a. the disciplinary offense;
- b. the basis for the charge;
- c. the potential consequences, including the potential length of the student's suspension;
- d. the opportunity for the student to have a hearing with the principal or principal's designee, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent/guardian to attend the hearing;
- e. the date, time, and location of the hearing;
- f. the right of the student and student's parent to interpreter services at the hearing if needed to participate;

The dean or assistant principal, as the principal's designee, shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. In order to conduct a hearing without the parent present, the principal or designee must be able to document reasonable efforts to include the parent. Reasonable effort is presumed if the lead administrator sent written notice and documented at least two attempts to contact the parent in the manner specified by the parent for emergency situations.

All written communications regarding notice of potential suspension shall be either by hand delivery or delivered by first-class mail, certified mail, or email to address provided by the parent for school communications (or other method agreed to by the Principal and parent) in English, and in the primary language of the home if other than English, or other means of communication where appropriate.

## **Short-term Suspensions: Hearing and Disciplinary Determination**

A short-term suspension is the removal of the student from the school premises and regular classroom activities for ten (10) consecutive school days or less. Out-of-school short-term suspensions which do not cumulatively over the course of the school year exceed ten (10) school days of suspension shall be conducted in accordance with this section. A suspension which would result in the student's suspension in excess of ten (10) school days cumulatively in the school year shall be considered a long-term suspension and shall be subject to the due process requirements applicable thereto.

Discipline Hearing. The purpose of the hearing with the dean or assistant principal is to hear and consider information regarding the alleged incident for which the student may be suspended, to provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, to

determine if the student has committed the disciplinary offense, and to determine the disciplinary consequence for any violation found to have occurred. The student shall have an opportunity to present information in his or her defense, including mitigating facts. A parent present at the hearing shall have the opportunity to discuss the student's conduct and offer information, including mitigating circumstances.

Based on the evidence presented, and considering any mitigating circumstances, the principal or principal's designee will make a determination whether the student committed the disciplinary offense, and if so, the consequence. The principal or designee will provide notification in writing of their factual findings and determination and provide reasons for the determination. If the student is suspended, the principal or principal's designee shall further provide written notice to the student and parent of the type and duration of the suspension, including the specific start and end date of the suspension, and shall provide notice of the student's opportunity to make up assignments and other school work as needed to make academic progress during the period of removal. Under applicable regulations, there is not right to appeal a short-term suspension for a school rules violation.

All written communications regarding the hearing and administrative determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the address provided by the parent for school communications (or other method agreed to by the principal and parent) in English, and in the primary language in the home if other than English, or other means of communication where appropriate.

### **Long-term Suspensions: Hearing and Principal Determination**

A long-term suspension is the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in the school year. The purpose of the hearing with the principal or principal's designee is to hear and consider information regarding the alleged incident for which the student may be suspended, provide the student an opportunity to dispute the charges and explain the circumstances surrounding the alleged incident, determine if the student has committed the disciplinary offense, the basis for the charge, and any other pertinent information. The student shall have an opportunity to present information, including mitigating facts, that the principal or principal's designee will consider in determining whether alternatives to suspension such as loss of privileges, detention, an apology, a student contract, restitution, and/or probation are appropriate.

Additionally, the student shall have the following additional rights:

- a. In advance of the hearing, the opportunity to review the student's record and the documents upon which the school may rely in making a determination to suspend the student or not;
- ii. the right to be represented by counsel or a lay person of the student's choice, at the student's and or parent's expense;
- iii. the right to produce witnesses on their behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so; and
- iv. the right to cross-examine witnesses presented by the school;
- v. the right to request that the hearing be recorded. All participants shall be informed that the hearing is being recorded by audio. A copy of the audio recording will be provided to the student or parent upon request.

Based on the evidence presented at the hearing, the principal or principal's designee shall make a determination as to whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to long-term suspension (the use of evidence-based strategies and programs, such as mediation, conflict resolution, restorative justice, and positive interventions and supports), the remedy or consequence to be imposed. If the principal or principal's designee decides to impose a long-term suspension, the written determination shall:

- a. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
- b. Set out key facts and conclusions reached by the principal or principal's designee;
- c. Identify the length and effective date of the suspension, as well as a date of return to school;
- d. Include notice of the student's opportunity to receive education services through the school's Education Services Plan to make academic progress during the removal, and the contact information of a school member who can provide more detailed information.
- e. Inform the student of the right to appeal the principal's decision to the Executive Director or their designee (only if a long-term suspension has been imposed) within five (5) calendar days, which may be extended by parent request in writing an additional seven (7) calendar days.

No long-term suspension for a violation of school rules under may result in a student's suspension in excess of ninety school days consecutively or cumulatively in the school year. In addition, no suspension for a school rules violation under M.G.L. c. 71, § 37H3/4 and 603 CMR 53.00 may extend beyond the end of the school year in which the offense occurred.

All written communications regarding the hearing and Principal determination shall be either hand delivery or delivered by first-class mail, certified mail, or email to the provided by the parent for school communications (or other method agreed to by the Principal and parent/guardian) in English, and in the primary language in the home if other than English, or by other means of communication where appropriate.

## **Appeal of Long-term Suspension**

A student who is placed on a long-term suspension shall have the right to appeal to the Executive Director within five (5) calendar days unless the student or parent requests an extension of up to seven (7) additional calendar days, which the Executive Director shall grant. The Executive Director or designee may choose to deny or allow a request for an appeal at his or her discretion if the request for appeal is not timely. The long-term suspension imposed by the principal will remain in effect unless and until the Executive Director decides to reverse the principal's determination on appeal.

The appeal hearing shall be held by the Executive Director or designee within three (3) school days of receipt of the student's written appeal unless the student and parent request, and the Executive Director agrees to, an extension of that time period. The student and parent shall have the same rights afforded to the student at the principal's long-term suspension hearing and a good faith effort shall be made to include the parent at the hearing. The appeal hearing will be audio recorded and a copy of the recording will be provided to the student or parent upon request.

Based upon the evidence and information presented at the appeal hearing, the Executive Director or designee shall determine whether the student committed the disciplinary offense of which the student is accused, and if so, the consequence to be imposed.. If the Executive Director or designee determines that the student committed the disciplinary offense, the Executive Director or designee may impose the same or a lesser

consequence than the principal, but shall not impose a suspension greater than that imposed by the principal's decision. The Executive Director or designee shall issue a written decision within five (5) calendar days of the appeal hearing.

The decision of the Executive Director or designee shall be the final decision of the school with regard to the suspension.

## **Emergency Removal**

A student may be temporarily removed from school prior to a notice and hearing when a student is charged with a school rules violation and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school and, in the principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days, following the day of the emergency removal. The principal or designee shall immediately provide the Executive Director with written notice of a student's emergency removal.

During the emergency removal, the principal or principal's designee shall make immediate and reasonable efforts to orally notify the student and student's parent of the emergency removal and the reason for the emergency removal. The principal or designee shall also provide the due process requirements of written notice for suspensions and provide for a hearing which meets the due process requirements of a long-term suspension or short-term suspension, as applicable, within the two (2) school day time period, unless an extension of time for the hearing is otherwise agreed to by the principal or designee, the student, and the parent. A student may not be removed from the school until adequate provisions have been made for the student's safety and transportation.

A decision shall be rendered orally on the same day as the hearing, and in writing no later than the following school day. The decision shall meet all of the due process requirements of a long-term suspension or short-term suspension, as applicable.

If a student is accused of an offense in violation of M.G.L. c. 71, §§ 37H or 37H1/2, a student may also be removed from school on an emergency basis for up to ten (10) school days where it is determined, following a preliminary hearing with the student, that the student's continued presence would pose an immediate threat to the safety of others or would result in a substantial and material disruption of the school environment.

## **In-school Suspension Under 603 CMR 53:02(6) & 603 CMR 53.10**

In-school suspension is defined as the removal of a student from regular classroom activities, but not the school premises, for not more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions over the course of the school year. In-school suspension may be used as an alternative to short-term suspension at the discretion of the principal or principal's designee. A principal or designee may also, in his/her sole discretion, allow a student to serve a long-term suspension in school.

A principal or the principal's designee ("lead administrator") may impose an in-school suspension according to the following procedures:

The lead administrator shall inform the student of the disciplinary offense charged and the basis for the charge and provide the student an opportunity to dispute the charges and explain the circumstances surrounding the

alleged incident. If the lead administrator determines that the student committed the disciplinary offense, the administrator shall inform the student of the length of the student's in-school suspension, which shall not exceed ten (10) days, cumulatively or consecutively, in a school year.

On the same day as the in-school suspension decision, the lead administrator shall make reasonable efforts to notify the parent orally of the disciplinary offense, the reasons for concluding that the student committed the infraction, and the length of the in-school suspension. The administrator shall also invite the parent to a meeting to discuss the student's academic performance and behavior, strategies for student engagement, and possible responses to the behavior. Such a meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the administrator is unable to reach the parent after making and documenting at least two (2) attempts to do so, such attempts shall constitute reasonable efforts for purposes of orally informing the parent of the in-school suspension.

By no later than the end of the day on which the in-school suspension is to be served, the lead administrator shall deliver written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and inviting the parent to a meeting with the lead administrator for the purpose set forth above, if such a meeting has not already occurred. The lead administrator shall deliver such notice on the day of the suspension by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or by other method of delivery agreed to by the administrator and the parent.

## **Suspension or Expulsion for Disciplinary Offenses Under M.G.L. 71 §§ 37h And 37h<sup>1</sup>/<sub>2</sub>**

The due process notification and hearing requirements in the preceding sections do not apply to the following disciplinary offenses:

### **Possession of a dangerous weapon, possession of a controlled substance, or assault of staff – M.G.L. c. 71, § 37H**

A student may be subject to long-term suspension or expulsion if found in possession of a dangerous weapon, possession of a controlled substance, or the student assaults a member of the educational staff.

The Principal shall notify the student and parents in writing of the opportunity for a hearing at which the student has the right to representation at private expense, the opportunity to examine the evidence and witnesses presented by the school, and the right to present evidence and witnesses in the student's defense. Based upon the evidence presented at the hearing, the Principal shall determine whether the student committed the offense and, if so, the disciplinary consequence to be imposed. The Principal may, in their discretion, decide to levy a suspension or alternate consequence rather than expulsion. The principal shall provide written notice of his/her determination and of the disciplinary consequence to be imposed prior to the suspension going into effect.

A student expelled or suspended in excess of ten (10) consecutive school days for such an infraction shall have the right to appeal the decision to the Executive Director. The expelled student shall have ten (10) calendar days from the date of the long-term suspension or expulsion in which to notify the Executive Director

of their appeal. The student has the right to counsel at private expense at the appeal hearing before the Executive Director. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student was guilty of the alleged offense. The Executive Director's decision on the student's appeal shall be final.

**Felony / Felony Delinquency- M.G.L. c. 71, § 37H1/2(1)**

Upon the issuance of a criminal complaint charging a student with a felony, or the issuance of a felony delinquency complaint against a student, the principal may suspend a student for a period of time determined appropriate by the principal 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.

Prior to the imposition of any such suspension, the principal shall notify the student and parents in writing of the charges and shall conduct a hearing at which the student shall have the right to be represented by an attorney or advocate at private expense, to examine the evidence against him or her, and to present evidence in his or her defense. Following said hearing, the principal shall issue a written determination relative to the student's long-term suspension and, if a long-term suspension is imposed, shall notify the student and parent of the student's right to appeal to the Executive Director.

A student may appeal a long-term suspension imposed in accordance with M.G.L. c. 71, §37H1/2(1) to the Executive Director. The request for appeal must be made in writing within five (5) calendar days of the effective date of the long-term suspension. The appeal hearing shall be held within three (3) calendar days of receipt of the student's timely appeal. Pending the Executive Director's appeal hearing, the long-term suspension imposed by the principal shall remain in effect. an appeal hearing

At the appeal hearing, the student shall have the right to present oral and written testimony, and the right to counsel at private expense. The Executive Director has the authority to overturn or alter the decision of the Principal. The Executive Director shall render a decision on the appeal within five (5) calendar days of the hearing. An audio recording of the appeal hearing will be provided to the student and parent upon request. The Executive Director's decision on the student's appeal shall be final.

**Felony Conviction or Adjudication/Admission in Court M.G.L. c. 71, § 37H1/2(2)**

The principal may expel a student convicted of a felony or has an adjudication or admission of guilt regarding a felony, 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.

Prior to the imposition of any such expulsion, the principal shall notify the student and parents in writing of the charges and shall conduct a hearing at which the student shall have the right to be represented by counsel at private expense, to examine the evidence against him or her, and to present evidence in his or her defense. Following said hearing, the principal shall issue a written determination relative to the student's expulsion and, if an expulsion is imposed, shall notify the student and parent of the student's right to appeal to the Executive Director.

A student may appeal an expulsion imposed in accordance with M.G.L. c. 71, §37H1/2(2) to the Executive Director in writing within five (5) calendar days of the effective date of the expulsion. Within three (3) calendar days of receipt of the student's appeal, the Executive Director shall conduct a hearing on the student's appeal. Pending the appeal hearing, the expulsion imposed by the principal shall remain in effect.

At the appeal hearing, the student shall have the right to present oral and written testimony, and the right to counsel at private expense. The Executive Director has the authority to overturn or alter the decision of the Principal. The Executive Director shall render a written decision on the appeal within five (5) calendar days of the hearing. An audio recording of the appeal hearing will be provided to the student and parent upon request. The Executive Director's decision on the student's appeal shall be final.

## **Suspension from Transportation**

The following acts may result in denial of the privilege to ride the bus:

- Profanity on school buses
- Fighting or other aggressive physical behavior
- Smoking on school buses
- Lewd or lascivious conduct
- Unnecessary distraction of the driver
- Destruction of any bus property [restitution will be the parents' or guardians' financial responsibility]
- Violation of rules for safety on school buses
- Any act which interferes with the safe and orderly transportation of students
- Possession of weapons or drugs

In all cases, the Principal or designee must inform the parent before keeping the student off the bus. The student is expected to come to school on the days when he or she is not allowed on the bus **unless** the student has also been suspended from school.

## **Educational Services Plan for Students on Suspension or Expelled from School – M.G.L. c. 76, § 21**

(1) Any student who is serving an in-school suspension, short-term suspension, long-term suspension, or expulsion 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 his or her removal from the classroom or school. The principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

(2) Any student who is expelled or suspended from school for more than ten (10) consecutive school days, whether in school or out of school, shall have an opportunity to receive education services and to make academic progress toward meeting state and local requirements, through the school's Education Services Plan.

(3) The principal shall develop a school-wide Education Services Plan identifying the education services that the school will make available to students who are expelled or suspended from school for more than ten (10) consecutive school days. The Plan shall include the process for notifying such students and their parents of the services from which the student and parents may choose and for arranging such services. The education services available to students suspended or expelled in excess of ten (10) consecutive school days shall be



based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students under M.G.L. c 69, §§ 1D and 1F.

(4) Students may choose the method of educational service delivery from the options available in the school's Education Services Plan. Options provided are in person tutoring, online learning facilitated by a tutor, or online learning facilitated by a district educator. Upon selection of an alternative educational service by the student and the student's parent, the principal shall facilitate and verify the student's enrollment in the service. The principal will monitor the progress in the educational service the student and parent choose.

(4) Notice of Education Services for Students in Long-Term Suspension and Expulsion; Enrollment Reporting.

(a) The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled or placed on long-term suspension. Notice shall be provided in English and in the primary language spoken in the student's home if other than English, or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a school district staff member who can provide more detailed information.

(b) For each student expelled or suspended from school for more than ten consecutive days, whether in school or out of school, the school district shall document the student's enrollment in education services. For data reporting purposes, the school shall track and report attendance, academic progress, and such other data as directed by the Department.

## **DISCIPLINE AND STUDENTS WITH DISABILITIES**

Students with disabilities are entitled to heightened due process protections when subject to disciplinary removals or exclusions that will result in a disciplinary change in placement. These requirements shall apply to the following groups of students:

1. Students who have been determined to be eligible for special education in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B;
2. Students currently undergoing an evaluation of eligibility for special education in accordance with the Individuals with Disabilities Education Act and/or M.G.L. c. 71B;
3. Students who have been found eligible for the protections set forth in Section 504 of the Rehabilitation Act of 1973
4. Students whom the District has reason to know may be eligible for special education services:
  - The parent of the child expressed concern in writing to supervisory or administrative personnel of the District or to a teacher of the child, that the child is in need of special education and/or related services;
  - The parent of the child requested an evaluation of the child's eligibility for special education services which has not yet been completed; or

- The teacher of the child, or other District personnel, have expressed specific concerns about a pattern of behavior demonstrated by the child directly to the director of special education of the agency or to other supervisory personnel of the agency.

The following procedures apply to the suspension of students with disabilities when suspensions exceed ten (10) consecutive school days or when a student with a disability has been subjected to a pattern of short-term disciplinary removals exceeding ten (10) cumulative days (“disciplinary change in placement”):

- A suspension of longer than ten (10) consecutive school days in a school year or a pattern of short-term suspensions that exceed ten (10) school days in a school year and constitute a pattern of removal and are considered to constitute a disciplinary change in placement. Within ten school days of decision to impose a disciplinary sanction that would result in a disciplinary change in placement of a student with a disability, building administrators, the parents and relevant members of the student’s IEP/504 Team will convene to determine whether the violation for which the student is subject to a disciplinary change in placement was caused by or directly and substantially related to the student’s disability or was the direct result of a failure to implement the student’s IEP or Section 504 Plan.
- If the Team determines that the behavior is NOT a manifestation of the disability, the student may be disciplined in accordance with the policies and procedures applicable to all students except that students eligible for special education services under the Individuals with Disabilities Education Act shall be entitled to a free appropriate public education as of the eleventh (11<sup>th</sup>) day of disciplinary exclusion in the school year. Where appropriate, the Team may recommend a functional behavior assessment of the student.
- If the Team determines that the behavior IS a manifestation of the student’s disability, the student will not be suspended or expelled for the violation. The school will, however, promptly convene the Student’s IEP or Section 504 Team to develop a functional behavior assessment plan or to review any existing behavior intervention plan.

Regardless of the manifestation determination, the school may place the student in an interim alternative setting (as determined by the Team) for up to forty-five (45) school days if the behavior involves weapons or illegal drugs or another controlled substance while at school or at a school function or if the student causes substantial bodily injury to another at school or a school sponsored event. The school may also, with authorization from a Bureau of Special Education Appeals Hearing Officer or a court of competent jurisdiction, remove a student to an interim alternative educational setting for 45 school days upon a showing that the student is substantially likely to injure himself/herself or others if the student remains in the current placement.

The parent and student shall have the right to appeal the Manifestation Team’s determination, the imposition of a disciplinary change in placement, and/or the student’s placement in an interim alternative educational setting. The student will remain in the disciplinary placement determined by school authorities pending a decision on the appeal or until the expiration of the disciplinary sanction, whichever comes first.

Where an eligible student with a disability has been subjected to repeated disciplinary action which does not rise to the level of a disciplinary change in placement, the student’s section 504 Team or IEP

Team will be convened to consider the student's conduct and the need for additional evaluations of, or services to, the student.

If a request is made for an evaluation of a child during the time period in which the child is already subject to disciplinary measures, the evaluation must be conducted in an expedited manner. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

## Restraint Prevention and Behavior Supports

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Under Massachusetts law (M.G.L. c. 71 § 37G; 603 CMR 46.00) and Board of Trustees policy, school personnel may not punish a student by striking, pushing, or any other use of physical force. School staff may use *reasonable* physical force to restrain a student, but *only* if (1) non-physical intervention would be ineffective or has been ineffective and/or (2) they believe the student's actions may result in physical injury to the student or other people. Any school employee who uses unreasonable force may be subject to discipline.

The Academy of the Pacific Rim Charter Public School complies with the state regulations regarding the Prevention of Physical Restraint and Requirements if Used, 603 CMR 46.00 et seq. ("Regulations"), to the extent required by law. According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. A brief overview of the Regulations is provided below.

### **Definitions**

**Physical restraint:** direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

**Physical escort:** 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:** the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related

services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed.

**Chemical/medication restraint:** the administration of medication for the purpose of temporarily controlling behavior. Medication restraint does not include medication prescribed by a licensed physician and authorized by the parent/guardian for administration in the school setting.

**Prone restraint:** a physical 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 face-down position.

**Seclusion:** the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out.

**Time-out:** a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming.

### **Staff Training**

Within the first month of school, or within the first month of employment, all school staff shall receive training with respect to the district's restraint policy, including receiving information about:

- The role of the student, family and staff in preventing restraint;
- The school's restraint prevention and behavior support policy and procedures;
- Interventions that may preclude the need for restraint, including de-escalation and other alternatives to physical restraint in emergency situations;
- The types of permitted physical restraint in an emergency;
- Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans;
- The prohibition on medication, mechanical and prone restraint, and seclusion; and
- Identification of school staff who have received in-depth training in the use of restraint.

In addition, at the beginning of each school year, the school shall identify staff who are authorized to serve as a school-wide resource to assist in proper administration of physical restraint. Such staff shall participate in in-depth training or a refresher course, if appropriate, in the use of physical restraint. In-depth training shall include information on:

- Appropriate procedures for preventing the use of physical restraint, including de-escalation techniques, relationship building, and alternatives to restraint;
- A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint, and methods of evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- The simulated experience of administering and receiving physical restraint, and instruction on the effects on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Documentation and reporting requirements, and investigation of injuries and complaints;
- The impact of physical restraint on the student and family, including psychological, physiological and social-emotional effects.

### **Preventing Student Violence, Self-Injurious Behavior and Suicide:**

APR will provide school wide professional development, led by the school crisis team, focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis team, along with teachers and other school personnel, will identify students who are potentially at risk, and review their social, emotional and behavior progress at the student support team meetings to plan interventions and supports for students.

The crisis team will include the School Psychologist, Social Worker, and MS/HS Deans and Director of Student Support. All members of the crisis team are trained in Safety Care. For any student with a history of significant emotional/ behavior including at risk behavior (harm to self and/or others) and/or a student who required a physical restraint, the crisis team will develop a safety or crisis plan. The plan will include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings for the purpose of assessing progress and making necessary adjustments. The crisis team can also conduct a Functional Behavioral Assessment (FBA) or Safety Assessment, and can refer to outside agencies, including mental health agencies as needed.

### **Strategies to Calm Students and Prevent Restraint:**

Physical restraint is an emergency procedure which should be used only as a last resort. There are a number of other de-escalation techniques school staff should use first, including:

- Active listening;
- Use of a low, non-threatening voice;
- Limiting the number of adults providing direction to the student;
- Not blocking the student's access to an escape route;
- Suggesting possible resolutions to the student, and offering the student a choice;
- Avoiding dramatic gestures (waiving arms, pointing, blocking motions, etc.);
- Communicating what is expected behavior by clearly stating instructions and expectations;
- Brief physical contact to promote student safety;
- Redirecting attention;
- 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 ("physical escort");

Another strategy to calm students is administering a time-out. A time-out that meets the following conditions is permitted and is not included in the definition of a seclusion:

- The time-out is used as a behavioral support strategy, not for disciplinary purposes.
- The student temporarily separates from the learning activity or the classroom either by choice or by direction from staff for the purpose of calming down.
- The student is continuously observed by a staff member who is with the student or immediately available to the student at all times.
- The space used for time-out must be clean, safe, sanitary and appropriate for the use of calming.

- The time-out ceases as soon as the student has calmed.
- Principal approval must be obtained by a staff member when a time-out lasts longer than 30 minutes due to the student's continued agitation.
- If a time-out lasts half of the time that a school day is in session or longer, such lost class time is treated as an in-school suspension for purposes of student discipline laws.

## Schoolwide Policies:

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### Attendance Policy:

#### Attendance Requirements

Attendance is crucial to your student's success at the Academy. He or she cannot master the content and skills of our rigorous academic program without being here every day. To that end, we have very clear attendance requirements. Students **MUST** bring in a note after each day they are absent. The note must include:

1. The date of the absence
2. The reason for the absence
3. A phone number where a parent or guardian can be reached
4. The parent/guardian signature

Parents will be contacted directly If the school has not received notification of the reason for a student's absence from the parent or guardian within 3 days of the absence.

#### Excused and Unexcused Absences

We realize that there are times when it is necessary for students to miss school, but APR strongly believes that your student's education should be his or her first priority. To meet high expectations and long-term goals, being here is essential. APR can only excuse a student's absence for the following reasons:

- A death in the immediate family or other significant family crisis
- Religious Holidays
- Suspension from school
- Medically related absences from school for three or more consecutive days, which require a note from a medical doctor or hospital.
- Required court appearances.

#### **All other absences will be considered unexcused.**

In addition, the following policy will apply to all APR students and their attendance throughout the school year. The policy was created to promote academic excellence, instill the importance of school attendance and ensure the safety of our students and their families.

#### Attendance Interventions

- If a student accumulates five (5) or more unexcused absences in a school year or misses two (2) or more classes over five (5) school days in the school year due to tardiness, the parents will be invited to a meeting to develop a plan to address the student's school attendance. The plan shall be developed jointly and agreed upon by the school principal or a designee, the student and the student's parent or guardian and, where appropriate, with input from other relevant school personnel and officials from relevant public safety, health and human service, housing and nonprofit agencies.
- *Children Requiring Assistance (CRA)* report to the Trial Court and/or a 51A report of Educational Neglect to the Department of Children and Families may be filed for students who are chronically absent and/or tardy and whose parents have failed to fulfill their responsibility to ensure their child's attendance in school.
- Students are absent from school without authorization for ten (10) consecutive school days or more are subject to disenrollment. If a student is absent without excuse for ten (10) consecutive school days, a notice will be sent to the parents and student within five (5) school days of the student's offering at least two (2) dates and times for an exit interview between the principal or a designee, the student and the parent or guardian of the student to occur prior to the student permanently leaving or being administratively disenrolled from the School. The notice shall indicate that the parties shall agree upon a date and time for the exit interview, and that interview shall occur within ten (10) days after the sending of the notice. The time for the exit interview may be extended at the request of the parent or guardian and no extension shall be for longer than fourteen (14) days. The Director, or a designee, may proceed with any such interview without a parent or guardian if the Director/designee makes a good faith effort to include the parent or guardian. During the exit interview, the student and parents will be given information about the detrimental effects of early withdrawal from school, the benefits of earning a high school diploma and the alternative education programs and services available to the student. M.G.L. c. 76, §18.

## School Attire Policy

### Values and Goals

At APR, we believe students and adults work and learn best when provided an environment that is physically, emotionally, and mentally safe and inclusive for all. Therefore, our values on school attire are:

- All APR community members should be able to dress comfortably for school without fear of or actual unnecessary discipline or body shaming.
- All community members should understand that they are responsible for managing their own personal "distractions" without regulating individual members' clothing/self expression.
- Teachers can focus on teaching without the additional and often uncomfortable burden of dress code enforcement.
- Students should not face unnecessary barriers to school attendance.
- Reasons for conflict and inconsistent discipline should be minimized whenever possible.

Our values on school attire should work in tandem with our beliefs about children, learning, and discipline as

outlined above and evidenced by our restorative justice approach to resolving conflict. Furthermore, our commitment to anti-racism compels us to ensure our school attire practices allow all people to be treated in a fair, consistent and nondiscriminatory manner. Therefore, our school attire policy seeks to accomplish the following goals:

- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).
- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing with images or language depicting or advocating violence or the use of alcohol or drugs.
- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.
- Uphold the school's anti-harassment policies and promote positive messages about consent-only sexual activity.

## **Community Rights & Responsibilities**

### **Rights:**

- At APR, all students, parents/guardians/caregivers, and staff have the right to freedom of expression in dress and appearance that is consistent with the individual's gender identity, interests, and/or cultural/religious beliefs and practice. Decisions about the dress and appearance of the student rests with the individual student and parent/guardian/caregiver. The parent/guardian/caregiver should discuss with the student the kind and type of clothing that is considered appropriate to wear in a school setting.

### **Responsibilities:**

- At APR, all students, parents/guardians/caregivers, and staff have the responsibility to dress in accordance with health and safety requirements (such that attire is suitable for learning across content areas) and to wear attire that promotes a safe and inclusive learning environment that is not jeopardized by another member's freedom of expression.
- **Among these responsibilities, is the basic principle that certain body parts MUST be covered for all.** Clothes must be worn in a way that genitals, buttocks, and nipples are covered with opaque material. Cleavage should not have coverage requirements. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.

### **1. Community members MUST wear:**

- Top (i.e., shirt)
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes; activity-specific shoes requirements are permitted (ex: gym, sports)



- *\*Courses that include attire as part of the curriculum (ex: public speaking, job readiness) may include assignment-specific dress, but should not focus on covering girls' bodies or promoting culturally-specific attire.*

## 2. Community members **MAY** wear:

- Headwear: hats, bandanas, and/or religious headwear
- Hoodie sweatshirts (over head is allowed)
- Fitted pants, including leggings, yoga pants, and “skinny jeans”
- Midriff baring shirts
- Pajamas
- Ripped jeans, as long as underwear is not exposed
- Tank tops, including: spaghetti straps, halter tops, and “tube” (strapless tops)
- Athletic attire
- Clothing with commercial or athletic logos, provided they do not interfere with our School Attire Goals

## 3. Community members **CANNOT** wear:

- Violent language or images
- Images of language depicting drugs or alcohol (or any illegal item or activity) or the use of same
- Hate speech, profanity, pornography
- Images or language that creates a hostile or intimidating environment based on any protected class
- Visible underwear. Visible waistbands or straps or undergarments worn under other clothing are not a violation
- Bathing suits
- Helmets, headgear, or headsets that obscures the face or line of sight to another person (except as a religious observance) OR impedes hearing ability (i.e., headphones, ear plugs) unless medically necessary (i.e., hearing device)

## **Response to Breaches of School Attire Policy**

- Historically, school attire policies have been written and enforced in ways that disproportionately impact girls, students of color and gender expansive students. Therefore, school staff shall uphold the rights and responsibilities of the school attire consistently and equitably with all students such that it does not reinforce or increase marginalization of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, body maturity, or body type/size.

Enforcement of the school attire policy should:

- Be treated as a Level 1 within our school Code of Conduct. And should be clearly conveyed to students, not just in the Code of Conduct, but in ways that facilitate understanding for multiple learning modalities such as posters, newsletters, and discussions.
- Be a collaborative discussion with the student that uplifts student voice and builds student agency. The students' parents or guardians may be contacted as part of the problem-solving efforts to achieve an appropriate and satisfactory solution aligned to our anti-racism guiding principle and restorative justice model.
- Prioritize the privacy, comfort, and well-being of the student by not shaming or requiring students to display their bodies in front of others (students, families, or staff) in school. “Shaming” includes but is not limited to kneeling or bending over to check attire fit, measuring straps or skirt length, asking students to account for their attire in the classroom, and directing students to correct their attire violation during instructional time.
- Be limited to safety and non-violence/non-discrimination and should not include messages predicated

on body maturity or “professionalism”. These messages perpetuate marginalization for young girls and students of color as they are rooted in paternalistic and white-centered standards.

- Most of the time, it should not require the removal of a student from a classroom or create loss of class time solely as a result of attire violation.
- Never force a student to wear extra school clothing (that isn’t their own) when they are in violation of the policy. That is akin to a dunce cap or scarlet letter. They can be asked to put on their own on-site clothing, if available, to be dressed more to standards.
- Not require parents/guardians/caregivers being called during the school day to bring alternative clothing for the student to wear for the remainder of the day. If the student requests to reach out to their parent/guardian/caregiver to bring alternative clothing, they may do so. However, Level 1 matters within our Code of Conduct should not require immediate action by a parent/guardian/caregiver that may interfere with their daily routine.

## Technology and Internet Policy

The Academy strives to use technology as an educational tool. Students have access to a computer lab or individual computers with full internet access, as well as educational applications. **Everyone in the Academy community is expected to use technology, and specifically the internet, ONLY for educational purposes.** Student use of computers and the internet will be under the supervision of Academy staff.

Acceptable Use of Technology	Unacceptable Use of Technology
<ul style="list-style-type: none"><li>• Research for school assignment</li><li>• Word processing or database software for a school assignment</li><li>• Educational application</li></ul>	<ul style="list-style-type: none"><li>• Revealing personal information about self or others</li><li>• Accessing material that is defamatory, pornographic, harassing or illegal</li><li>• Violating copyright laws</li><li>• Using the internet for any illegal activities</li><li>• Bullying, cyberbullying and/or harassment</li><li>• Tampering or altering the computer system</li><li>• Accessing social networking sites</li><li>• Using Instant Messaging or Internet Chat</li><li>• Watching videos or listening to music (unrelated to the class) on sites such as YouTube</li></ul>

**Accessing other students’ files, as well as any directory to which you have no rights, and maliciously deleting them or altering them in any way is a violation of this policy.**

Personal email is only permitted for school or college related work. Instant Messaging, or “chatting” of any kind, is not to be conducted at any time.

## **Responses**

If a student is caught viewing any inappropriate sites or violating these rules, their privilege to use school technology will be revoked for a minimum of two weeks and depending on the severity of the offense, further consequences may be administered. Before regaining privileges, the student and family will meet with the Middle or High School Deans. When privileges are lost, all academic requirements must still be completed.

## **Personal Electronics Policy:**

The Academy does not allow the use of personal electronics including headphones and cell phones during the school day. We strongly recommend students leave phones at home. We want to make sure that all students are focused and centered on their learning during the school day. For this reason, cell phones are allowed to be used only with explicit permission from a faculty member. For safety purposes, headphones are prohibited at all times unless permission for use has been granted by a faculty member. Students that use personal electronics during non-designated times are subject to disciplinary action. APR is not responsible or liable for any lost, stolen, or broken personal electronics.

## Glossary of Terms:

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1. **Academic Dishonesty:** Includes plagiarism; copying another's work; altering records and cheating by providing, receiving or viewing answers to quiz or test items or independent assignments, using texts, documents, notes, or notebooks during tests without permission from a staff member.
2. **Agreements:** An explicit set of enforceable expectations or principles that govern or guide conduct. They provide specific instructions about what to do in the APR community and in specific contexts; School agreements were created by members of the APR community and provide mutually agreed upon expectations for exhibiting KG-PRIDE values through actions. Agreements foster a sense of safety, purpose, and respect, prerequisites for establishing a learning-focused culture.
3. **Arson:** Starting a fire or destruction of property as a result of starting a fire.
4. **Attack on Student/Staff:** A student or students set upon another student or staff member in a forceful, hostile or aggressive way with or without provocation.
5. **Assault:** Placing another individual in imminent fear of physical harm and having the apparent capacity to inflict that harm.
6. **Bomb Threat:** The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, including text messaging.
7. **Bullying:** The repeated use by one or more students or a school staff member of a written, verbal or electronic expression or a physical act or gesture of any combination thereof, directed at a target that: (i) causes physical or emotional harm to the target or damage to the target's property; (ii) places the target in reasonable fear of harm to him/herself or of damage to his/her property; (iii) creates a hostile environment at school for the target; (iv) infringes on the rights of the target at school; (v) materially and substantially disrupts the education process of the orderly operation of a school. This includes cyber bullying. (see additional key terms for bullying on page 21)
8. **Child Pornography:** Sexually explicit images of children (younger than 18 years of age).
9. **Color:** The term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of race.
10. **Community Service:** An unpaid service for the benefit of the public that is performed as part (or all) of the intervention associated with a specific behavior violation.
11. **Controlled Substance:** A drug or other substance identified under schedule I, II, III, IV, or V in section 202 (c) of the Controlled 48 Substances Act (21 U.S.C. section 812[c]) and or M.G.L. c. 94C.
12. **Criminal Behavior:** Any behavior that is considered a violation against municipal, state, or federal laws.
13. **Cutting Class:** Unauthorized absence from a mandatory class or school activity or function.
14. **Damage to Property:** Damage, destruction or defacement of property belonging to the school or others.
15. **Dangerous Instrument:** Any instrument used as a weapon to inflict bodily harm, including any objects or instrument capable of causing harm or used in such a way as to cause harm to another; this includes but is not limited to, laser pointers, pencils and scissors.
16. **Denial of Bus Transportation:** The temporary or permanent withholding of bus transportation.
17. **Denial of Driving Privileges:** The removal of permission to drive on school property for a specified period of time.

18. **Discrimination:** Discrimination against any student by a student or students and/or employee or employees on School Property or at a School Function, including, but not limited to, discrimination based on a person's actual or perceived race, color, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and gender expression), sex, or any other protected class.
19. **Distribution:** Transfer possession of alcohol, drugs, inhalants or other prohibited materials to another person with or without an exchange of money.
20. **Electronic Technology:** Devices and equipment such as cell phones, computers and tablets.
21. **Emotional Harm:** In the context of conflict or bullying means harm to a student's emotional well-being through the creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.
22. **Employee:** Any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact (Education Law §11 (4) and §1125(3)).
23. **Excessive Absences, Truancy, Class Cutting, Tardiness:** APR will determine interventions for students who accumulate multiple absences and tardiness during any grading period throughout the year.
24. **Expectations:** An expression of a strong belief of what people are capable of doing and achieving. Expectations are normative and aspirational. They provide enduring guidelines for how we should present and express ourselves, how we should behave, how we learn and what we should achieve. Positive language is always used to craft expectations.
25. **Extortion:** Theft using coercion, which includes obtaining money or property from another student through coercion, intimidation or threat of physical harm.
26. **Fighting:** Mutual participation in an altercation involving physical violence. No victims, only offenders.
27. **Gambling:** Participation in games of chance, including, but not limited to, card playing for money and/or other things of value.
28. **Gender:** The socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women (masculine and feminine denote "gender"); actual or perceived sex; and includes a person's gender identity or expression
29. **Gender Expression:** The way in which we each express gender identity to others through behavior, clothing, haircut, voice and other forms of presentation.
30. **Gender Identity:** The way in which people self-identify and present their masculinity and femininity to the world. Gender identity is an individual's sense of being a man, a woman, a boy, or a girl, or sometimes outside of these binaries. Gender identity is internal and is not necessarily visible to others.
31. **Harassment:** The creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student's educational performance opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. Conduct, verbal and non-verbal threats, intimidation or abuse are considered to be acts of harassment when these actions are based on a person's actual or perceived race, color, class, national origin, ethnic group, religion, religious practice,

disability, sexual orientation, gender (including gender identity and gender expression), or sex (Educational Law §11(7)). The Code applies to acts of harassment:

- (a) On school property;
- (b) At a school function;
- (c) Off school property where such acts result in the creation of a hostile school environment for the victim or that create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

32. **Hazing:** A specific form of harassment among students defined as any humiliating or dangerous activity expected or required of a student in order to join a group or be accepted by a formal or informal group, regardless of the student's willingness to participate. Hazing produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule, or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur. Hazing behaviors include, but are not limited to, the following general categories:
- (a) Humiliation: socially offensive, isolating or uncooperative behaviors;
  - (b) Substance abuse: abuse of tobacco, alcohol or illegal/legal drugs;
  - (c) Dangerous hazing: hurtful, aggressive, destructive and disruptive behaviors.
33. **Illegal Drug:** A controlled substance, but does not include a controlled substance legally possessed in accordance with school policies and or used under the supervision of a licensed health care professional or a substance that is otherwise legally possessed or used under the authority of the Controlled Substances Act or under any other provision of state Federal law.
34. **Inciting or Participating in a Disturbance:** Causing a large disruption to the atmosphere of safety and purpose in the school that is necessary for effective learning, outside of general classroom disruption, such as a riot.
35. **Inhalant:** Medicine or illegal drug that is breathed into the lungs through the mouth or nose.
36. **Instigating:** Behavior which is likely to incite or produce aggressive or physical conflict between two or more individuals.
37. **Intentional Destruction to Personal or School Property or Vandalism:** Damage, destruction or defacement of property belonging to the school or any individual person.
38. **Leveled Responses and Supports:** Specific programs, strategies, restorative conferencing protocols, skill-building sessions, and individual and group counseling activities that enable students to reflect on their behavior, attitudes, needs and feelings; learn replacement behaviors and habits; work through personal obstacles; resolve conflicts; and develop goals and plans to get back on track for school success.

Leveled responses and supports communicate an increasing sense of urgency and seriousness to the student and the family by:

- increasing the degree of involvement and communication for the student and parent as responses and supports intensify.
- involving other teachers, student support team members, and/ or administrators in behavioral conferences and contracts with student and parent.
- increasing the levels of adult supervision and monitoring of the student through daily check-ins, progress reports, and teacher feedback.

Leveled responses and supports move from teacher responses to behavior concerns to more intense and comprehensive responses and supports when

- a) the same behavior becomes chronic; or
  - b) the intensity, frequency, or severity of cumulative behaviors and incidents continues to escalate or
  - c) a single incident warrants Level 2 or Level 3 response.
39. **Makeup Work:** When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets.
40. **Misbehavior:** Student behaviors that are inappropriate (not appropriate in school setting), unacceptable (not acceptable in any setting), or unskillful (behavior not yet learned, or behavior demonstrated unskillfully) that warrant predictable and timely responses and supports.
41. **National Origin:** A person's country of birth or ancestor's country of birth.
42. **Non-Authorized or Inappropriate Use and Misuse of School Equipment, School Materials, and Electronic Devices** including:
- **Misuse of Technology:** Any situations in which a student or students deliberately tamper with, damage, alter, access, crash, or corrupt the computer or communications system for a class or the school resulting in the loss or corruption of information, or the ability of the system to operate, or in any way disrupts or degrades SPR's technology infrastructure.
  - **Computer Misuse:** Any unauthorized or inappropriate use of computers, including the Internet, specific programs or hacking (i.e., sharing of obscene, pornographic- including transmission of child pornography, lewd or illegal images or photographs, unauthorized use of computers, software, or Internet/intranet accounts, accessing inappropriate websites).
  - **Non-Authorized Use and Misuse of Electronic and Other Devices:** This includes the non-authorized use of any of the following on school premises during the school hours of any school day: electronic communication devices, cellular phones, pocket pagers, laser pointers, personal music devices (Walkmans, MP3 players, etc.), electronic games and other materials designated by staff as disruptive or potentially disruptive. Misuse includes, but is not limited to, texting, sexting, blogging, verbal comments, graphic and symbolic communication, written communication via email, instant messaging, blogging, and posting in web sites. Students may not engage in electronic communication which demeans or ridicules on the bases of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or any other legally protected status (electronic bullying).
43. **Non-Sexual Offensive Touching:** An intentional act taken against a person with a part of the body or with an instrument, including, but not limited to, shoving, pushing, and striking, thereby causing offense, alarm, or minor physical harm.
44. **Parent:** the student's parent(s), guardian(s), or legally authorized caregiver (any person(s) in a parental or custodial relationship to the student), or the student if they are an emancipated minor or have reached 18 years of age.
45. **Persistent:** Repeated over a period of days after interventions have been implemented and given ample time to be effective.
46. **Personal Electronics:** Personally owned electronic devices including, but not limited to, headphones, cell phones, personal gaming devices, tablets, and computers.
47. **Physical Aggression:** Behavior causing or threatening physical harm towards others, including but not limited to, hitting, kicking, biting, and shoving.

48. **Physical Restraint:** Direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort. (see additional key terms for physical restraints on page 52)
49. **Poisoning:** Putting any substance in another person's food or drink that poisons or contaminates that food or drink, or on a person's body that causes injury or harm, or would likely cause injury or harm, to the person.
50. **Positive Behavioral Interventions & Supports (PBIS):** Positive Behavioral Interventions & Supports is a schoolwide three-leveled framework of universal expectations, shared language, and common policies and practices that support a purposeful, safe and respectful school climate and positive student behavior through the PROMOTION of social and emotional competence and habits of self-regulation and PREVENTION of inappropriate, unacceptable, and unskillful behaviors (Level 1); targeted SUPPORTS for students who meet specific criteria and conditions associated with specific supports (Level 2); and more intensive and individualized SUPPORTS for students with high needs who are at greatest risk for healthy development and school success (Levels 3 and 4).
51. **PRIDE Plus:** A PBIS reward staff issues to students whose behavior exemplifies KG-PRIDE virtues.
52. **PRIDE Delta:** A PBIS, corrective reminder staff issues to students whose behavior does not align with KG-PRIDE virtues.
53. **Public Space Misconduct:** Willful acts that impede normal operations and navigation on school grounds outside of buildings and in public spaces within any school building including, but not limited to, hallways, stairwells, cafeteria, library, auditorium, all offices, and all spaces not designated as classrooms. Public space misconduct can be classified as serious and includes, but is not limited to:
- Bringing in unauthorized pets or animals
  - Shoving, horseplay, play-fighting
  - Clustering in groups in ways that impede the movement of students from one place to another
  - Making unreasonable and excessive noise
  - Obstructing vehicular traffic or pedestrian movement
  - Unauthorized presence in any prohibited school area.
54. **Race:** A group of persons related by a common descent or heredity; For purposes of enumeration, the U.S. Census Bureau uses terms such as: "White/Caucasian," "Black/African American/African-descent," "Asian," "Bi-racial," "Hispanics/Latinos," etc. to describe and classify the inhabitants of the United States.
55. **Racial Harassment:** A negative opinion or verbal expression toward an individual or group of persons who possess common physical characteristics (i.e., color of skin, eyes, hair and facial features genetically transmitted by descent and heredity) that distinguish them as a distinct division of humankind, based on these physical characteristics.
56. **Religion:** Either religious or spiritual belief or preference, regardless of whether this belief is represented by an organized group or affiliation with an organized group having specific religious or spiritual tenets.
57. **Religious Harassment:** A negative opinion or verbal expression toward an individual or group of persons who possess common religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, based on religious beliefs.



58. **Religious Practice:** Attending worship services, praying, wearing religious garb or symbols, displaying religious objects, adhering to certain dietary rules, proselytizing or other forms of religious expression, or refraining from certain activities.
59. **Reportable to Police:** Certain offenses require police reports while reporting of others depends on whether the activity is considered criminal behavior. Police reports are required when an offense is illegal or causes injury to persons.
60. **Reckless Endangerment:** Conduct that creates a substantial risk of serious physical injury or death to another person.
61. **Reflection (staff assigned):** A behavior response that provides students with additional time to reflect on harm caused by their choices and strategize restorative actions. Reflections can be assigned at the following times:
- During class
  - During lunch
  - After school
  - Saturday mornings
62. **Response:** A school action resulting from unacceptable or unskillful student behaviors.
63. **Restitution:** Replacing item(s) that were stolen or damaged by providing fair market value by way of compensation or service.
64. **Robbery:** Taking money or property from another by force.
65. **Root Cause:** A System Planning Process. Problem-solving approach asks 4 questions: Where are we now? Where are we going? How will we get there? What is holding us back?
66. **School Bus:** Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. Education Law §(1) and Vehicle and Traffic Law §142.
67. **School Function:** Any school-sponsored extracurricular event or activity. This includes any event, occurring on or off school property, sanctioned or approved by APR, including, but not limited to, off-site athletic events, school dances, plays, musical productions, field trips or other APR-sponsored trips. Education Law §11(2).
68. **School Property:** Outside grounds, all structures, and any space within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line.
69. **Schoolwide:** Rules, policies, practices, procedures, and routines that involve every student and every staff member during every period of every day.
70. **Serious Bodily Injury:** A serious physical injury which requires hospitalization or treatment in an emergency room or physician's office and includes, but is not limited to, a serious stab or puncture wound, fractured or broken bones or teeth, concussions, cuts requiring stitches and any other injury involving a risk of death or disfigurement.
71. **Serious Public Space Misconduct:** See Persistent and Public Space Misconduct
72. **Sexual Offenses:**
- **Sexual Assault:** Physical sexual act by force or threat of force against a staff member or another student, including inappropriate touching of a sexual nature.

- **Sexual Harassment:** Under Massachusetts law, Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when (1): submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges, or placement services or as a basis for the evaluation of academic or professional achievement; or (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education or employment by creating an intimidating, hostile, humiliating or sexually offensive educational or work environment.

Under Title IX of the Education Amendments of 1972, the term "sexual harassment" includes three (3) types of misconduct based on sex:

1. any instance of quid pro quo harassment by a school employee;
2. unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
3. any instance of sexual assault as defined in the Cleary Act, dating violence, domestic violence, or stalking as defined in the Violence Against Women Act.

Sexual harassment is not, by definition, limited to prohibited conduct by a male toward a female. A male, as well as a female, may be the victim of sexual harassment, and a female, as well as a male, may be the harasser. Further, the victim does not have to be of the opposite sex from the harasser. Finally, any adult may be the victim of sexual harassment by a student.

- **Sexual Misconduct**, which includes, but is not limited to, consensual physical touching of intimate body parts of another or one's self. Consensual acts of intimacy are not appropriate in an educational setting and are prohibited.

73. **Student Support Coach:** A student support team member (counselor, social worker, psychologist, student behavior specialist, youth advocate, youth development specialist, case manager, or SPED collaborative teacher) or teacher volunteer who provides coaching, skill instruction, and support to specific students who need an ongoing intervention and close progress monitoring.
74. **Student Support Team:** The school team that regularly reviews student cases to ensure that all students have equitable access to services and interventions that they need. The Student Support Team uses student data and "early warning" criteria to identify students at greatest risk in order to implement targeted behavioral and mental health interventions that are timely and predictable.
75. **Tardiness:** Arriving late to school or class.
76. **Theft:** Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use: Robbery, which includes obtaining or attempting to obtain money, goods, services or information from another by physical force or violence, coordinated violence, or intimidation using a dangerous instrument or weapon; Theft/possession/transfer of stolen goods, which includes the act of possessing or transferring the property of another without the consent of the owner.
77. **Tobacco Violations:** Possession, use, sale or distribution of tobacco or tobacco products, including, but not limited to, cigarettes, electronic cigarettes/vaporizers, cigars, pipe tobacco, snuff, chewing tobacco or smokeless tobacco. Possession or use of electronic cigarettes/vaporizers containing controlled substances shall constitute a violation of the controlled substances/illegal drugs policy.
78. **Trespassing:** Being on school property without permission, including while suspended or expelled; includes breaking and entering.
79. **Under the Influence:** Altered physical and/or mental state after consuming alcohol, drugs or inhalants.
80. **Unintentional:** Not intentional or deliberate; accidental.

81. **Using or possessing:** Consuming alcohol, drugs or inhalants or being in possession of these substances on school property or at school functions.
82. **Weapon:** an instrument or device readily capable of causing bodily injury. Examples include, but are not limited to, a gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, slingshot, metal knuckle knife, box cutter, cane sword, electronic dart gun, sandbag or sand club, loaded or blank cartridges, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death. The determination as to whether an item or material constitutes a weapon shall be within the discretion of the principal.

## Notice of Non-Discrimination

APR does not discriminate in admission to, access to, treatment in, or employment in its services, programs and activities, on the basis of race, color or national origin, in accordance with Title VI of the Civil Rights Act of 1964 (Title VI); on the basis of sex, in accordance with Title IX of the Education Amendments of 1972; on the basis of disability, in accordance with Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA); or on the basis of age, in accordance with the Age Discrimination in Employment Act of 1974 (ADEA). In addition, no person shall be discriminated against in admission to APR on the basis of race, sex, color, creed, sex, ethnicity, sexual orientation, gender identity, homelessness, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or prior academic achievement, as required by M.G.L. c. 71, §89(I); 603 CMR 1.06(1). Finally, no person shall be discriminated against in obtaining the advantages, privileges or access to the courses of study offered by APR on the basis of race, sex, color, religion, national origin, sexual orientation, gender identity, or homelessness as required by M.G.L. c. 76, § 5, and 603 CMR 26.00: Access to Equal Educational Opportunity.

## Acknowledgements

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The *APR Code of Conduct, Character and Support Task Force* would like to express gratitude to the members of the APR community (staff, students and families) that provided invaluable input and guidance in the creation of our new Code. Secondly, the task force wishes to acknowledge the Syracuse City School District and Pittsfield Public Schools whose work strongly influenced *APR's Code of Character, Conduct and Supports: Creating an Equitable, Restorative and Accountable Community*. In addition, special thanks to Engaging Schools for their guidance in crafting a process for developing the new Code. Their book, *Shifting Gears: Recalibrating Schoolwide Discipline and Student Support* was an instrumental resource in this process. Finally, thank you to [Oregon NOW Model Student Dress Code](#) for the work previously completed that informed APR's school attire policy, added in SY 2021-2022.

# APR School Attire Policy 2021-2022

## Values and Goals

At APR, we believe students and adults work and learn best when provided an environment that is physically, emotionally, and mentally safe and inclusive for all. Therefore, our values on school attire are:

- All APR community members should be able to dress comfortably for school without fear of or actual unnecessary discipline or body shaming.
- All community members should understand that they are responsible for managing their own personal "distractions" without regulating individual members' clothing/self expression.
- Teachers can focus on teaching without the additional and often uncomfortable burden of dress code enforcement.
- Students should not face unnecessary barriers to school attendance.
- Reasons for conflict and inconsistent discipline should be minimized whenever possible.

Our values on school attire should work in tandem with our beliefs about children, learning, and discipline as outlined in our Code of Conduct and evidenced by our restorative justice approach to resolving conflict. Furthermore, our commitment to anti-racism compels us to ensure our school attire practices allow all people to be treated in a fair, consistent and nondiscriminatory manner. Therefore, our school attire policy seeks to accomplish the following goals:

- Maintain a safe learning environment in classes where protective or supportive clothing is needed, such as chemistry/biology (eye or body), dance (bare feet, tights/leotards), or PE (athletic attire/shoes).
- Allow students to wear clothing of their choice that is comfortable.
- Allow students to wear clothing that expresses their self-identified gender.
- Allow students to wear religious attire without fear of discipline or discrimination.
- Prevent students from wearing clothing with offensive images or language, including profanity, hate speech, and pornography.
- Prevent students from wearing clothing with images or language depicting or advocating violence or the use of alcohol or drugs.
- Ensure that all students are treated equitably regardless of gender/gender identification, sexual orientation, race, ethnicity, body type/size, religion, and personal style.
- Uphold the school's anti-harassment policies and promote positive messages about consent-only sexual activity.

## **Community Rights & Responsibilities**

### **Rights:**

At APR, all students, parents/guardians/caregivers, and staff have the right to freedom of expression in dress and appearance that is consistent with the individual's gender identity, interests, and/or cultural/religious beliefs and practice. Decisions about the dress and appearance of the student rests with the individual student and parent/guardian/caregiver. The parent/guardian/caregiver should discuss with the student the kind and type of clothing that is considered appropriate to wear in a school setting.

### **Responsibilities:**

At APR, all students, parents/guardians/caregivers, and staff have the responsibility to dress in accordance with health and safety requirements (such that attire is suitable for learning across content areas) and to wear attire that promotes a safe and inclusive learning environment that is not jeopardized by another member's freedom of expression.

**Among these responsibilities, is the basic principle that certain body parts MUST be covered for all.** Clothes must be worn in a way that genitals, buttocks, and nipples are covered with opaque material. Cleavage should not have coverage requirements. All items listed in the "must wear" and "may wear" categories below must meet this basic principle.

#### **1. Community members MUST wear:**

- Top (i.e., shirt)
- Bottom: pants/sweatpants/shorts/skirt/dress/leggings
- Shoes; activity-specific shoes requirements are permitted (ex: gym, sports)

*\*Courses that include attire as part of the curriculum (ex: public speaking, job readiness) may include assignment-specific dress, but should not focus on covering girls' bodies or promoting culturally-specific attire.*

#### **2. Community members MAY wear:**

- Headwear: hats, bandanas, and/or religious headwear
- Hoodie sweatshirts (over head is allowed)
- Fitted pants, including leggings, yoga pants, and "skinny jeans"
- Midriff baring shirts
- Pajamas
- Ripped jeans, as long as underwear is not exposed
- Tank tops, including: spaghetti straps, halter tops, and "tube" (strapless tops)
- Athletic attire
- Clothing with commercial or athletic logos, provided they do not interfere with our School Attire Goals

### **3. Community members CANNOT wear:**

- Violent language or images
- Images of language depicting drugs or alcohol (or any illegal item or activity) or the use of same
- Hate speech, profanity, pornography
- Images or language that creates a hostile or intimidating environment based on any protected class
- Visible underwear. Visible waistbands or straps or undergarments worn under other clothing are not a violation
- Bathing suits
- Helmets, headgear, or headsets that obscures the face or line of sight to another person (except as a religious observance) OR impedes hearing ability (i.e., headphones, ear plugs) unless medically necessary (i.e., hearing device)

### **Response to Breaches of School Attire Policy**

Historically, school attire policies have been written and enforced in ways that disproportionately impact girls, students of color and gender expansive students. Therefore, school staff shall uphold the rights and responsibilities of the school attire consistently and equitably with all students such that it does not reinforce or increase marginalization of any group based on race, sex, gender identity, gender expression, sexual orientation, ethnicity, religion, cultural observance, household income, body maturity, or body type/size. Enforcement of the school attire policy should:

- Be treated as a Level 1 within our school Code of Conduct. And should be clearly conveyed to students, not just in the Code of Conduct, but in ways that facilitate understanding for multiple learning modalities such as posters, newsletters, and discussions.
- Be a collaborative discussion with the student that uplifts student voice and builds student agency. The students' parents or guardians may be contacted as part of the problem-solving efforts to achieve an appropriate and satisfactory solution aligned to our anti-racism guiding principle and restorative justice model.
- Prioritize the privacy, comfort, and well-being of the student by not shaming or requiring students to display their bodies in front of others (students, families, or staff) in school. "Shaming" includes but is not limited to kneeling or bending over to check attire fit, measuring straps or skirt length, asking students to account for their attire in the classroom, and directing students to correct their attire violation during instructional time.
- Be limited to safety and non-violence/non-discrimination and should not include messages predicated on body maturity or "professionalism". These messages perpetuate marginalization for young girls and students of color as they are rooted in paternalistic and white-centered standards.
- Most of the time, it should not require the removal of a student from a classroom or create loss of class time solely as a result of attire violation.

- Never force a student to wear extra school clothing (that isn't their own) when they are in violation of the policy. That is akin to a dunce cap or scarlet letter. They can be asked to put on their own on-site clothing, if available, to be dressed more to standards.
- Not require parents/guardians/caregivers being called during the school day to bring alternative clothing for the student to wear for the remainder of the day. If the student requests to reach out to their parent/guardian/caregiver to bring alternative clothing, they may do so. However, Level 1 matters within our Code of Conduct should not require immediate action by a parent/guardian/caregiver that may interfere with their daily routine.

### **Beyond the Policy: Teaching about Consent and Sexual Harassment**

In alignment with our values and goals, we believe schools play a critical role in setting clear anti-harassment policies and in teaching curricula that promote positive messages about consent-only sexual activity. At APR, this means:

- **Consent:** We commit to teaching all students, administrators, and teachers about consent — no means no. There must be a clear message that individuals are responsible for their own actions and that consent is a MUST before any sexual or other physical contact.
  - We encourage families/caregivers to engage in these conversations with their students. This educational video is a great tool to use in teaching about consent to students in middle school and older, as well as other adult members of the community: <https://www.youtube.com/watch?v=pZwvrXVavNQ>.
- **Sexual Harassment:** APR's Code of Conduct has clear and well publicized anti-harassment policies (which includes sexual harassment) for students and staff. We commit to educating students and staff about what constitutes sexual harassment, how not to engage in sexual harassment, and how to address it.

\*Add [Oregon NOW Model Student Dress Code](#) to Acknowledgements section of COC



## **APR Grading for Equity (2020-2021)**

### **Grading and Assessment Philosophy**

**A system for grading and feedback** that is fair numerically and motivates and drives new learning is required for alignment to our mission and instructional vision. As we move from crisis schooling to schooling that includes an even stronger eye on and commitment to anti-racism, deeper learning, flexibility, and the need to motivate and engage students in their learning, many of our current grading practices are required to shift towards those that communicate not subjective numbers, not compliance, not power, but rather learning and continuous feedback on performance towards a goal. To begin this collective work, we are required to anchor our feedback system in grading practices that are accurate, bias-resistant and motivational, focusing on what students know and have learned, and which can serve as a lever for stronger student-teacher relationships and, therefore, student learning.

As you may recall, when we shifted into a remote model in March of 2020 at the end of the 2019-2020 school year, we were focused on the importance of feedback within our Incomplete/Pass/Honors Pass grading system. As we open the 2020-2021 school year, we are excited to be shifting our school-wide grading policy based on principles from [Grading for Equity](#) by Joe Feldman. We are continuing this emphasis on feedback and rooting ourselves in the inherent purpose of grades - to measure what students have *learned*, not their effort or their behavior.

### **Grading Policy**

As has been true at APR in the past, assignments are designated as either “**practice**” or “**mastery**”. Across the whole school, mastery assignments make up the entirety (100%) of a student’s grade and practice assignments do not factor into a student’s grade (0%). *(Note that these weights represent a shift in grades 5-8 but are consistent with past policy in grades 9-12.)*

#### **Practice Assignments:**

Practice assignments are those where students are building and developing mastery. For example, independent work during class or nightly homework related to the new learning can qualify as practice assignments. These assignments are essential for sensemaking and teacher feedback to support the development of mastery, creativity, and 21st century skills.

Practice assignments do not directly factor into a student’s grade, but this does not mean they are optional. Students should receive feedback and these assignments should still be recorded in PowerSchool so that both students and families have feedback on the student’s current performance. There is no floor for practice grades, as the purpose of these grades is rooted in feedback.



### Mastery Assignments and Assessments:

Mastery assignments are those where students are being asked to show mastery that they have developed over time. A learning task that asks students to pull together ideas they have been studying for days, weeks, or months would be a mastery assignment. Mastery assignments can be process and/or on demand tasks. Mastery assignments make up the entirety of a student's grade.

In classes using a traditional grading scale, grades below 50% are often a result of zeros as grades for missing assignments. While we do need students to complete all mastery assignments, we need to also recognize that missing an assignment is not equivalent to completing an assignment but showing no mastery whatsoever. These zeros pull the level of demonstrated mastery down inequitably, and can put students in situations where their pathway to a passing grade is almost impossible.

As you can see in the table below, the minimum grading scale where each grade band is of equal size provides us with a more equitable system overall. Thus, ***all zeros will be replaced by a 50%***; this is still not a passing grade, but provides students an opportunity to recover their grades in a mathematically fair and accurate manner. In addition, ***a 'floor' of 60% for all submitted assignments*** will be established.

Traditional Grading Scale		APR Grading for Equity Scale	
90-100	A	90-100	A
80-89	B	80-89	B
70-79	C	70-79	C
60-69	D*	60-69	D*
50-59	F	50-59	F
40-49	F	<i>*Note that D is not considered a passing grade at APR. Passing starts at 70%.</i>  In the traditional grading scale, the "F" range is 6 times larger than any of the other grade ranges. Establishing a minimum grade of 50% ensures that a student looking to move from failing to passing needs to make the same size jump as a student looking to move from a B to an A.	
30-39	F		
20-29	F		
10-19	F		
0-9	F		

*Credits to Joe Feldman and Grading for Equity*

Being anti-racist requires a commitment to both learning and action. As an institution this means that we commit to anti-racist policies and practices across every aspect of our organization. Our collective focus is feedback on performance and growth in order to accelerate the deeper learning.

## **Revision Policy**

The overall purpose of grades is to provide timely feedback to students and families about a student's current level of mastery of grade level content. Learners gain mastery as they practice, study, and fully engage themselves in the thinking required by the content. The reason we have revisions is to provide students who have not yet mastered content another opportunity to learn the content. Revisions are not about getting a better grade, rather they are focused on ensuring students learn the material well. Learning happens over time and different paces. Therefore, revisions will focus on mastery assignments and will prioritize the pre-requisite skills of practice, reflection, and studying. Given that our focus is on mastery and learning we will only offer revisions and will not offer blanket "extra credit" opportunities to boost students' grades.

Though teachers may offer revisions for smaller assignments as appropriate, all major mastery assignments (40 points or more) are revisable school-wide. Students who earn below 70% will be encouraged to revise (as they are not yet showing mastery), and students who earn below 60% will be *required* to revise.

## **Community Portal**

Students and Families have access to their student grades via the PowerSchool portal. Families can access the portal at [classroom.powerschool.com](https://classroom.powerschool.com) or via the PowerSchool app. Families can expect grades to be updated every other week. We strongly encourage families to use the information found on the portal to reinforce at home what we have identified students need to work on here at the Academy. Families can monitor attendance and behavior data as well as communicate with teachers via the portal.

## High School Program

### Rigorous College-Preparatory Curriculum

The Academy of the Pacific Rim offers an accelerated, college preparatory program rooted in the Massachusetts Curriculum Frameworks with the goal of helping every student develop a focused mind in order to be ready for post-secondary education.

	English	Math	Science	History & Social Science	Foreign Language
<b>9</b>	English 9	Math I	Conceptual Physics	World History II	Mandarin I Mandarin II
<b>10</b>	English 10	Math II	Biology	US History II	Mandarin II Mandarin III
<b>11</b>	English Seminars	Math III Applied Math	Chemistry	History Seminars AP US History	Mandarin III AP Mandarin
<b>12</b>		AP Calculus Statistics	AP Biology AP Physics Computer Science AP Computer Sci	History Seminars (AP Gov)	AP Mandarin

<b>9 – 12</b>	<b>The Arts &amp; Health/Physical Education</b>	Introduction to Visual Arts Advanced Visual Art Introduction to Music Introduction to Drama Health/Physical Education
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### Graduation Requirements

In order to earn an APR diploma, a student must complete the following requirements:

- Earn a minimum of 23 academic course credits, with a passing grade of 70% or higher in each course.
  - English – 4 credits
  - Mathematics – 4 credits
  - Science – 3 credits
  - History – 3 credits
  - Mandarin – 2 credits
  - Arts – 1 credit
  - Health/Physical Education – 1 credit
  - Electives – 5 credits (Additional arts, science, history, Mandarin, college dual enrollment courses)
- Earn 18 Extra-Curricular Credits
- Earn 8 Project Week Credits
- Earn 3 PREP Credits
- Meet the Department of Elementary and Secondary Education Competency Determination Graduation Requirements by passing the English Language Arts, Math and Science MCAS tests.

**Graduation Requirements: Class of 2021**

Students in the Class of 2021 at a minimum need to complete the following credit requirements to graduate on time in June of 2021.

- 2 credits each in English, Math, History and Science
- 4 additional credits, consisting of a combination of the following options:
  - Dual Enrollment (1 credit per semester)
  - Mandarin III or AP Mandarin
  - Other electives (Art, Drama, Music, PE, Computer Science)

**Academic Support**

Students enrolled in an Academic Support class as part of their Individualized Education Program are exempt from the Mandarin credit requirement and have a reduced number of total required credits based on when they enroll in Academic Support. See the table below

Grade Enrolled	Total Required Credits
9	19
10	20
11	21
12	22

**Physical Education Requirement**

Students must fulfill the state mandated physical education requirement each year. All 9<sup>th</sup> and 10<sup>th</sup> grade students are required to take one semester of Health and Physical Education. 11<sup>th</sup> and 12<sup>th</sup> grade students can take the PE course or can obtain a PE requirement waiver by: 1) Playing a full season of APR athletics 2) Participate and pass Fitness Project Week. 3) Participating in an approved outside sports team or athletics activity.

**Course Load**

All students are required to maintain a full course load throughout the year. A full course load is 6 academic courses per semester. 11<sup>th</sup> grade students taking a Dual Enrollment course may take 5 or 6 APR courses. 12<sup>th</sup> grade students taking a Dual Enrollment course may take 4, 5 or 6 APR courses. If a student drops a Dual Enrollment course during the semester, they must enroll in APR courses to meet the full course load requirement of 6.

**Add Drop Period**

We encourage students to take the most rigorous course load that is appropriate. Within the first four weeks of a semester, a student can request to drop a course. The student must secure approval of the teacher, their advisor and the principal. Additionally, the student must be able to enroll in a replacement course.

**Promotion**

A yearly course grade of a 70% is required to pass a course and earn credit. Students earn promotion to the next grade by being on track for graduation. This is determined by both the total number of credits and staying on track in specific subject areas detailed below. A student may recover one credit towards promotion during Summer School.

To be promoted to 10<sup>th</sup> grade a student must:

- Have earned a total of 5 credits, including
  - 1 English credit
  - 1 Math credit

To be promoted to 11<sup>th</sup> grade a student must:

- Have earned a total of 11 credits including
  - 2 English credits
  - 2 Math credits
  - 1 Science credit
  - 1 History credit

To be promoted to 12<sup>th</sup> grade a student must:

- Have earned a total of 16 credits including
  - 3 English credits
  - 3 Math credits
  - 2 Science credits
  - 2 History credit
  - 1 Mandarin credit

### **Summer Graduation**

If a 12<sup>th</sup> grader earns between a 60% - 69% in one or two required courses, then the student can make up the credits during senior summer school and graduate by the end of June. If a student is more than two credits short, the student will need to return for another year to complete their credits or get a dual enrollment credit recovery plan approved by the principal.

### **Graduation Requirement Recovery Options**

#### **Credit Recovery**

If a student fails a course there are three ways to recover credit:

- Repeat the course the following school year
- APR Summer School (one course per summer)
- Approved external credit recovery course

#### **APR Summer School**

Summer school is held at APR in July to give students the opportunity who failed a course to recover the full credit. In order to be eligible for summer school a students must have a final course grade of 60-69%. Summer school is designed for students who were close to mastering the skills and content of a course and need additional time for filling in skill gaps, extra practice and review. Summer school courses conclude with a final assessment, and performance on that assessment determines students' revised grade for the course. If a student does not pass the summer school final assessment, s/he still has the opportunity to repeat the course the following school year.

Summer School Grade	Revised Final APR Course Grade
90% - 100%	74%
80% - 89%	72%
70% - 79%	70%
<60%	No Change/No Credit

#### **Summer Project Week**

Students who need to make up Project Week credits as a result of missing or failing Project Week may make up a credit during Summer Project Week. This is offered every June the week after final exams.

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**Final Exams**

With the goal of long term retention of knowledge and skills as well as preparing students for assessments they will have in college, high school students take a final exam in each of their core academic classes. Final exam week occurs after the end of semester two in June. Students take two exams a day and have the opportunity to receive tutoring and extra help from teachers during study halls and review sessions. For year-long courses, each quarter counts as 19% of their final course grade and the final exam counts as 14% of their final course grade. For semester-long courses (11/12th grade ELA & Social Studies), each quarter counts as 21.5% of their final course grade and the final exam counts as 14% of their final course grade.

## **Confidentiality of Student Records**

### **Confidentiality of Student Records**

Federal and state laws provide parents and eligible students (those who are age 14 or older) with rights of confidentiality, access, and amendment relating to student records. The Massachusetts Student Record statutes (including MGL c. 71 §§ 34A, 34D, 34E, 34H, 37L) and regulations (603 CMR 23.00 et seq.) and the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, apply to educational records maintained by a school on a student in a manner such that he or she may be individually identified.

The temporary record of each student will be destroyed no later than seven (7) years after the student transfers, graduates or withdraws from the School District. Written notice to the eligible student and their parent/guardian of the approximate date of destruction of the temporary record and their right to receive the information in whole or in part, shall be made at the time of such transfer, graduation, or withdrawal. The student's transcript may only be destroyed 60 years following their graduation, transfer, or withdrawal from the school district.

The following is a general overview of the provisions in the student records regulations.

**Access to Student records:** A parent/guardian or eligible student has a right to access student records. An "eligible student" is a student who has entered the ninth (9<sup>th</sup>) grade or who is fourteen (14) years old, whichever comes first. The record must be made available to the parent/guardian or student as soon as is practicable, but no later than ten (10) calendar days from the date of request. The parent/guardian and the student have the right to receive copies of any part of the record, although a reasonable fee may be charged for the cost of duplicating materials. The parent/guardian and the student may request to have the parts of the record interpreted by a qualified professional of the school or may invite anyone else of their choosing to inspect or interpret the record with them. Contact the applicable Principal to obtain access to records.

**Amendment of Student Records:** A parent/guardian or eligible student has the right to add relevant comments, information, or other written materials to the student record. A parent/guardian or eligible student also has the right to seek amendment of a student record, in writing, if the parent or eligible student believes the record(s) to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, with certain limited exceptions under state and federal law. Contact the applicable Principal to seek an amendment to student records.

**Confidentiality:** Except for certain limited situations outlined in the student records regulations, student records may only be accessed by the parent/guardian, eligible student, and authorized school personnel. APR also releases a student's complete student record to authorized school personnel of a school to which a student seeks or intends to transfer without further notice to, or receipt of consent from, the eligible student or parent.

**Student & Family Directory Information:** For the purpose of maintaining efficient contact with families and publicizing student and school accomplishments, APR has a practice of releasing directory information, consisting of any of the following: the student's name, address, telephone listing, date and place of birth, dates of attendance, class, participation in recognized activities and sports, honors and awards, and post-graduation plans. In the event a parent or eligible student objects to the release of any of the above information, the parent/eligible student may state that objection in writing to the Principal. Absent receipt of a written objection, the directory information will be released without further notice or consent.

**Photographs, Video, Audio, Recorded Comments:** For the purpose of publicizing student and school accomplishments, and/or documenting and studying teacher practice, APR has a practice of recording student life through photography, video, audio, or otherwise recorded comments. In the event a parent or eligible student objects to the release or publication of any of the above, the parent/eligible student may state that objection in writing to the Principal. Absent receipt of a written objection, any of the above may be released without further notice or consent.

Please see the Regulations for a description of other circumstances in which student records may be released without the consent of a parent or eligible student.

**Access by Non-Custodial Parents:** Massachusetts General Laws c. 71, §34H ("Section 34H") governs access to student records by a parent who does not have physical custody of a student. Generally, Section 34H requires a non-custodial parent/guardian who does not have physical custody of their child to meet certain criteria before gaining access to their child's student record information. A non-custodial parent seeking access to a student record must submit a written request on an annual basis. Upon receipt of such a request, the principal shall send written notification to the custodial parent by certified and first-class mail that the records and information will be provided to the non-custodial parent in twenty-one (21) calendar days unless the custodial parent provides documentation of the non-custodial parent's ineligibility to access such information. In all cases where school records are provided to a non-custodial parent, the electronic and postal address and other contact information for the custodial parent shall be removed from the records provided. Any such records provided to the non-custodial parent shall be marked to indicate that they may not be used to enroll the student in another school. Upon receipt of a court order that prohibits the distribution of information pursuant to M.G.L. c. 71, §34H, the school will notify the non-custodial parent that it shall cease to provide access to the student record to the non-custodial parent. M.G.L. c.71, §34H, 603 CMR 23.07. Parents who have questions or concerns regarding access to records by non-custodial parents are requested to contact the Principal for detailed information regarding the procedures that must be followed under Section 34H.

**Protection of Pupil Rights Amendment Act:** The Protection of Pupil Rights Amendment Act (PPRA) requires that the school notifies you to obtain consent or allow you to opt out of



the following school activities: a student survey, analysis, or evaluation that concerns one or more of the following eight areas (“protected information surveys”):

1. Political affiliations or beliefs of the student or student’s parent/guardian;
2. Mental or psychological problems of the student or student’s family;
3. Sex behavior or attitudes; illegal, anti-social, self-incriminating, or demeaning behavior;
4. Critical appraisals of others with whom respondents have close family relationships;
5. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
6. Religious practices, affiliations, or beliefs of the student or parents/guardians; or
7. Income, other than as required by law to determine program eligibility.

This requirement also applies to the collection, disclosure or use of student information for marketing purposes (“marketing surveys”), and certain physical exams and screenings. APR will provide parents/guardians, within a reasonable period of time prior to the administration of the surveys and activities, a notification of the surveys and activities and provide an opportunity to opt their child out, as well as an opportunity to review the surveys. (Please note that this notice and consent/opt-out transfers from parents/guardians to any student who is 18 years old or an emancipated minor under State law.)

Parents and eligible students have a right to file a complaint concerning alleged failures by a school district to comply with the requirements of the student records laws and regulations with the Massachusetts Department of Elementary and Secondary Education, 75 Pleasant Street, Malden, MA 02148. Complaints relative to federal statutes and regulations governing student records may be filed with the Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington DC.

### **Health Records**

Students must have up to date immunization records and annual physical examinations in order to attend Massachusetts public schools. The Academy must have accurate documentation of this information from a physician. In addition, information about allergies or other medical conditions are important for us to have on file. Ill students must be picked up by a designated adult. If they are ill, students cannot go home by themselves. Please contact our nurses (x137), if you have questions.

### **Health and Sexuality Curriculum**

The Academy provides a series of health and wellness classes for our students. The purpose of these workshops is to aid in creating an environment in which every student, faculty member and family is and feels safe and makes healthy decisions, thereby giving everyone the opportunity to attain the best possible education. The classes are part of the health and physical education curriculum, and will be taught by either by our physical education teacher or members of the Peer Health Exchange. These classes discuss abstinence, healthy decision-making, domestic violence, self-esteem, HIV/AIDS and sexuality, as well as nutrition, exercise, drug and alcohol use, and overall health and fitness.

The Academy will send a letter home with students to explain the specific curriculum offered. Families will also have an opportunity to meet with Academy administrators and the teacher of the course. While families do not have to give permission for their student to participate in the workshops, they do have the right to exempt their children from such class periods. To do this, simply write a letter to your student's principal.

## **Inspections**

The Academy of the Pacific Rim was inspected for friable and non-friable asbestos containing materials in January, 2008 in response to the EPA Asbestos Hazard Emergency Response Act (40CFR 763, AHERA, 1987). With the information obtained in the inspection of the school, the management plan was developed to manage the asbestos in the schools in a manner which protects human health and the environment. The inspection was performed and the Management Plan was developed by AHERA accredited and Massachusetts licensed personnel. The Management Plan is available for public inspection in the Business Office of the Academy. Copies of the Management Plan will be made available upon request for fees associated with reproduction. The Designated Person for Academy of the Pacific Rim is our Chief Operating Officer, who can be reached at 617-361-0050 if you require further information.

This annual notification to the community is required of all schools and is to be posted annually in our student handbook each year.

### **ANNUAL ASBESTOS NOTIFICATION LETTER**

School Year 2020-2021

Dear Staff, Guardians and Students:

A copy of the Academy's Asbestos Management Plan is available during regular school hours.

The Academy continues to update and improve our AHERA Asbestos Management Plan. Any inquiries regarding the management of asbestos containing materials in our schools should be directed to our district's AHERA designated person, Oliver Truog. My contact information is tel. 617-361-0050, ext. 112 and email [otruog@pacrim.org](mailto:otruog@pacrim.org).

Sincerely,

Oliver Truog  
Chief Operating Officer

## **Anti-Hazing**

The Academy of the Pacific Rim prohibits any form of hazing, as defined below in Chapter 269, section 17. The Academy also requires that those who witness hazing must report such to a school administrator, per Chapter 269, section 18 below.

Any individual in our community who does not follow this policy will be subject to consequences in accordance with the Academy's Code of Conduct.

### **Chapter 269, Section 17- Crime of Hazing**

Whoever is a principal organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than three thousand dollars or be imprisoned in a house of corrections for not more than one year or by both such fin and imprisonment. Disciplinary action for school related hazing is at the discretion of the school administration relative to the severity of the action.

The term "hazing" as used in this section and in Section 18 and 19 shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced physical activity which is likely to adversely affect the physical health or safety of any other such student or other person, or which subjects the students or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

### **Chapter 269 Section 18 – Duty to Report Hazing**

Whoever knows that another person is the victim of hazing as defined in section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such a crime shall be punished by a fine of not more than one thousand dollars.

### **Chapter 269 Section 19 – Issuance to students, groups, organizations, teams**

Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges or applicants for

membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the board of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of higher education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

I have read and understand the above hazing law and my duty to report any incident of Hazing.

Name:

Date:

## **Complaint Procedures**

### **Complaints and Concerns**

If you have a complaint or concern about an issue at the School, we ask that you address it with a staff member as soon as you become aware of it. If a resolution is not reached, parents/guardians may contact the Middle School or High School Principal. If the concern is still not resolved, parents/guardians are urged to contact the Executive Director. Except as otherwise provided by policy or regulation, the decisions of the Executive Director with regard to individual student matters are final.

### **Complaints of Discrimination and Harassment**

An individual who believes that he/she is the target of harassment or other discrimination based upon a protected classification may file a grievance under the appropriate Civil Rights or Title IX procedures identified in the Code of Conduct, Character, and Support.

### **Complaints Regarding Compliance with the Charter School Statute/Regulations**

The Board of Trustees is responsible for ensuring the School's compliance with the provisions of the Charter School Statute/Regulations (M.G.L. c. 71 §89 or 603 CMR 1.00 et.seq.). If a parent/guardian has brought a concern to the Executive Director, is not satisfied with the response, and believes that the concern involves a violation of the Charter School Statute or Regulations, he/she may submit a written complaint to the Chairperson of the Board of Trustees. The Chairperson will take the steps necessary to provide an appropriate response in writing no later than 30 calendar days following receipt of the complaint. An individual who believes his/her complaint has not been adequately addressed by the Board of Trustees may submit the complaint in writing to the Commissioner of the Massachusetts Department of Elementary and Secondary Education, at 75 Pleasant Street, Malden, MA 02148-5023.

### **Complaints Regarding Compliance with State or Federal Education Laws**

Any individual who believes that the School has violated applicable federal or state laws (other than those specified in the Charter School Statutes/Regulations as noted above) may file a complaint with the Massachusetts Department of Elementary and Secondary Education, Office of Program Quality Assurance Problem Resolution System at 75 Pleasant Street Malden, MA 02148-5023. In addition, complaints involving the provision of programming for students with disabilities under federal/state laws may be filed with the Massachusetts Bureau of Special Education Appeals, at 14 Summer Street, 4<sup>th</sup> floor, Malden, MA, 02148.

## Civil Rights Grievance Procedure

The Academy of the Pacific Rim Charter Public School (“APR” or “School”) is committed to maintaining school environments free of discrimination, harassment or retaliation based on race, color, religion, national origin, gender, sexual orientation, gender identity, age or disability.

Harassment, discrimination, and retaliation in any form or for any reason is prohibited. This includes harassment or discrimination by administrators, personnel, students, vendors and other individuals in school or at school related events. Retaliation against any individual who has brought harassment or discrimination to the attention of school officials or who has cooperated in an investigation of a complaint under this procedure is unlawful and will not be tolerated by the Academy of the Pacific Rim.

Persons who engage in harassment, discrimination or retaliation may be subject to disciplinary action, including, but not limited to reprimand, suspension, termination/expulsion or other sanctions as determined by the school administration, subject to applicable procedural requirements.

### Non-Applicability of This Procedure to Title IX Sexual Harassment Allegations

The *Civil Rights Grievance Procedure* shall not apply to reports of sexual harassment as defined under Title IX of the Education Amendment of 1972 and its implementing regulations (“Title IX”) effective August of 2020.

Allegations of conduct that could, if proven, meet the definition of sexual harassment under Title IX shall be addressed through the School’s *Title IX Sexual Harassment Grievance Procedures*. Similarly, allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the *Title IX Sexual Harassment Grievance Procedures*. [see 7. Sexual Harassment Grievance Procedures].

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the *Civil Rights Grievance Procedure*.

### Definitions

For the purposes of this procedure:

- A. “Discrimination” means discrimination or harassment on the basis of race, age, color, national origin, sex, sexual orientation, gender identity, disability or religion by which an individual is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity of the school.

B. "Harassment" means unwelcome conduct on the basis of race, age, color, national origin, disability, or religion that is sufficiently severe, persistent or pervasive to create or contribute to a hostile environment for the individual at school. Harassment may include insults, name-calling, off color jokes, threats, comments, innuendoes, notes, display of pictures or symbols, gestures or other conduct which rises to the level of a hostile environment. A hostile environment is one which unreasonably interfered with an individual's participation in, denied the individual the benefits of, or otherwise subjected the individual to discrimination under any program or activity of the School.

a. Non-Title IX Sexual Harassment

M.G.L. c. 151B, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. Discrimination on the basis of sex shall include, but not be limited to, sexual harassment.

M.G.L. c. 151C, § 1 - the term "sexual harassment" is defined as sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of the provision of the benefits, privileges or placement services or as a basis for the evaluation of academic achievement; or (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's education by creating an intimidating, hostile, humiliating or sexually offensive educational environment.

Title VII of the Civil Rights Act of 1964 - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working



environment. A hostile environment on the basis of sex is created when the conduct is sufficiently severe or pervasive to alter the conditions of employment.

When determining whether an environment is hostile, the School shall consider the context, nature, frequency, and location of the incidents as well as the credibility of witnesses and the identity, number and relationships of the persons involved. The School must consider whether the alleged harassment was sufficient to have created such an environment for a reasonable person of the same age, gender, and experience as the Complainant, and under similar circumstances. Conduct does not constitute harassment where the incident occurs off-campus at a non-school sponsored activity and does not create a hostile environment at school for the victim.

- C. Retaliation: retaliatory acts against any individual who exercises his or her rights under the civil rights statutes covered by this procedure or the sexual harassment procedure are considered to be discrimination and are unlawful. Individuals are prohibited from coercing, intimidating, threatening, or interfering with an individual because the individual exercised any right granted or protected under this procedure and/or the Title IX Sexual Harassment Procedures.
- D. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination, harassment, or retaliation under this procedure. Parents and/or legal guardians of a complainant are not considered a complainant but may file formal complaints on behalf of a minor child and act on behalf of the minor child in any civil rights matter.
- E. Party or Parties: The complainant and/or respondent.
- F. Principal: The Principal or Principal's designee.
- G. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination, harassment, or retaliation under this procedure.

### How to make a complaint

Any student or employee who believes that he/she has been discriminated against or harassed should report their concern promptly to the Principal. Students may also report incidents of harassing conduct to a teacher, administrator, or guidance counselor. Any complaint received by school personnel shall be promptly reported to the Principal or Civil Rights Coordinator. Students or employees who are unsure whether discrimination, harassment, or retaliation has occurred are encouraged to discuss the situation with the Principal. There may be instances where another third-party, who has not experienced but is aware of the occurrence of prohibited

conduct, may bring a complaint under this procedure. In such circumstances, that person is referred to as the “reporter.”

- A. Any School employee who observes or receives a report of discrimination, harassment or retaliation shall promptly notify the Principal or Civil Rights Coordinator, identified below. Any School employee who observes discrimination, harassment or retaliation against a student should intervene to stop the conduct and report it to Principal. Upon receipt of a report of discrimination, harassment or retaliation, the Principal shall promptly inform the relevant Civil Rights Coordinator of the report, and the School will respond in a manner consistent with this Procedure. If the report involves an accusation against the Principal or Civil Rights Coordinator, the employee shall report the incident to the Superintendent or designee.
- B. Informal Reports: Individuals may wish to file a formal complaint of discrimination, harassment or retaliation, or to report informally (i.e., without initiating a formal complaint). Such informal reports may be made to the Principal or Civil Rights Coordinator. The School shall inform anyone making an informal report that he or she may initiate a formal complaint at any time, regardless of what steps are being or have been taken in response to an informal report.
- C. Anonymous Reports: Complainants and reporters should be aware that although the School will often be able to maintain confidentiality of reporting persons, the School may sometimes be required to take actions to protect the safety of the school community that may result in the identity of the reporting person being disclosed (to the police, for example). When reporters or Complainants seek to remain anonymous or have their identities kept confidential, they will be informed that honoring such a request may limit the ability of the School to respond fully to any reported event, including limitations on the ability to take disciplinary action against a Respondent.
- D. Informal Process: If the School concludes that it is possible to resolve a matter, whether after formal complaint or an informal report, in a prompt, fair and adequate manner through an informal process involving, and with the consent of, the Complainant and Respondent, the School may seek to do so. The informal process is voluntary, and the Complainant and/or Respondent may terminate or decline any informal process at any time, without penalty.

- E. Formal Process: A formal complaint shall state (if known to the reporter or Complainant) the name(s) of the persons involved and witnesses to the conduct, describe the conduct, and identify, to the extent possible, the dates and locations of the conduct. The complaint shall be signed and dated by the reporter and/or Complainant. Complaints will be investigated promptly and equitably by the Civil Rights Coordinator or Principal. Investigations may be initiated whenever warranted, in the absence of a formal complaint, or after a formal complaint has been withdrawn.
- F. Initial Assessments: The Civil Rights Coordinator or Principal will make an initial assessment following a complaint. Based on that assessment, the Civil Rights Coordinator or Principal may: (a) if the conduct, even if substantiated, would not constitute harassment, discrimination or retaliation, dismiss the complaint; (b) if the alleged conduct (or complaint) could not, even if true, constitute discrimination, harassment or retaliation, but is within the scope of another procedure, the Civil Rights Coordinator shall refer the matter to the appropriate personnel; (c) if the Civil Rights Coordinator or Principal concludes that it is possible to resolve the complaint in a prompt, fair and adequate manner through an informal process involving and with the consent of both parties, the Civil Rights Coordinator or Principal may seek to do so in accordance with Section D, above; or (d) if the alleged conduct, if substantiated, would constitute discrimination, harassment or retaliation, the Civil Rights Coordinator or Principal will initiate an investigation. The Civil Rights Coordinator or Principal may also identify and initiate any interim measures. See Section G.
- G. Interim Measures: The School will provide prompt and reasonable interim measures during the pendency of the investigation, if appropriate, to support and protect the safety of the parties, the educational environment, and the School and/or school community; to deter retaliation; and to preserve the integrity of the investigation and resolution process. Any interim measures will be monitored to ensure they are effective based on the evolving needs of the parties. Violations of the restrictions imposed by interim measures could be considered a violation of school rules and may be considered in determining whether discrimination, harassment or retaliation has occurred.
- H. Timeframes: The School will seek to complete any investigation within twenty (20) school days after receipt of a complaint and provide the written notice of the outcome of the investigation within twenty-five (25) school days. The investigator may impose reasonable timeframes on all parties to facilitate the timely completion of the investigation. The investigator may extend the investigation period beyond the time period identified due to extenuating circumstances, including but not limited to availability and cooperation of witnesses, complexity of the investigation, school

vacation periods, and the involvement of law enforcement and other outside agency investigations. If a complaint or report of discrimination, harassment or retaliation is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the School will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the availability of witnesses during the summer vacation period. If the investigator extends the investigation, he or she will notify the Complainant and Respondent of the extension. A report to the law enforcement will not automatically delay an investigation; however, a request from law enforcement to delay the investigation may require a temporary suspension of an investigation, and the School will promptly resume its investigation upon being advised that law enforcement's evidence gathering is completed.

- I. Under the formal resolution procedure, the complaint will be investigated by the Principal, Civil Rights Coordinator or other individual designated by the Principal or Civil Rights Coordinator who has responsibility for seeking and gathering evidence relative to the investigation. A formal complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the formal resolution procedure:
  1. The Complainant shall be provided with an opportunity to be heard and have the opportunity to identify witnesses and other relevant evidence to the investigator.
  2. The Respondent will be provided with an opportunity to be heard as part of the investigation including the opportunity to provide relevant information and identify witnesses for the investigator's consideration.
  3. The privacy rights of the parties shall be maintained in accordance with applicable state and federal laws.
  4. The investigator will keep a written record of the investigation process.
  5. The investigation will be completed within twenty (20) school days of the date of receipt of the complaint.
  6. The notification of the outcome of the investigation, including, if appropriate, a description of the remedies taken, will be provided to the parties within twenty-five (25) school days of the receipt of the complaint, unless extended for good cause.
  7. Nothing in this Procedure will preclude the investigator, in his or her discretion, from completing the investigation sooner than the time period described above.
- J. Standard of Proof: The investigation shall made factual findings based on a preponderance of the evidence standard.

K. If the investigator determines that discrimination, harassment or retaliation has occurred, the School shall take steps to eliminate the discriminatory or harassing environment, which shall include but not be limited to:

1. Identifying what steps are necessary to prevent recurrence of any discriminatory behavior, including but not limited to harassment or retaliation, and to correct its discriminatory effects if appropriate; and
2. Informing the Complainant and Respondent of the results of the investigation (in accordance with applicable state and federal privacy laws) in accordance with the above timelines.

The school administration may also refer the offender for disciplinary procedures to be conducted in accordance with federal and state law. Nothing in the Procedure shall be interpreted as limiting or prohibiting the School's ability to take appropriate disciplinary action against the offender in accordance with the applicable code(s) of conduct or employment contracts or policies, where appropriate, prior to completion of the investigation, in accordance with the due process rights of employees and students, as applicable.

L. Appeal: If the Complainant or the Respondent is dissatisfied with the results of the investigation, an appeal may be made to the Executive Director or designee within seven (7) calendar days after receiving notice of the outcome of the investigation, except for circumstances in which the Respondent is subject to long-term suspension as a result of a finding of discrimination, harassment or retaliation. In such an instance, the appeal rights of the Respondent will be provided in a manner consistent with the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, 37H, 37H ½ or 37H ¾). Appeals must be made in writing (email is sufficient) to the Executive Director, Academy of the Pacific Rim, 1 Westinghouse Plaza Building B, Hyde Park, MA 02136. The Executive Director will decide the appeal within thirty (30) calendar days of the date of receipt of the written appeal.

M. Identification of Civil Rights Coordinator for complaints of discrimination, harassment, and retaliation under this procedure is: Ms. Alex Prella, Director of Student Support, [aprella@pacrim.org](mailto:aprella@pacrim.org)

N. Employment Agency Information: federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website;

<https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website  
<https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.

Legal Ref: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; M.G.L. c. 76, § 5; Policy, Bullying Prevention; Policy, Nondiscrimination.

# **Title IX Sexual Harassment Grievance Procedures**

## **OVERVIEW**

The Academy of the Pacific Rim Charter Public School (“APR” or “School”) is committed to maintaining school environments free of sexual harassment.

Sexual harassment in any form or for any reason is prohibited. This includes sexual harassment by administrators, personnel, students, vendors, and other individuals in school or at school related events.

The Academy of the Pacific Rim does not discriminate on the basis of sex in its educational programs or activities and is required by Title IX not to discriminate on the basis of sex. Such non-discrimination also extends to admissions and the employment application process. Retaliation against any individual who has brought sexual harassment to the attention of school officials, or against an individual who has participated, or refused to participate, in the investigation thereof is unlawful and will not be tolerated by the Academy of the Pacific Rim.

## **SCOPE**

The Title IX Sexual Harassment Grievance Procedures have been developed in accordance with the revised Title IX regulations, 34 CFR Part 106, effective August 14, 2020, which established a new definition of sexual harassment under Title IX and which mandate specific procedures for responding to and investigating allegations of sexual harassment under Title IX.

The Title IX Sexual Harassment Grievance Procedures apply only to allegations of sexual harassment under Title IX, which includes harassment based on sex, sexual orientation, and/or gender identity, and is defined in the Definitions section below.

The Title IX Sexual Harassment Grievance Procedures apply to conduct that occurs within the United States in an education program or activity of APR, regardless of whether such school program or activity is conducted on or off school grounds. A school education program or activity includes locations, events, or circumstances over which APR exercised substantial control over both the respondent and the context in which the sexual harassment occurred.

Allegations of conduct that meet the definition of sexual harassment under Title IX will be addressed through the Title IX Sexual Harassment Grievance Procedures. Allegations of conduct that meet the definition of sexual harassment under Title IX, and simultaneously meet the definitions of sexual harassment under Title VII of the Civil Rights Act of 1964 (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will also be addressed through the Title IX Sexual Harassment Grievance Procedures.

Allegations of conduct that do not meet the definition of sexual harassment under Title IX, but could, if proven, meet the definition(s) of sexual harassment under Title VII (employees), M.G.L. c. 151B (employees), and/or M.G.L. c. 151C (students), will be addressed through the School’s Civil Rights Grievance Procedures. (See exception under Section II, Part 4, Step 4

below). The definitions of sexual harassment under Title VII, M.G.L. c. 151B, and M.G.L. c. 151C are set out in the Civil Rights Grievance Procedures.

APR's Civil Rights Grievance Procedures is available at: 6. Civil Rights Grievance Procedures.

### CONFIDENTIALITY

The Academy of the Pacific Rim will keep the identity of complainants, respondents, and witnesses confidential, except as permitted by the Family Educational Rights and Privacy Act (FERPA), as otherwise required by law, and/or as necessary to carry out this Procedure.

### DEFINITIONS

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. Parents and/or legal guardians of a complainant are not considered a complainant but may file a Formal Complaint on behalf of a minor child and act on behalf of the minor child in any Title IX matter. For the purpose of this procedure the terms "complainant" and "alleged victim" shall have the same meaning.

**Formal Complaint:** A document or electronic submission filed by a complainant, that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the Formal Complaint, or a document signed by the Title IX coordinator, that:

- (1) alleges sexual harassment against a respondent; and
- (2) requests that the School investigate the allegation of sexual harassment.

At the time of filing a Formal Complaint, the complainant must be participating in or attempting to participate in the School's education program or activity with which the Formal Complaint is being filed.

**Sexual Harassment:** Under Title IX, the term "sexual harassment" includes three (3) types of misconduct based on sex:

- (1) any instance of quid pro quo harassment by a school employee;
- (2) unwelcome conduct on the basis of sex, including unwelcome conduct based on sex stereotyping or on the basis of traditional notions of masculinity and femininity, that is sufficiently severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access; or
- (3) any instance of sexual assault, dating violence, domestic violence, or stalking as defined below.

**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 and set out below:

- **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.
- **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 his/her age or because of his/her temporary or permanent



mental incapacity. In Massachusetts, pursuant to M.G.L. c. 265, § 13B, a child under the age of 14 is incapable of giving consent to indecent touching.

- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent. In Massachusetts, pursuant to M.G.L. c. 265, § 23, the statutory age of consent is 16 years of age.

For the purposes of the definition of sexual assault, the term “consent” shall be defined in a manner consistent with Massachusetts laws.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a “course of conduct” directed at a specific person that would cause a “reasonable person” to fear for the person’s safety or the safety of others or suffer “substantial emotional distress.”

For the purposes of this definition:

“Course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.

“Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Party or Parties:** The complainant and/or respondent.

**Principal:** The Principal or Principal’s designee.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Executive Director: The Executive Director or Executive Director's designee.

Supportive Measures: Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the Complainant or Respondent, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment.

Supportive Measures may be offered before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party, while designed to ensure equal educational access, protect safety, and/or deter sexual harassment. Supportive measures available to complainants and respondents include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the building and/or campus; and other similar measures.

Violations of the restrictions imposed by supportive measures may be considered a violation of school rules and may also be considered in determining whether sexual harassment has occurred.

Title IX Coordinator: Employee(s) designated by the School to coordinate its efforts to comply with Title IX.

## I. REPORTING SEXUAL HARASSMENT

- A. Who May Report Sexual Harassment: Anyone may report an allegation of sexual harassment.
- B. How to Report Sexual Harassment: Individuals are encouraged to report allegations of sexual harassment to the Title IX Coordinator or the Principal, but any School employee who receives a report of sexual harassment will respond to the report as outlined below.
- C. Internal Reporting: Any School employee who receives a report of sexual harassment shall respond by promptly informing the Principal or Title IX Coordinator of the report. Any School employee who observes sexual harassment of a student should intervene to stop the conduct and shall promptly inform the Principal or Title IX Coordinator of the incident. If a report involves an allegation against the Principal or Title IX Coordinator, the School employee shall instead report the allegation to the Superintendent.

Any Principal who receives a report of sexual harassment shall promptly inform the relevant Title IX Coordinator of the report.

- D. School's Response to Report: The School will respond to all reports of sexual harassment promptly and equitably, and in a manner consistent with this Procedure

and any other relevant School procedures and policies. Upon receipt of a report, the Title IX Coordinator shall:

- (1) Promptly and confidentially contact the complainant to discuss the availability of supportive measures;
- (2) Inform the complainant of the availability of supportive measures with or without the filing of a Title IX Formal Complaint;
- (3) Consider the complainant's wishes with respect to supportive measures;
- (4) If the School does not provide the complainant with supportive measures, document the reasons why such response was reasonable; and
- (5) Explain to the complainant the process for filing a Title IX Formal Complaint. Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined in Section II.

## II. FILING A TITLE IX FORMAL COMPLAINT

Only the filing of a Title IX Formal Complaint will trigger the Title IX Formal Complaint grievance process, outlined below.

- A. Who may file a Title IX Formal Complaint: Although anyone may report sexual harassment, only a complainant or a Title IX Coordinator may file a Title IX Formal Complaint. If a complainant chooses not to file a Formal Complaint, the complainant's choice to not initiate an investigation will generally be respected, unless the Title IX Coordinator determines that signing a Formal Complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. The Title IX Coordinator will take into account concerns articulated by the parties, the best interests of the community, fairness to all concerned, and the School's legal obligations under applicable state and federal laws. Where the Title IX Coordinator signs the Formal Complaint, the Title IX Coordinator is not a complainant or a party during the grievance process and must comply with the requirement to be free from conflicts or bias.
- B. Processing of a Title IX Formal Complaint: Title IX Formal Complaints will be investigated promptly and equitably by the Title IX Coordinator or designee, as follows:

### **Step 1:** Title IX Formal Complaint is filed:

- (1) A Formal Complaint shall state (if known to the reporter or alleged victim) the name(s) of the persons involved, witnesses to the conduct, if any, a description of the conduct, and to the extent possible, the dates and locations of the conduct. A Formal Complaint will not be dismissed solely because it was not completely filled out or it was filled out incorrectly.

- (2) A Formal Complaint may be filed at any time, including during non-business hours. Formal Complaints submitted outside of normal business hours will be deemed received on the following school working day.
- (3) At the time of the filing of the Formal Complaint, the alleged victim must be participating in or attempting to participate in the education program or activity of the school with which the Formal Complaint is filed.
- (4) A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator listed in this procedure, and by any additional method designated by the school.
- (5) Consolidation of Formal Complaints: Schools may consolidate Formal Complaints where the allegations arise out of the same facts.
- (6) Consideration of the use of the Informal Resolution Process with the consent of the parties. See Section II(D).
- (7) Throughout this process, there shall be a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Step 2:** Consider Supportive Measures for both the complainant and the respondent: Once a Formal Complaint is filed, the Title IX Coordinator will ensure that supportive measures are considered for both parties. See Section I(D).

**Step 3:** Written Notice of Allegations: Upon receipt of a Formal Complaint, the School shall send written notice of the allegations, including the identity of the parties, to both the complainant and the respondent, if their identities are known. The written notice must include: (1) a statement prohibiting knowingly submitting false information; (2) sufficient details known at the time to allow the respondent the opportunity to respond to the allegations; (3) a statement that the respondent is presumed not responsible for the alleged conduct; (4) that a determination regarding responsibility is made at the conclusion of the grievance process; (5) that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney; and (6) that the parties/advisors may inspect and review evidence in accordance with this procedure. If, in the course of the investigation, the School decides to investigate allegations of sexual harassment that are not included in the initial written notice of allegations, the School shall provide notice of the additional allegations to the parties whose identities are known.

**Step 4:** Consider Whether Dismissal of Formal Complaint Warranted: Some Formal Complaints will be subject to mandatory or discretionary dismissal under Title IX.

- (1) Mandatory Dismissal of Formal Complaint: The Title IX Coordinator shall dismiss a Formal Complaint under Title IX when the conduct alleged:
  - a. even if proved, would not meet the definition of sexual harassment under Title IX;
  - b. did not occur in an education program or activity of the School; or
  - c. did not occur against a person in the United States.

- (2) Discretionary Dismissal of Formal Complaint: The Title IX Coordinator may dismiss a Formal Complaint or allegations therein for purposes of Title IX at any time if:
  - a. the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the Formal Complaint or allegations;
  - b. the respondent is no longer enrolled or employed by the School; or
  - c. specific circumstances prevent the School from gathering sufficient evidence to make a determination.
- (3) The Title IX Coordinator must provide the parties with written notice of any dismissal of a Formal Complaint and the reasons for the dismissal.
- (4) Dismissal of a Formal Complaint for purposes of Title IX shall not preclude the School from addressing the allegations under any other relevant School policies or procedure(s), including but not limited to, the Civil Rights Grievance Procedures, the Bullying Prevention and Intervention Plan, the Student Code of Conduct, and/or a collective bargaining contract, nor will it preclude the School from addressing the allegations pursuant to the grievance process set out in Section II of this Procedure. The Title IX Coordinator shall have the discretion to make any such referrals and proceed as appropriate in regard to the allegations.

**Step 5:** Initial Investigation: All Formal Complaints will be investigated by the Title IX Coordinator or other individual designated to serve as the investigator by the Title IX Coordinator. The investigator shall be responsible for seeking and gathering evidence relative to the investigation. Any Formal Complaint against an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. During the Formal Complaint resolution process:

- (1) Standard of Proof: The investigator shall make factual findings based on a preponderance of the evidence standard.
- (2) The burden for gathering evidence and the burden of proof remains on the School, not on the parties.
- (3) The School shall provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- (4) The School shall not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no "gag" orders).
- (5) Each party may have one (1) advisor of their own selection and at their own expense participate in this grievance process. In the case of a student under the age of 18, this advisor may be in addition to the student's parents/guardians. Any restrictions on the participation of an advisor will be applied equally to each party. The advisor may, but is not required to, be an attorney. Any evidence received by an advisor in this process is subject to confidentiality and may be used only for the purpose of the grievance process. Advisors are prohibited from disseminating or disclosing such evidence outside of the grievance process.
- (6) The School shall send prior written notice to the parties of any investigative interviews, meetings, or hearings in which their participation is invited or expected.

- (7) Privacy of Medical Treatment and Mental Health Treatment Records: The School may not access or use either the complainant's or the respondent's medical, psychological, or similar treatment records unless the School obtains the party's written consent to do so.
- (8) The investigator may impose reasonable timeframes on all parties as required to facilitate the timely completion of the investigation. The investigator may extend any of the timeframes beyond the time periods identified in this procedure for good cause. If a complaint or report of sexual harassment is received within three (3) weeks of the end of the academic school year, the investigator will attempt to complete the investigation by the end of the school year. In the event that the investigation extends beyond the last day of school, the School will make reasonable efforts to complete the investigation within the above-referenced time frame, but may extend the investigation period to account for the unavailability of witnesses while school is not in session. If the investigator extends the investigation, the investigator will notify the parties of the extension and the reasons therefore in writing.

**Step 6:** Opportunity for Parties to Respond to Evidence: The School must send the parties, and their advisor(s) (if they have one) evidence directly related to the allegation, in electronic format or hard copy. Parties shall be afforded ten (10) calendar days to inspect, review and respond to the evidence. The School shall not require, allow, rely upon, or otherwise use evidence that constitutes information protected from disclosure by a legally recognized privilege, unless it has been waived by the holder of the privilege.

- (1) Prior to providing evidence to the parties, the investigator may redact confidential information that is not directly related to the allegations or that is otherwise barred from use under Title IX or by privilege (e.g., treatment records), the Family Educational Rights and Privacy Act and/or 603 CMR 23.00. Information that is directly related to the investigation, and that is not expressly barred from disclosure under Title IX (e.g., treatment records), the Family Educational Rights and Privacy Act, and/or 603 CMR 23.00, must be made available for review by both parties.
- (2) The parties and their advisors shall be prohibited from dissemination of any of the evidence for any purpose not directly related to this grievance procedure.

**Step 7:** Completion of the Investigative Report: The School must send the parties, and their advisor, an Investigative Report that fairly summarizes relevant evidence but does not reach any conclusions regarding responsibility, in electronic format or hard copy, within twenty-five (25) school days of receipt of the Formal Complaint, unless otherwise extended for good cause. A copy of the Investigative Report will also be sent to the decision-maker.

**Step 8:** Parties' Opportunity to Respond to Investigative Report: The School shall provide each party ten (10) calendar days for the parties to respond to the investigative report. The Investigative Report will notify the parties of the opportunity to submit to the decision-maker directed questions of the other party and/or any witness within that same ten (10) calendar days. (See Step 9).

**Step 9:** Directed Written Questions from the Parties: After the Investigative Report has been sent to the parties, but prior to reaching a determination regarding responsibility, the decision-maker shall afford both the complainant and the respondent the opportunity to submit to the decision-maker written, relevant questions of the other party or any witness, provide the party with the other party's and/or witness's written responses to said written questions, and allow for additional, limited follow-up questions from each party in writing. Questions that seek disclosure of information protected under a legally recognized privilege, Family Educational Rights and Privacy Act, and/or 603 CMR 23.00 shall not be permitted, unless the person holding the privilege has waived the privilege.

- (1) The complainant shall be protected from answering questions about the complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove the complainant's consent to the conduct under investigation.
- (2) Upon receipt of the Investigative Report, each party shall have ten (10) calendar days to submit directed relevant questions to the decision-maker in writing.
  - a. All questions must be posed in a respectful manner (e.g., without profanity and without attacking a person's character or motivations).
  - b. Questions that are not relevant will be excluded, and the decision-maker shall explain to the party posing the question the reason(s) for excluding any question.
- (3) Upon receipt of the directed questions from the School, each party and witness shall have five (5) calendar days to respond to those questions in writing.<sup>1</sup>
- (4) After receipt of the answers by the parties, any follow-up questions by the parties shall be submitted to the decision-maker in writing within three (3) calendar days, and those follow-up questions shall be responded to in writing within three (3) calendar days of receipt.
- (5) Each party will be provided a copy of the other party's or witness's written answers.

**Step 10:** Determination of Responsibility/Findings of Fact by the Decision-Maker:

- (1) The decision-maker shall issue a written determination regarding responsibility with a description of the procedural steps taken, findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, the range of disciplinary sanctions to which the respondent may be subject, whether remedies will be provided to the complainant, and procedures and bases for appeal. The decision-maker's written determination shall not be completed by the Title IX Coordinator or the investigator.
- (2) Standard of Proof: The decision-maker shall make factual findings based on a preponderance of the evidence standard.
- (3) The decision-maker's findings shall be based on an objective review of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

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<sup>1</sup> The parent or guardian may act on behalf of the party in drafting questions and submitting written answers. In the case of young children, reasonable accommodation based on disability, and/or other good cause, either party and/or any witness may request and have their oral responses reduced to writing by the investigator or Title IX Coordinator.

- (4) The decision-maker shall not draw inferences about the determination of responsibility based solely on a party's failure or refusal to answer questions.
  - (5) The written determination must be sent simultaneously to both parties.
  - (6) This determination shall be sent within twenty (20) school days of the issuance of the investigative report unless an extension is agreed upon by the parties or if the process is otherwise reasonably delayed. Except where the parties have agreed to an extension of the timeline or where the process is otherwise reasonably delayed, the written determination shall be issued within sixty (60) school days of receipt of the Formal Complaint.
- B. Remedies: If the decision-maker determines that sexual harassment has occurred, the School administration shall take steps to eliminate the harassing environment, which may include but not be limited to providing remedies to a complainant that are designed to restore or preserve the complainant's equal access to the School's education programs and/or activities. These remedies may be the same individualized services as the supportive measures outlined in Section I(D) above and/or may consist of alternative interventions and/or punitive or disciplinary sanctions that burden the respondent.
- C. Discipline: Persons who engage in sexual harassment or retaliation may be subject to disciplinary action, including, but not limited to, reprimand, suspension, termination, expulsion (if applicable under M.G.L. c. 71, §§ 37H or 37H ½), or other sanctions as determined by the School administration, subject to applicable procedural requirements.
- (1) Although the respondent may, in accordance with Title IX, be subject to emergency removal at any time, the respondent may not be subject to disciplinary sanctions for the misconduct defined under this procedure until after this grievance process has been completed.
- D. Informal Process: Only after a Formal Complaint is filed may the School opt to offer and facilitate informal resolution options, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt any offered informal resolution. Any informal resolution under this procedure will be facilitated by trained personnel.
- (1) The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.
  - (2) The informal process is voluntary, and the alleged victim and/or respondent may terminate or decline any informal process at any time and resume the Formal Complaint grievance process.
  - (3) The informal process shall not exceed thirty (30) calendar days.

Participation in the informal process will stay the timelines of the Formal Complaint process.

- E. Emergency Removal under Title IX: The School may remove a respondent on an emergency basis at any time provided that the School: (1) undertakes an individualized safety and risk analysis; (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal and that there is no alternative to the respondent's emergency removal



to mitigate the threat presented; and (3) provides the respondent with notice and the opportunity to challenge the decision immediately following the removal.

- F. **Anonymous Reports:** The School may be on notice of an allegation of sexual harassment through receipt of an anonymous report. In cases of anonymous reports, the School's obligation is to respond in a manner that is not clearly unreasonable in light of the known circumstances. If the anonymous reporter is the complainant and they request confidentiality, the School can and should offer supportive measures to the extent consistent with maintaining the request for confidentiality. If an anonymous report is received without a disclosure of the complainant's identity, the School will be unable to provide the complainant supportive measures in response to that report. The School may in conformance with applicable state laws and regulations be required to report sexual harassment identified in an anonymous complaint to state and/or local authorities such as the Massachusetts Department of Children and Families in conformance with state statutes and regulations and/or take actions to protect the safety of the school community (contacting the police, for example) that may result in the identity of the reporting person being disclosed. Although the School shall respond to anonymous reports of sexual harassment in accordance with this Procedure, a Formal Complaint cannot be filed anonymously.
- G. **Appeals:** The complainant or respondent may appeal from a determination regarding responsibility and/or from the School's dismissal of a Formal Complaint or any allegations therein, only on the following bases:
- (1) procedural irregularity that affected the outcome of the matter;
  - (2) newly discovered evidence that could affect the outcome of the matter; and/or
  - (3) Title IX personnel had a conflict of interest or bias that affected the outcome of the matter.

An appeal may be made to the Executive Director or designee within five (5) calendar days after receiving the determination of responsibility or dismissal. The Executive Director will decide the appeal no later than thirty (30) calendar days of the date of receipt of the written appeal. In cases in which it has been determined that a respondent student is subject to long-term suspension as a result of a finding of sexual harassment in accordance with this procedure, the respondent may elect to exercise their appeal under the disciplinary due process requirements applicable to the circumstances (e.g., M.G.L. c. 71, §§ 37H, 37H ½ or 37H ¾) in place of this appellate procedure. Appeals must be made in writing (email is sufficient) to the Executive Director, Academy of the Pacific Rim, 1 Westinghouse Plaza, Building B, Hyde Park, MA 02136.

The Title IX Formal Complaint grievance process is deemed complete when either the time period for appeal has lapsed or upon the issuance of the Executive Director's decision on a timely filed appeal.

- H. **Recordkeeping:** Records related to this Procedure will be maintained for a period of seven (7) years.

- I. Employment Agencies: The contact information for state and federal employment discrimination enforcement agencies is as follows: 1) Federal - United States Equal Employment Opportunity Commission (EEOC); John F. Kennedy Federal Building; 15 New Sudbury Street, Room 475; Boston, MA 02203-0506; 1-800-669-4000; EEOC Boston Area Office Website: <https://www.eeoc.gov/field-office/boston/location>; 2) State: Massachusetts Commission Against Discrimination (MCAD); Boston Headquarters; One Ashburton Place; Sixth Floor, Room 601; Boston, MA 02108; (617)-994-6000; MCAD Website <https://www.mass.gov/orgs/massachusetts-commission-against-discrimination>.
- J. Identification of key personnel involved in Title IX process for reports and/or Formal Complaints of sexual harassment:
- Title IX Coordinator: Oliver Truog, Chief Operating Officer, [otruog@pacrim.org](mailto:otruog@pacrim.org).
  - Investigator(s): Oliver Truog, Chief Operating Officer, [otruog@pacrim.org](mailto:otruog@pacrim.org) or his designee, Ms. Francesca Passaro, HR Coordinator, [fpassaro@pacrim.org](mailto:fpassaro@pacrim.org).
  - Decision-maker: Carmen Pierre Canel, Middle School Principal, [cpierrecanel@pacrim.org](mailto:cpierrecanel@pacrim.org); Caleb Balderston, High School Principal, [cbalderston@pacrim.org](mailto:cbalderston@pacrim.org).
  - Appeal Officer: Spencer Blasdale, Executive Director, [sblasdale@pacrim.org](mailto:sblasdale@pacrim.org).
  - Informal Resolution Facilitator: Oliver Truog, Chief Operating Officer, [otruog@pacrim.org](mailto:otruog@pacrim.org) or his designee, Ms. Francesca Passaro, HR Coordinator, [fpassaro@pacrim.org](mailto:fpassaro@pacrim.org).

The School will notify students, employees, applicants for admission or employment, parents and legal guardians of students, and unions of the name, title, office address, email address and telephone number of the Title IX Coordinator. This information will be prominently displayed on the School's website.

Legal Refs: Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act of 1990; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act; Title IX of the Education Amendments of 1972; the Age Act; M.G.L. c. 151B and c. 151C; and M.G.L. c. 76, § 5; SC Policy JICFB, Bullying Prevention; SC Policy AC, Nondiscrimination.

## **APR Bullying Prevention and Intervention Plan**

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### **Priority Statement**

APR has always been and will continue to be a place where students are held to the highest behavioral standards and where we work to foster a positive and safe learning environment.

The school is committed to providing all students with a safe learning environment that is free from bullying and cyberbullying. This commitment is an integral part of our comprehensive efforts to promote learning, and to prevent and eliminate all forms of bullying and other harmful and disruptive behavior that can impede the learning process.

We understand that members of certain student groups – such as students with disabilities, students who are gay, lesbian, bisexual, or transgender, and homeless students – may be more vulnerable to becoming targets of bullying, harassment, or teasing. The school will take specific steps to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

We will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyberbullying, or retaliation, in our school buildings, on school grounds, or in school-related activities. We will investigate promptly all reports and complaints of bullying, cyberbullying, and retaliation, and take prompt action to end that behavior and restore the target's sense of safety. We will support this commitment in all aspects of our school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The Bullying Prevention and Intervention Plan (BPIP) is a comprehensive approach to addressing bullying and cyberbullying, and the school is committed to working with students, staff, families, law enforcement agencies, and the community to prevent issues of violence. We have established this BPIP for preventing, intervening, and responding to incidents of bullying, cyberbullying, and retaliation. The principals are responsible for the implementation and oversight of the BPIP.

In June 2013, the Massachusetts anti-bullying law (M.G.L. chapter 71, section 37O) was amended in order to extend protections to students who are bullied by a member of the school staff, who are defined to include but are not limited to an "educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional." Based on these amendments, all districts and schools, updated their Bullying Prevention and Intervention Plans and anti-bullying policies, and informed school staff, students, and parents of these changes.

### **Needs Assessment**

In order to assess the current school climate with regard to bullying, each year the administrative team will undertake a review of all disciplinary incidents at APR, to see if there

are identifiable patterns by grade level or gender or sexual identity on the part of target or aggressor among those instances.

At least once every four years beginning with 2015-2016 school year, the school will administer a Department of Elementary and Secondary-developed student survey to assess school climate and the prevalence, nature, and severity of bullying in our schools. Additionally, the school will annually report bullying incident data to the Department of Elementary and Secondary Education. Similar tools to the student survey will be used with faculty, staff, and parents/guardians to assist in determining school climate needs.

### **Plan Development and Input**

The administrative team is responsible for developing the BPIP and ensuring that it is updated as necessary. The draft of the BPIP will be posted on the school's website, and parents will be notified via the school newsletter of the opportunity to provide input on the plan

The administrative team will also be responsible for planning professional development for staff around bullying prevention, amending family and faculty handbooks, and ensuring that families are informed of and have the opportunity to provide input on the BPIP.

### **Annual Staff Training – Procedures**

Each August, during professional development before students return to school, staff will be trained in policies and procedures for reporting and responding to bullying and retaliation.

The BPIP will also be printed in its entirety in the staff handbook. All staff hired after the beginning of the school year will receive this training as part of their orientation.

Staff will receive ongoing professional development throughout the year including a focus on the following areas:

1. Age-appropriate strategies to prevent bullying
2. Age-appropriate strategies for immediate, effective interventions to stop bullying
3. Information regarding the complex interaction and power differential that can take place between and amongst aggressor, target, and witness
4. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying at school
5. Information on the incidence and nature of cyberbullying
6. Internet safety issues as they relate to cyberbullying
7. Ways to prevent and respond to bullying of students with disabilities (particularly those affecting social skills, like autism)

### **Identifying resources**

The school will make the school psychologist available as necessary, to either or both the target and the aggressor in reaction to incidents of bullying. In the event that students require counseling in a language other than English, the school will arrange for counseling in the child's native language. In the event that the school is incapable of providing necessary services, the school's Director of Student Support will work with families to arrange for outside services.

One of the most important resources we have in creating a positive and healthy school climate is the development of strong relationships between students and the adults in our school.

For students on the autism spectrum, the IEP team will consider and specifically address the skills needed to avoid and respond to bullying, harassment, or teasing.

When an evaluation indicates a disability that affects social skills development, or when the student's disability makes him/her vulnerable to bullying, harassment or teasing, the IEP will be drafted to address the skills needed to avoid and respond to bullying, harassment, or teasing.

### **Specific bullying prevention approaches**

The school's general approach to preventing bullying is incorporated into our character education program. Time will be reserved within character education lessons to present and review the BPIP with students.

The bullying prevention elements in our curriculum are informed by research, which, among other things, emphasizes the following approaches:

- Knowing what to do when students witness an act of bullying, including seeking adult assistance
- Helping students understand the dynamics of bullying and cyberbullying, including the underlying power imbalance
- Emphasizing cyber-safety
- Enhancing student skills for engaging in healthy relationships and respectful communication
- Creating a safe and supportive school environment that is respectful of differences

### **General Teaching Approaches**

The following approaches are integral to establishing a safe and supportive school environment. These activities support our bullying intervention and prevention initiatives:

- Setting clear routines and clear behavioral expectations
- Creating safe school and classroom environments for all students
- Creating a positive and focused school culture
- Developing positive adult relationships with students
- Modeling appropriate behaviors and relationships for students
- Using the internet safely

### **Reporting Overview**

Reports of bullying or retaliation may be made by staff, students, parents or guardians, or others, and may be oral or written. All reports should be made or related to the Dean of Students. School staff are required to transmit any reports directly to the Dean of Students. Reports can be made anonymously.

Information on reporting procedures will be made available each year to all students, families, and staff via the staff handbook and the student and family handbook. Any student who knowingly makes a false accusation of bullying or retaliation shall be subject to disciplinary action.

- **Reporting by Staff:** A staff member will report any bullying incidents immediately to the Dean of Students, in addition to following all other customary disciplinary procedures.
- **Reporting by Students, Parents/Guardians and/or Others:** The school expects all members of the school community who witness an incident of bullying to report it to the Dean of Students. Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report.

### **Responding to a Report of Bullying or Cyberbullying or Retaliation**

Before investigating, the Dean of Students will take steps to ensure safety of targets and witnesses.

Upon determining that an incident of bullying has taken place, the Dean of Students will notify parents of all involved parties as well as the Principal. Notice will be consistent with 603 CMR 49.00.

If the reported incident involves students from another school, the Principal will notify by telephone the principal or designee of the other school(s) involved in the incident so that each school may take appropriate action.

If the Principal has reasonable basis to believe that criminal charges may be pursued against the aggressor, the Principal will notify the police. Notice will be consistent with the requirements of 603 CMR 49.00. If an incident occurs on school grounds and involves a former student under the age of 21 who is no longer enrolled in the school, the Principal shall contact the police if he/she has a reasonable basis to believe that criminal charges may be pursued against the aggressor.

### **Investigation**

The Dean of Students will investigate promptly all reports of bullying or retaliation, except when a reported bullying incident involves the Dean as the alleged aggressor. In such cases, the Principal or designee shall be responsible for investigating the report, and other steps necessary to implement the BPIP, including addressing the safety of the alleged victim. If the Principal is the alleged aggressor, the Executive Director or designee shall be responsible for investigating the report, and other steps necessary to implement the BPIP, including addressing the safety of the alleged victim. If the Executive Director is the alleged aggressor, the Board of

Trustees or their designee shall be responsible for investigating the report, and other steps necessary to implement the BPIP, including addressing the safety of the alleged victim.

In investigating a report of bullying or retaliation, the Dean will consider all available information known, including the nature of the allegation(s) and the ages of the students involved. The Dean will remind the alleged aggressor, target, and witnesses that retaliation is strictly prohibited and will result in disciplinary action. To the extent possible, the Dean will maintain confidentiality during the process. The Dean will make a written record of the investigation.

### **Determinations and Responses to Bullying**

The Dean of Students will make a determination based upon all the facts and circumstances. If, after investigation, bullying or retaliation is substantiated, the Dean will take steps to ensure:

1. The target and/or reporter (if different from the target) is/are made to feel safe and is in no way restricted in participating in school or benefitting from school activities. As part of this process, the Dean will meet with the target and his/her family in order to assess the target's need and to ensure the successful restoration of the target's safety, including a possible counseling referral.
2. The aggressor faces stiff disciplinary action and that the aggressor and the family of the aggressor are given access to additional educational resources (including possible counseling referral) and further understand that any repeated instance will meet with increasingly severe consequences.

Discipline procedures for students with disabilities are governed by the federal Individuals with Disabilities Education Improvement Act (IDEA). All students will be provided with protection under the law and under this policy regardless of their legal status.

Within a reasonable period of time following the determination, the Dean will contact the target and/or reporter (if different from the target) to determine whether there has been a recurrence of the prohibited conduct and whether additional supportive measures are needed. If so, the Dean will work with appropriate school staff to implement them immediately.

The principal or their designee shall inform the parent or guardian of the target and the aggressor in incidents of bullying about the Department of Elementary and Secondary Education's problem resolution system and the process for accessing that system, regardless of the outcome of the bullying determination. Any parent wishing to file a claim/concern or seeking assistance outside of the school may do so with the Department of Elementary and Secondary Education Program Resolution System (PRS). That information can be found at: <http://www.doe.mass.edu/pqa>, emails can be sent to [compliance@doe.mass.edu](mailto:compliance@doe.mass.edu) or individuals can call 781-338-3700. Hard copies of this information will also be made available by members of APR's administrative team.

Each year, the school will include its Bullying Prevention Plan in its student and family handbook (in the family's languages of preference) and will post it on its website.

## PROHIBITION AGAINST BULLYING AND RETALIATION

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Acts of bullying, which include cyberbullying, are prohibited:

- (i) on school grounds and property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased, or used by a school district or school; or through the use of technology or an electronic device owned, leased, or used by a school district or school, and
- (ii) at a location, activity, function, or program that is not school-related through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the acts create a hostile environment at school for the target or witnesses, infringe on their rights at school, or materially and substantially disrupt the education process or the orderly operation of a school.

Retaliation against a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying is also prohibited.

As stated in M.G.L. c. 71, § 37O, nothing in this BPIP requires the school to staff any non-school related activities, functions, or programs.

### Definitions

*Several of the following definitions are copied directly from M.G.L. c. 71, § 37O, as noted below. Schools or districts may add specific language to these definitions to clarify them, but may not alter their meaning or scope. Plans may also include additional definitions that are aligned with local policies and procedures.*

**Aggressor** is a student or staff member who engages in bullying, cyberbullying, or retaliation.

**Bullying**, as defined in M.G.L. c. 71, § 37O, is the repeated use by one or more students or by a member of a 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 target that:

- i. causes physical or emotional harm to the target or damage to the target's property;
- ii. places the target in reasonable fear of harm to himself or herself or of damage to his or her property;
- iii. creates a hostile environment at school for the target;
- iv. infringes on the rights of the target at school; or
- v. materially and substantially disrupts the education process or the orderly operation of a school.

**Cyberbullying** is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings. See M.G.L. c. 71, § 37O for the legal definition of cyberbullying.



**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 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** includes, 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** is a student against whom bullying, cyberbullying, or retaliation has been perpetrated.

### **Relationship to other laws**

Consistent with state and federal laws, and the policies of the school or district, no person shall be discriminated against in admission to a public school of any town or in obtaining the advantages, privilege and courses of study of such public school on account of race, color, sex, religion, national origin, sexual orientation, gender identity, or homelessness. Nothing in the BPIP prevents the school or 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 or district policies.

In addition, nothing in the BPIP is designed or intended to limit the authority of the school or district to take disciplinary action or other action under M.G.L. c. 71, §§ 37H or 37H½, other applicable laws, or local school or district policies in response to violent, harmful, or disruptive behavior, regardless of whether the BPIP covers the behavior.

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## Restraint Prevention and Behavior Supports

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Under Massachusetts law (M.G.L. c. 71 § 37G; 603 CMR 46.00) and Board of Trustees policy, school personnel may not punish a student by striking, pushing, or any other use of physical force. School staff may use reasonable physical force to restrain a student, but only if (1) non-physical intervention would be ineffective or has been ineffective and/or (2) they believe the student's actions may result in physical injury to the student or other people. Any school employee who uses unreasonable force may be subject to discipline.

The Academy of the Pacific Rim Charter Public School complies with the state regulations regarding the Prevention of Physical Restraint and Requirements if Used, 603 CMR 46.00 et seq. ("Regulations"), to the extent required by law. According to their terms, the Regulations apply not only at school but also at school-sponsored events and activities, whether or not on school property. A brief overview of the Regulations is provided below.

### **Definitions**

*Physical restraint* is direct physical contact that prevents or significantly restricts a student's freedom of movement. Physical restraint does not include brief physical contact to promote student safety, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

*Physical escort* is 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* is the use of any device or equipment to restrict a student's freedom of movement. Mechanical restraint does not include devices implemented by trained school personnel, or used by a student, that have been prescribed by an appropriate medical or related services professional, and are used for the specific and approved positioning or protective purposes for which such devices were designed.

*Chemical/medication restraint* is the administration of medication for the purpose of temporarily controlling behavior. Medication restraint does not include medication prescribed by a licensed physician and authorized by the parent/guardian for administration in the school setting.

*Prone restraint* is a physical 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 face-down position.

*Seclusion* is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Seclusion does not include a time-out.

*Time-out* is a behavioral support strategy in which a student temporarily separates from the learning activity or classroom, either by choice or by direction from staff, for the purpose of calming.

### **Staff Training**

Within the first month of school, or within the first month of employment, all school staff shall receive training with respect to the district's restraint policy, including receiving information about:

- The role of the student, family and staff in preventing restraint;

- The school's restraint prevention and behavior support policy and procedures;
- Interventions that may preclude the need for restraint, including de-escalation and other alternatives to physical restraint in emergency situations;
- The types of permitted physical restraint in an emergency;
- Administering physical restraint in accordance with medical or psychological limitations, known or suspected trauma history, and/or behavioral intervention plans;
- The prohibition on medication, mechanical and prone restraint, and seclusion; and
- Identification of school staff who have received in-depth training in the use of restraint.

In addition, at the beginning of each school year, the school shall identify staff who are authorized to serve as a school-wide resource to assist in proper administration of physical restraint. Such staff shall participate in in-depth training or a refresher course, if appropriate, in the use of physical restraint. In-depth training shall include information on:

- Appropriate procedures for preventing the use of physical restraint, including de-escalation techniques, relationship building, and alternatives to restraint;
- A description and identification of specific dangerous behaviors on the part of students that may lead to the use of physical restraint, and methods of evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- The simulated experience of administering and receiving physical restraint, and instruction on the effects on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- Documentation and reporting requirements, and investigation of injuries and complaints;
- The impact of physical restraint on the student and family, including psychological, physiological and social-emotional effects.

### **Preventing student violence, self-injurious behavior and suicide:**

APR will provide school wide professional development, led by the school crisis team, focused on identifying and preventing student violence, self-injurious behavior and suicide, including individual behavior crisis planning and de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student. The crisis team, along with teachers and other school personnel, will identify students who are potentially at risk, and review their social, emotional and behavior progress at the Student Support Team meetings to plan interventions and supports for students.

The crisis team will include the School Psychologist, Behavior Interventionist, and MS/HS Deans and Director of Student Support. All members of the crisis team are trained in Safety Care. For any student with a history of significant emotional/ behavior including at risk behavior (harm to self and/or others) and/or a student who required a physical restraint, the crisis team will develop a safety or crisis plan. The plan will include strategies and supports which may include specific de-escalation strategies, counseling services, monitoring protocol, data collection, and frequent review meetings for the purpose of assessing progress and making necessary adjustments. The crisis team can conduct a Functional

Behavioral Assessment (FBA) or Safety Assessment, and can refer to outside agencies, including mental health agencies.

### **Strategies to Calm Students and Prevent Restraint:**

Physical restraint is an emergency procedure which should be used only as a last resort. There are a number of other de-escalation techniques school staff should use first, including:

- Active listening;
- Use of a low, non-threatening voice;
- Limiting the number of adults providing direction to the student;
- Not blocking the student's access to an escape route;
- Suggesting possible resolutions to the student, and offering the student a choice;
- Avoiding dramatic gestures (waving arms, pointing, blocking motions, etc.);
- Communicating what is expected behavior by clearly stating instructions and expectations;
- Brief physical contact to promote student safety;
- Redirecting attention;
- 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 (“physical escort”);

Another strategy to calm students is administering a time-out. A time-out that meets the following conditions is permitted and is not included in the definition of a seclusion:

- The time-out is used as a behavioral support strategy, not for disciplinary purposes.
- The student temporarily separates from the learning activity or the classroom either by choice or by direction from staff for the purpose of calming down.
- The student is continuously observed by a staff member who is with the student or immediately available to the student at all times.
- The space used for time-out must be clean, safe, sanitary and appropriate for the use of calming.
- The time-out ceases as soon as the student has calmed.
- Principal approval must be obtained by a staff member when a time-out lasts longer than 30 minutes due to the student’s continued agitation.
- If a time-out lasts half of the time that a school day is in session or longer, such lost class time is treated as an in-school suspension for purposes of student discipline laws.

### **General De-Escalation Guidelines:**

General guidelines for de-escalating potentially dangerous behavior occurring among groups of students or with an individual student include the following:

1. Remain calm: To help prevent the likelihood of a student experiencing distress from escalating his/her behavior, use a neutral and level tone of voice, control your facial expressions and use supportive, non-threatening body language.

2. Obtain assistance: Whenever possible, school personnel should immediately take steps to notify school administrators, the crisis team and/or other school personnel of a potentially dangerous situation and to obtain additional assistance.
3. One person speaks: To minimize the likelihood of confusion and/or the student experiencing distress from escalating his/her behavior, having one person providing overall direction to the response and the follow-up procedures is advisable. This often may be either the first trained staff person on the scene or the staff person with the most information about the particular situation.
4. Remove the student, if possible: The feasibility of having a student experiencing distress leave an area with other students and move to another more private and safe area in order to de-escalate should be considered (see the description of time-out above).
5. Remove other students: If it is not feasible to have a student experiencing distress move to a more private and safe area in order to de-escalate, consider the feasibility of having other staff assist and monitor the removal of other students to another area within the school until the student de-escalates.

### **Use of Restraint**

School staff may use physical restraint only as an emergency procedure of last resort, when a student's behavior poses a threat of assault, or imminent, serious physical harm to self and/or others, and the student is not responsive to verbal directives or other lawful and less intrusive behavior interventions, or such interventions are deemed to be inappropriate under the circumstances.

Physical restraint shall not be used as a means of discipline or punishment; or as a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of assault, or imminent, serious, physical harm.

Physical restraint shall not be used when a student can't be safely restrained because it is medically contraindicated for reasons including, but not limited to, asthma, seizures, a cardiac condition, obesity, bronchitis, communication-related disabilities, or risk of vomiting.

Physical restraint shall not be used as a standard response for any individual student. Written behavior plans, 504 accommodation plans or IEPs shall not include the use of physical restraint as a standard response to any behavior.

Mechanical and medication restraint, and seclusion are prohibited.

Prone restraint is prohibited, except on an individual student basis, under the following circumstances:

- The student has a documented history of repeatedly causing serious self-injuries and/or injuries to other students/staff;
- All other forms of physical restraint have failed to ensure the safety of the student and/or others;
- There are no medical contra-indications, as documented by a licensed physician;
- There is a psychological or behavioral justification for the use of prone restraint, and there are no psychological or behavioral contra-indications, as documented by a licensed mental health professional;

- The school has obtained consent to use prone restraint in an emergency, and has been approved by the principal; and
- The school has documented all these circumstances in advance of the use of prone restraint, and maintains the documentation.

Only trained personnel shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint.

The person/s administering the physical restraint shall use only the amount of force necessary to protect the student and/or others from physical injury or harm, and shall use the safest method available and appropriate to the situation.

All physical restraint must be terminated as soon as the student is no longer an immediate danger to him/herself or others, or the student indicates he/she can't breathe, or the student is observed to be in severe distress, such as having difficulty breathing, or sustained or prolonged crying or coughing.

No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin temperature and color, and respiration. Restraint shall be administered in such a way so as to prevent or minimize physical harm. If at any time during a physical restraint the student expresses or demonstrates significant physical distress, the students shall be released from the restraint immediately, and school staff shall seek medical assistance.

If a student is restrained for a period longer than 20 minutes, program staff shall obtain the approval of the principal, and such approval shall be based on the student's continued agitation during the restraint, justifying the need for continued restraint.

After the release of a student from restraint, the school shall review the incident with the student to address the behavior that precipitated the restraint, review the incident with the staff who administered the restraint to discuss whether proper procedures were followed, and consider whether follow-up is appropriate for other students who witnessed the restraint.

### **Reporting Requirements**

The staff member/s who administered the restraint shall verbally inform the principal of the restraint as soon as possible, and by written report no later than the next school working day. If the principal has administered the restraint, the principal shall prepare the report and send it to the Federal Programs and Compliance Officer for review. The principal shall maintain a record of all reported instances of physical restraint, which shall be made available for review by the parent or the Department of Elementary and Secondary Education (DESE) upon request.

The principal shall make reasonable efforts to verbally inform the student's parent/guardian of the restraint within 24 hours of the event, and shall notify the parent/guardian by written report sent within three school working days of the event, to an email address provided by the parent for communications about the student, or by regular mail postmarked no later than three working days after the event. If the school customarily provides the parent/guardian with necessary school-related information in a language other than English, the written restraint report shall be provided to the parent/guardian in that language. The principal shall provide the student and the parent/guardian an

opportunity to comment orally and in writing on the use of the restraint and on information in the written report.

The written report shall include:

- The name of the student, the names and job titles of the staff who administered the restraint, and those who witnessed the event (if applicable);
- The date of the restraint, the time it began and the time it ended;
- The name of the principal or designee who was verbally informed following the restraint, and if applicable, the name of the principal or designee who approved continuation of restraint beyond 20 minutes;
- A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint, the behavior that prompted the restraint, the efforts made to prevent the behavior, alternatives to restraint that were attempted, and the justification for initiating the restraint;
- A description of the administration of the restraint, including the holds used and the reason/s why such holds were necessary, the student's behavior during the restraint, how the restraint ended, documentation of injury to the student and/or staff, if any, and medical care provided, if any;
- Information regarding any further action/s the school has taken or may take, including consequences that may be imposed on the student; and
- Information regarding opportunities for the student's parent/guardian to discuss with school officials the administration of the restraint, any consequences imposed on the student, and any other related matter.

All restraint-related injuries shall be reported to the DESE. In such cases, the school shall send a copy of the written report to the DESE postmarked no later than three school working days after the event, along with a record of physical restraints maintained by the principal for the 30-day period prior to the date of the restraint.

The school shall collect and annually report data to the DESE regarding the use of any physical restraint, in a manner and form directed by the DESE.

### **Administrative Review:**

On a weekly basis, the principal shall conduct a weekly review of restraint data to identify students who have been restrained multiple times during the week. If such students are identified, the principal shall convene one or more review teams to assess each student's progress and needs, which shall include the following:

- a) Review and discussion of the written reports and comments provided by the students and parents about the use of restraints;
- b) Analysis of circumstances leading up to each restraint, including time of day, day of week, antecedent events, and individuals involved;

- c) Consideration of factors that may have contributed to escalation of behaviors, alternatives to restraint included 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; and
- d) A written plan of action.

In the event that the principal directly participated in the restraint, his/her immediate supervisor shall lead the review team's discussion. A record of each individual student review shall be maintained by the principal or his/her designee and shall be made available for review by DESE or the parent upon request.

On a monthly basis, the principal shall review all school wide restraint data, and 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 restraint school wide and for individual students; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is appropriate to modify the school's restraint prevention and management policy, conduct additional staff training, or take other action as appropriate to reduce or eliminate restraints.

### **Annual Review**

Each year, the administrative team will undertake a review of all restraint data, and 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 restraint school wide and for individual students; and the number and type of injuries, if any, resulting from the use of restraint. The principal shall determine whether it is appropriate to modify the school's restraint prevention and management policy, conduct additional staff training, or take other action as appropriate to reduce or eliminate restraints.

### **Referral to law enforcement or other state agencies**

Nothing in these procedures prohibits: the right of any individual to report to appropriate authorities a crime committed by a student or other individual; Law enforcement, judicial authorities or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or the exercise of an individual's responsibilities as a mandated reporter pursuant to G.L. c. 119, § 51A. 603 CMR 46.00 shall not be used to deter any individual from reporting neglect or abuse to the appropriate state agency.

**Complaints.** Complaints and investigations regarding restraint practices are covered by APR's General Complaint Procedure or Civil Rights Procedure, as applicable. This information is available in sections 5, 6, and 7 of this handbook.

**Additional information.** including a copy of the regulations, can be obtained from APR's Executive Director, Spencer Blasdale, who can be reached at 617-361-0050 ext. 118. A copy of the regulations may also be obtained at the DESE website:

<http://www.doe.mass.edu/lawsregs/603cmr46.html>