



# BART

a college prep charter school

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This Student Handbook is your guide to the Berkshire Arts and Technology Charter Public School (BART). In it you will find our policies and procedures, our Code of Conduct, and the embodiment of our mission and vision.

All persons associated with BART, including students, parents, administrators, faculty, and staff, work together toward the educational objectives of our school. We believe that students have the right to pursue these objectives in a secure, organized, and orderly educational environment. We also believe that this right is balanced with the responsibility to maintain a safe learning environment.

In addition to understanding their rights to an appropriate education, students also need to be aware of their responsibilities. The school community expects that students will work, learn, and respect the rights of others. Students will be respectful of all members of the school community. We believe that students are entitled to the same respect from others. All persons associated with BART are expected to read this handbook in order to support the achievement of our educational mission and vision.

### Mission

A college education is critical for success in the 21st century. Lifetime earning potential increases with each degree attained, and employers are increasingly expecting college degrees for jobs traditionally held by high school graduates. More importantly, BART is committed to educating all students so they become productive, successful, and contributing members of society. We believe that success in college has become an increasingly important milestone for our students to achieve in their path towards this goal.

BART prepares students for college by promoting mastery of academic skills and content with a strong foundation in arts and technology. The school provides middle and high school students in Berkshire County with an educational community that regards everyone, including teachers and parents, as lifelong learners.

### Vision

BART Charter Public School is committed to empowering students, faculty, and staff to engage in rigorous learning and positive growth.

### Core Values

- **Purpose.** We foster a sense of **purpose** and resourcefulness to face challenges successfully.
- **Curiosity.** We encourage intellectual **curiosity** and support individuals as they learn in a variety of ways.
- **Effort.** We teach that **effort** is integral to achieving one's highest potential as a learner and as an active member of the community.
- **Reflection.** We promote the practice of **reflection**, which enables all community members to take ownership of their learning.
- **Respect.** We show **respect**, in the form of understanding and tolerance, for the diversity of people and ideas that make up the world.
- **Integrity.** We demonstrate **integrity** in all of our words and actions.

## Curriculum

BART students take courses in the following disciplines:

- |                                |   |
|--------------------------------|---|
| 1. Arts and Technology         | 5. Math                                 |
| 2. English Language Arts (ELA) | 6. Science                              |
| 3. Fitness and Health          | 7. Spanish (HS)                         |
| 4. History and Social Studies  | 8. Collegiate Skills and Senior Seminar |

Below is an overview of each of the curriculum areas. (For detailed descriptions of the offerings this year, please see our website <http://www.bartcharter.org/v2>.)

### Arts and Technology

At BART, students become familiar with multiple art disciplines, such as drama, visual arts, creative writing, and music. Technology at BART is instructed as a standalone course as well as integrated into each of the other academic courses. Middle school students receive foundation-level instruction in the arts and technology, with topics rotating each term, while high school students choose courses each term as a part of the Arts and Technology Elective program. The Arts and Technology Elective program is designed to provide students with a broad exposure to arts and technology starting with 100-level classes, followed by a comprehensive, progressive concentration in specific areas, leading to 400-level classes. Students are encouraged in their 9<sup>th</sup> and 10<sup>th</sup> grade years to identify goals for themselves leading to either an independent study or an AP course in their 11<sup>th</sup> grade year.

### English Language Arts (ELA)

In ELA, students are guided to develop the following skills at each grade level: reading, communication through writing and oral language, revision of work, research, and presentation. Students are instructed using literature from various genres, time periods, and cultures. AP English Literature and Composition and AP English Language and Composition will be offered in alternating years to qualifying high school students.

### Fitness and Health and Wellness

Students will learn the importance of being fit as a lifelong goal and how to accomplish that goal. During classes they will learn the basics of fitness, stretching, building core strength, and cardiovascular fitness. They will play cooperative games, walk or hike, and snowshoe. All fitness classes will also teach components of health and life skills.



### History and Social Studies

In history and social studies, students will progress through the following topics: World Geography and Human Cultures; Ancient Civilizations, Empires, and Religions; the Interconnected Threads of African, Asian, and European History; American History; World History; and Government.

### Mathematics

In the middle school, the mathematics curriculum covers the following topics: Number Sense and Operations; Patterns, Relations, and Algebra; Geometry; Measurement; Data Analysis, Statistics, and Probability. The high school offers the following classes: Algebra I; Geometry/Algebra II; Pre-calculus; AP Statistics; and AP Calculus AB.

### Science

Inquiry is the core of our science curriculum. Students will progress through the following project and lab-based classes while in middle school: Earth and Space Science, Life Science, and Physical Science. In high school, students will take at least three of the following courses: Environmental Science, Biology, Chemistry, and Physics.

### Spanish

In the Spanish I course, students will become familiar with the Spanish language and cultures through various authentic media. Attention will be given to student progress in listening and reading comprehension, speaking and writing abilities, participation, and pronunciation. In Spanish II and Spanish III classes, students will continue their practice and expand their understanding with a focus on the cultures and the roles of Spanish speakers in the United States through American media, including films, television, and news shows.

### Collegiate Skills and Senior Seminar

The collegiate skills curriculum is delivered to students in grades 6-10 with the goal of building “college knowledge,” developing positive character traits, and supporting the social and emotional well-being of BART students. Students are led through activities and discussions that explore personal characteristics, strengths, interests, and possible future careers. Additionally, students examine and evaluate professional conduct and communication that is expected and required of students for success in college and in the workplace. Finally, students in collegiate skills classes explore the college selection and application processes, college financing, and college life on different types of campuses. Collegiate skills classes are graded on a pass/fail basis.

In the 12<sup>th</sup> grade, students are enrolled in Senior Seminar, which meets 5 days a week. The class encompasses the supports for all of the “non-academic” graduation requirements and college preparedness activities that are expected of students in their senior year at BART. Senior Seminar is graded and factored into students’ GPAs.

As part of the collegiate skills curriculum, every student at every grade level will visit at least one college campus each year in the middle school and at least 4 colleges each year in the high school. They will attend information sessions with college representatives and listen to guest speakers describe their own college and career paths.

### Community Meeting, Advisory, Independent Reading Time (IRT), and Recess

In order to build and maintain a nurturing academic school community where all students can achieve success, all students will attend Community Meetings weekly and participate in an Advisory class each day. During Community Meetings, students will celebrate the works of other BART students and discuss current events that are relevant to the community. Advisory class will support organization, goal setting, and habits of success.

IRT is an opportunity for students to practice the skill of reading. Eighth grade students are scheduled for IRT two times a week for half an hour.

**ALL** students are expected to have an IRT book for when they have completed all other assignments and have no other work to complete. Students choose a book of interest to them and read silently. When students complete a book, they write an annotated bibliography about the work in order to track their progress as independent readers and to include in their end-of-year portfolios. Annotated bibliographies will be graded regularly in ELA classes throughout the year.

### Individual Learning Time (ILT) and Enrichments

Students have regularly scheduled time during the school week to work individually on homework and other learning activities. During this time, teachers may be available to provide one-on-one support.

### Evaluation and Assessment

Student academic performance is assessed regularly throughout the year, and students receive formal feedback a minimum of two times each semester. Students will be evaluated based on their ability to meet the standards outlined in the Common Core and Massachusetts Curriculum Frameworks for each of their subject areas.

Interim progress reports (1 per semester) and semester academic reports will be sent home to parents/guardians. Parents/guardians are strongly encouraged to contact their child's teacher or the Principal with any questions or concerns regarding their child's progress.

BART uses PowerSchool in order to provide parents and students with up-to-date information about academic progress. Parents and students will receive information and instructions for using this web portal at the beginning of each school year.

## Portfolio

### Working Portfolios

Starting in 6<sup>th</sup> grade, all BART students compile portfolios of their work in order to foster a sense of reflection and showcase growth and achievement. Students gather work each semester for all of their subjects. These materials are used in Student-Led Conferences and to compile Gateway Portfolios.

### Gateway Portfolios

In 8<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grades, students create Gateway Portfolios as a demonstration of their readiness for the next stage of their education. These portfolios include work from a range of subjects and years and are used to illustrate the growth and achievement of each student. Each academic subject area includes multiple items of work as well as a reflective essay. In addition, students document their plans for the future, community membership, and personal reading in the portfolio.

At the end of May, the entire faculty grades Gateway Portfolios. Students must achieve a passing grade on a Gateway Portfolio in order to give a Portfolio Presentation.

### Student-Led Conferences

Following the end of the first semester, all students will present work from their portfolios in a Student-Led Conference. At the Student-Led Conference, students present work from academic classes and evidence of their role in the community to family members and their advisor. This experience provides students the opportunity to practice public speaking skills and professional presentation. It requires students to reflect upon their strengths and weaknesses, set goals, and respond to questions.

Near the end of the school year, students in 6<sup>th</sup>, 7<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> grades present their work again in a second Student-Led Conference. Students reflect upon their achievement and growth during the school year and use their schoolwork as the evidence for their reflections.

The student's advisor grades Student-Led Conferences using the Gateway/SLC Presentation Rubric. Students who do not pass their Student-Led Conference will receive a failing grade for Advisory.

### Gateway Portfolio Presentation

Near the end of the school year, students in Gateway Portfolio years (8th, 11th, and 12th grades) complete a Gateway Portfolio Presentation. Each Gateway Portfolio Presentation is attended and evaluated by a panel that includes one or more outside members of the community, a BART staff member or administrator, student advisor, and family members. During the presentation, students develop a theme that provides the opportunity to highlight and reflect upon their academic achievement and growth. In addition, students respond to a variety of questions from the panel about their work and academic development.

### Portfolio Development Support

The development of the student portfolio will happen in several areas. Individual portfolio pieces and reflection essays are composed and compiled in each class, by subject. The portfolio binder is maintained in collegiate skills class. Also in collegiate skills, students will develop and practice their Student-Led and Gateway presentations. If a student is falling behind in the development of their portfolio their collegiate skills teacher will help them design a plan to get back on track. This plan may involve staying after school and/or structured ILT attendance.

### Standardized Testing: PARCC, MCAS, and Interim Assessments

BART will administer PARCC and MCAS exams in grades 6 through 10 in March/April and May/June of each year in accordance with the testing schedule published on the Department of Education's website at <http://www.doe.mass.edu/mcas/cal.html>.

In accordance with Massachusetts Education Law, students must receive a Proficient or Advanced score on the 10<sup>th</sup> grade MCAS in ELA and Math and receive a Needs Improvement or higher score in one high school Science subject (Biology, Chemistry, or Physics), in order to graduate. Students who do not pass the first time will be given the opportunity to retest. More information regarding MCAS can be found on the Department of Education's website at <http://www.doe.mass.edu/mcas/>.

In addition to PARCC and MCAS exams, all students will take interim assessments approximately every 6 weeks in most content areas. The purpose of these assessments is to provide teachers, students, and families with important feedback regarding a student's academic progress.

### Homework Policy

In order to help students build the organizational skills necessary for academic success, all students are required to maintain organized academic materials. In middle school this includes:

1. A 3-inch **Academic Binder** - This binder contains course notes, handouts, and study materials for each course.
2. A 2-pocket **Homework Folder** - This folder is the single place where students transport all homework, graded tests for parent review, parent notices, etc. It is important that parents regularly ask for and check the contents of this folder.
3. **Agendas/Planners** - Students record their homework assignments in an agenda/planner in each class. In most cases, homework assignments will also be posted online so students and families can access this information at home.

Middle school students have approximately 1 hour of homework a night. Students may be assigned homework over the weekend.

High school students are also expected to maintain consistently organized materials and may use the middle school system. If the student chooses a system that is different than the middle school system, they must get approval from their advisor. Any organizational system must include a BART-issued agenda book.

High school students have approximately 2 hours of homework a night. Students may be assigned homework over the weekend.

Parents will be notified if their child fails to return completed homework. Failure to bring in a homework assignment will result in a lunch detention on the same or following day. Students who develop a pattern of incomplete homework will be referred to Student Support to make a homework completion plan which may include structured after-school support.

### Senior Year

During their final year of high school, 12<sup>th</sup> grade students begin the transition from high school to postsecondary education and work.

Seniors at BART will be enrolled in college preparatory Math and English for the academic year. They will take a third college-preparatory course, generally in science or social studies. In addition, seniors will meet daily in an Advisory and Senior Seminar class to address college and career issues, learn study and presentation skills, receive assistance with college selection and applications, and prepare for college-entrance examinations, such as the SAT.

Beyond the high school classroom, seniors will earn a minimum of three credits at a local college. Course selection will be made based on student interest and course availability.

Seniors will also explore a specific career or profession of interest through a required internship at a local place of business. Examples of potential internship sites include small businesses, museums, schools, performance halls, or art studios. Students will be expected to participate in ongoing research/study and reflection about their internships.

Seniors will expand their high school portfolios by compiling their best work completed during their senior year (including high school courses, postsecondary coursework, and internships). In order to graduate, students must present a completed Gateway Portfolio to a panel of reviewers composed of BART faculty, staff, external representatives from postsecondary institutions, and the local community.

BART's graduation requirements are as follows:

- Student demonstrates competency (a final grade of at least 70%) in all classes described below, or passing grades in equivalent courses from other high school programs or approved college courses.
  - 4 years of English (as part of humanities or as a separate course)
  - 4 years of mathematics, including Algebra II or equivalent
  - 3 years of lab-based science, two of which are physical and natural science
  - 3 years history/social studies, including US History and World History
  - 3 years of a foreign language, two of which must be the same language<sup>1</sup>
  - 3 years of arts and technology (6 semester-long courses)
- Student passes a senior seminar course that encompasses the supports for all of the “non-academic” graduation requirements and college-preparedness activities.
- Student maintains an attendance rate of 92.5%. All absences (excused or unexcused) will contribute to a student's daily attendance rate.
- Student successfully<sup>2</sup> creates a Gateway Portfolio containing the components prescribed by the Portfolio Document.
- Student successfully<sup>2</sup> presents the Gateway Portfolio to a committee composed of BART faculty and staff, as well as external representatives from postsecondary institutions, businesses, or other community organizations.
- Student receives a passing grade (a final grade of at least a C-) in an on-campus college course during the fall of their senior year.
- Student successfully completes an internship based upon assessment according to rubric during the spring of their senior year.
- Student is accepted into a two- or four-year college.
- Student meets all requirements of the Massachusetts Comprehensive Assessment System (MCAS).
- Student completes the PSAT and either the SAT or ACT.

Any request for a waiver for any of the graduation requirements must be submitted in writing to the senior Advisor, who will share it with the Principal and Executive Director. If the waiver is considered reasonable and is requested sufficiently in advance, the student will be granted the opportunity to appeal the requirement to the Board of Trustees. Special education students may have altered graduation requirements based on the student's IEP and documented educational assessment data. These changes do not require the approval of the Board of trustees. Berkshire Arts & Technology Charter Public School may modify or waive the graduation requirements beyond core academics for high school seniors due to the coronavirus pandemic on a case by case basis.

### Promotion Policy

In order to be automatically promoted from one grade to the next, students at BART must demonstrate competency (a final grade of at least 70%) in all classes. BART courses are aligned with and include the Massachusetts Curriculum Frameworks and the Common Core. Classes include English Language Arts, Math, Science, History/Social Studies, Spanish (HS only), the Arts, Technology, and Fitness.

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<sup>1</sup> Regular education students who require remedial instruction in place of foreign language classes may have their requirement reduced to 2 years total instruction (in the same language), rather than 3.

<sup>2</sup> *Successfully* is demonstrated by Proficient or Advanced on portfolio and presentation rubrics.

Students in grades 8 and 11 must pass the Gateway Portfolio Presentation with a score of at least 70% in order to move to the next grade level. A student who fails their presentation will be permitted a second opportunity to present prior to the start of the next school year. A second failing presentation may result in a postponed graduation date.

Students in grade 12 must pass the Gateway Portfolio Presentation to graduate. A student who fails their presentation will be permitted a second opportunity to present prior to graduation, but must receive a score of at least 75%. If a student fails the second presentation, the student will not be eligible to walk at graduation and will receive his or her diploma upon successful completion of the presentation.

Students who have utilized all opportunities to reach competency, but have still not reached a final grade of at least 70% in all courses and/or have not passed the portfolio requirement in grade 8 or grade 11, may, at the discretion of the Instructional Team, be provided with alternate means of demonstrating the capability of performing successfully at the next grade level. Under these circumstances, the Instructional Team will examine the student's progress towards meeting the academic standards and the student's attendance rate in order to make a recommendation to the Principal. All decisions for advancement will include consideration of the student's path toward meeting BART's graduation requirements.

#### Mid-Year Student Transfers

**Historic Grades** - Students entering BART partway through a school year will have the grades from their previous school incorporated into their BART grades. Grades from completed term(s) of the current academic year will be included in their BART grades at the end of the year.

**Orientation** - Students entering BART partway through a school year will meet with the school counselor and be assigned a peer guide from the same Advisory to help them adjust to BART's routines and policies. Additionally, new students and their peer guides will meet as needed with the Assistant Principal (at least twice) to discuss useful strategies for adjusting to life as a student at BART. If a large group of new students starts at the same time, a temporary new students group will be formed.

#### Students on Individualized Education Plans

Students who have an Individualized Education Plan (IEP) may have a modified promotion policy, as determined by their team.

#### Notification

Each term, the school will send 1 mid-term progress report and 1 end-of-term report card with a cumulative average by class. Additionally, all parents/guardians have access to their children's academic progress through PowerSchool Parent Portal.

#### Appeals

An appeal of a promotion decision may be submitted to the Principal in writing by August 1. A decision will be made prior to the start of the school year following a conference at which the Principal, team teachers and parents/guardians are present. The Principal's decision is final.

#### Uniform / Dress Code for 2019/2020

BART's uniform/dress code is intended to help create a sense of focus and belonging.

The middle school uniform is a uniform in the true sense of the word. On special occasions, or in recognition of exceptional work, middle school students may be recognized with a dress pass that will allow them to follow the high school dress code for the day.

BART recognizes that high school students are progressing towards a goal of collegiate and professional success, and we expect their dress to mirror that transition as developmentally appropriate and as economically possible. As such, the guidelines below *set a baseline* for *appropriate* attire while allowing opportunities to experiment and request feedback on more professional dress efforts.

**The goals for dress code are to:**

- Create a sense of community and encourage students to recognize their educational environment.
- Allow students to focus on academics rather than apparel.
- Encourage students to prepare for the world of work through practice with business acceptable attire.
- Reduce peer pressure to wear the latest styles or expensive brands (especially in the Middle School).
- Reduce costs for parents.
- Maintain a safe environment for all students, ensuring that they are easily identifiable on field trips or within the school building (especially in the Middle School).

**Dress Code Exceptions:**

- Middle school students who have not received their BART shirts in time for the start of school may wear a short- or long-sleeved shirt of a solid color (no sleeveless, no logos).
- Occasionally BART may announce the one-day relaxation of one or more dress code rules as a part of a charitable-fundraising, school spirit or similar day, or reflecting a BART activity such as a field trip or a messy project. Such waivers will only apply to specific students.
- Students requesting an individualized exception (such as for religious or health reasons) should notify the Principal of the need for a personal waiver.

**All students must wear:**

**Clothes in accordance with dress code listed below (differentiated for middle and high school) worn in such a way that cover the navel, genitals, buttocks, breasts, and nipples and do not obscure the face or ears.**

**The high school dress code specifically forbids:**

- Bulky coats (worn in the building)
- Hoods (worn in the building)
- Flip-flops or open toed shoes
- Hats/caps(exception for religious or medical requirements)
- Sunglasses
- The purposeful display of undergarments
- Any clothing or accessory that obscures the face or ears (exception for religious or medical requirements)
- Images or language depicting or referring to drugs, alcohol, violence, hate speech, profanity, or pornography.
- Swimsuits
- Pajamas and bedding material
- Accessories that could be considered dangerous or used as a weapon

**The middle school dress code specifically forbids:**

- Jeans
- Flip-flops or open toed shoes
- Sunglasses
- The purposeful display of undergarments
- Any clothing or accessory that obscures the face or ears (exception for religious or medical requirements)



- Images or language depicting or referring to drugs, alcohol, violence, hate speech, profanity, or pornography.
- Accessories that could be considered dangerous or used as a weapon

**Notes:**

- **Evaluation of messaging on clothing (in the High School) will be based on the Landmark Case Tinker vs Des Moines. BART can disallow attire that impedes the school's functioning or the rights of others.**
- **If students see other students out of dress code, they should assume individualized exceptions have been made or that corrective action has been taken. These are often private issues. Students should focus on maintaining the dress code policy themselves.**
- **If shoes are not suitable for fitness activities, students must bring an additional pair for fitness classes.**

Middle School		High School
<b>Shirts</b>	<i>"Bart on Top!"</i> <ul style="list-style-type: none"> <li>• Clean BART T-shirt (short sleeve)</li> <li>• Clean BART T-shirt (long sleeve)</li> <li>• Clean BART sweatshirt, jacket, or fleece</li> <li>• Only black long-sleeved shirts may be worn underneath short-sleeved BART shirts for warmth.</li> </ul>	<ul style="list-style-type: none"> <li>• All shirts must cover the midriff area.</li> </ul>
<b>Pants/Skirts and Dresses</b>	<ul style="list-style-type: none"> <li>• Khaki (tan), navy blue, grey, or black pants, shorts, or skirts. (Dresses are not permitted)</li> </ul>	<ul style="list-style-type: none"> <li>• Pants, shorts, skirts, or dresses may be worn.</li> </ul>
<b>Tights/Leggings</b>	<ul style="list-style-type: none"> <li>• Must be a solid color.</li> <li>• Sheer leggings can only be worn under a skirt.</li> </ul>	<ul style="list-style-type: none"> <li>• Tights/leggings may be worn.</li> </ul>
<b>Shoes</b>	<ul style="list-style-type: none"> <li>• Safe and appropriate for indoor and outdoor activity.</li> <li>• Must be closed-toe with at least a strap in the back.</li> </ul>	<ul style="list-style-type: none"> <li>• Safe and appropriate for indoor and outdoor activity.</li> <li>• Must be closed-toe with at least a strap in the back.</li> </ul>

Uniform Purchase

School uniform T-shirts are available to purchase online at <http://www.bartcharter.org>. Please note the following:

- All T-shirts will have the BART logo silk-screened onto them.
- No refunds or exchanges are allowed.

Fragrance-Free Policy

Recognizing that scented products may cause or exacerbate allergic symptoms, chemical sensitivities, asthma, headaches, or nausea, among other symptoms, BART promotes a fragrance-free environment. Consequently BART does



not permit the use or wearing of products whose purpose is to create a noticeable scent, such as perfumes, colognes, and scented spray products such as air fresheners, and BART asks for moderation in the use of even mildly scented products such as deodorants, lotions, and body washes. Students whose use of scented products is objectionable may be asked to return home to remove them. Repeated infractions will result in disciplinary action.

### Food Service

All meals will meet the federal requirements of the National School Lunch Program..

Breakfast will be available each day from 8:00 a.m. to 8:15 a.m. at no cost. Lunch will be available each day at no cost.

Students may purchase milk separately from the meal for \$0.50. Other food items are not available separately.

### Transportation

For the 2019/2020 school year, BART will provide transportation to and from school for students who live in Clarksburg, Florida, Hancock, Lanesborough, North Adams, Pittsfield, Savoy, and Williamstown via a trunk-line bus service. Students who live within the Adams-Cheshire school district will have transportation provided to them by the Adams-Cheshire school district. All bus transportation is coordinated through BART.

BART has the authority to require appropriate behavior on school buses. Transportation services are provided to students with the understanding that students must follow all regulations set forth that control their boarding, leaving, seating, behavior, and safety. Disorderly conduct or refusal to comply with the rules of the bus driver will be sufficient reason for a student to be denied the privilege of school bus transportation.

Students who display any of the following types of behavior may, at the discretion of the Principal or designee, have their bus riding privileges suspended and/or be suspended from school:

- Smoking or chewing tobacco, or possessing tobacco.
- Possessing or using drugs, alcohol, or other illegal substances.
- Possessing a firearm, knife, explosive, or other dangerous object.
- Causing injury to another person.
- Fighting.
- Pushing, shoving, "horseplay," or any other activity that is distracting to the bus driver.
- Damaging property.
- Swearing, using foul or inappropriate language.
- Refusing to follow reasonable instructions given by the bus driver to ensure safe transport of students.
- Harassing other students at the bus stop or while on the bus.

The following actions represent minimal sanctions; stronger sanctions may be issued if warranted:

- First offense: a written warning to parents and detention/suspension.
- Second offense: a two-week denial of transportation.
- Third offense: up to one-month denial of transportation.
- Fourth offense: denial of transportation for the rest of the school year.

The bus driver or bus company shall report infractions to an administrator on the day of the occurrence, if possible, in sufficient detail for the administrator to be able to verify what occurred.

Parents are responsible for restitution, as defined by the statute, for any damage to the school bus or other property resulting from their child's actions.

BART believes that digitally recording student passengers on the school bus will encourage appropriate behavior and, as a result, promote safety. The Board of Trustees therefore authorized the administration to record student behavior on buses, and it established the following policy for the use of video cameras on school buses:

- All students shall receive training in proper school bus riding practices. They will also receive a copy of the student handbook, which contain the student disciplinary code.
- All students shall be notified that they are subject to being recorded on the school bus at any time.
- Appropriate BART personnel will view videotapes whenever they have concerns regarding the safety or behavior of students on the bus.

BART may use a recording of the actions of student passengers as evidence in any disciplinary action brought against any student arising out of the student's conduct on the bus.

In order to protect the safety of all students on the bus and the school community, in certain instances of in-school illness, safety concerns, or severe behavioral infractions (e.g., fighting in school), students may be refused the privilege of school bus transportation home. If school officials determine that a student is unable to ride the school bus home, it is the parent's responsibility to arrange for the safe transport of that student. If a parent or guardian cannot be reached, the school will contact the emergency contacts provided in the student's enrollment paperwork to have that individual arrange safe transport for the student home for the day.

### Attendance Policy

At BART, our classroom curriculum has been designed in such a way that each activity every day is essential to developing the skills and content needed to meet the Massachusetts State Standards and to prepare for Student-Led Conference and Portfolio Presentations. Students need to be in class on time every day. We ask our families to schedule doctor, dentist, and other essential appointments for times when their children are not in school, such as after school, during school vacations, and during the summer months. If a student does need to be absent, the procedures for informing BART depend on whether the absence is planned beforehand or is unexpected.

#### **When a student plans to be absent:**

- A parent/guardian should notify the Principal as early as possible in advance of an anticipated absence. Because some reasons for absence require the prior approval of the Principal (see below) the parent should talk with the Principal in person or over the phone.
- The student is responsible for meeting with his or her teachers as soon as possible, before the absence, to discuss any potentially missed readings or assignments and how work can be made up.
- The student is responsible for making up any missed work or assignments to the satisfaction of his or her teachers.

#### **When a student is unexpectedly absent:**

1. A parent should call the BART Main Office at 413.743.7311 ex. 700 on the morning of the absence.
2. On the date of the student's return to school, a written note signed by the parent must be submitted to the Main Office explaining the absence, even if the parent called the school to notify the school of the absence.
3. The student is responsible for making up any missed work or assignments to the satisfaction of his or her teachers.

An absence will be considered "excused" if it is for one of the following **documented** reasons:

- Illness or quarantine
- Bereavement or serious illness in the family
- Religious observances

An absence may also be considered "excused" if the student receives prior approval of the Principal for one of these reasons:

- Interviews for college or work
- Preventative or health treatment
- Medical appointments
- Suspensions
- Court mandated appearances

All other reasons for absence will be considered "unexcused," even if the student was given permission to miss school by a parent.

All students arriving late to school (after 8:15 a.m.) must report to the Main Office before proceeding to class. All students leaving school early must be signed out by a parent/guardian in the front office. Written consent from a parent/guardian is required if a student is to be picked up by anyone other than those listed on the student's pickup list in the Main Office.

Students may not attend school-sponsored activities at night if they were absent from school during the day.

### Truancy Procedures

State law requires attendance at school. It is the responsibility of each parent to make sure his/her child attends school until the age of sixteen unless they have an excused absence. Chapter 76, section 2 of the Massachusetts General Laws states the following:

Every person in control of a child described in section one shall cause him to attend school as therein required, and, if he fails so to do for seven day sessions or fourteen half day sessions within any period of six months, he shall, on complaint by a supervisor of attendance, be punished by a fine of not more than twenty dollars. No physical or mental condition capable of correction, or rendering the child a fit subject for special instruction at public charge in institutions other than public day schools, shall avail as a defence unless it appears that the defendant has employed all reasonable measures for the correction of the condition and the suitable instruction of the child.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter76/Section2>

On the third unexcused absence or truancy within a 6-month time period, the school will notify the parent or guardian to discuss measures for improving attendance.

On the seventh unexcused absence or truancy within a 6-month time period, the Principal or designee will request a meeting with the parent or guardian to develop an attendance plan, discuss the loss of academic time and its effects, and discuss ways to support the family and student in improving his or her attendance according to the Massachusetts General Laws on School Attendance.

In instances of chronic or irregular absences due to illness, the school administration may request a physician's statement certifying such absences are necessary.

If the number of class absences totals ten (10) for a semester-long course or twenty (20) for a full-year course, the student will be subject to loss of credit for the course(s) affected.

The school may file a truancy notice with the court if necessary.

### Tardiness to School

Students arriving after 8:15 a.m. are considered tardy. A tardy student must report to the Main Office before proceeding to class. For the tardy to be considered for excusal, students should arrive with a note signed by the student's parent/guardian explaining the tardiness. (See Attendance Policy for examples of permissible excuses.) Parents will be notified if a student is frequently tardy to school or class, and these incidents will be recorded on the student's report card. Excessive unexcused tardiness may result in disciplinary action.

### Acceptable Technology Use Policy

The Technology Use Policy is intended to support a safe computing environment for the BART school community. All students, faculty, staff, and parents ("users") will receive a technical orientation on the proper use of technology, including acceptable use as described below. This policy is also available publicly on BART's website at [www.bartcharter.org](http://www.bartcharter.org).

Access to BART's computer environment is intended for educational use; therefore, it is not appropriate to transmit or receive data which is not consistent with BART's educational goals. BART's network traffic and computers are regularly monitored to enforce this standard.

Technology at BART should be utilized in a manner respectful to the community as a whole. All users are expected to treat technology equipment in an appropriate manner. Users will be held accountable for damage, loss, and theft due to misuse, negligence, or failure to follow procedures. Communal technology equipment should be made available to the entire community when not in use and should be signed out from and returned to the technology department (via the Library) in a timely and considerate manner.

Each user will be provided with a unique login account including username and password. Under no circumstances should a user log in with another student's account information. Students should share their usernames and passwords with their parents, but should ensure that they are otherwise held privately and securely. If someone else should learn a student's password, that student should immediately request a change of his or her password in the Library.

When using BART's computer facilities, all content created, stored, or transmitted should be acceptable to all users and should be of an educational or job-related nature. Student accounts will be open to view by faculty and staff of BART. Therefore, students should not expect any personal privacy rights to extend to their emails, their internet use, or any other use of BART equipment, software, or systems when using the computer facilities.

We prohibit the use of BART computers for inappropriate or non-educational purposes. Students should not use BART computing resources to harass or threaten anyone. Furthermore, accessing or distributing information that is offensive, pornographic, discriminatory, defamatory, or otherwise inappropriate, is strictly prohibited. The email system is not to be used to create any offensive or disruptive messages. See BART's Code of Conduct for further information.

BART reserves and intends to exercise the right to access, review, copy, delete, monitor, audit, intercept, and/or disclose all messages and files on its computer system, including attachments, created, received or sent, websites visited, and/or files downloaded over BART's electronic mail or Internet systems. Furthermore, BART may monitor, review, and disclose the use of its systems in its sole discretion, at any time, with or without notice to any user.

BART will maintain a proxy server configured to log and archive all network traffic. Log files will be maintained for each user in which all text and images transmitted will be recorded. The Technology Manager will review log files regularly, searching for keywords, while subjecting images to random checks for violations. BART will continually update keywords to include slang and abbreviations. The Technology Department will also store log files to perform investigations after violations have been detected.

Third party software will filter BART's Internet access to restrict user admission into sites containing inappropriate material. A list of forbidden URLs will be maintained; users may request modification of mischaracterized URLs by submitting a written request to the Director of Technology.

The proxy server will also record IP addresses and port requests in order to detect patterns of hacking behavior. BART's network security will consist of multiple subnets designed to isolate the effects of a hacking incident. BART will separate, both logically and physically, networks that carry personal information.

Hardware, software, files, or data may not be removed from the computer facilities without prior authorization from the Director of Technology. Items specifically made available for sign out do not require prior authorization but do require adherence to sign out procedures.

To prevent computer viruses from being transmitted through the system, downloading unauthorized software or any non-educational related data is prohibited. In downloading education-related documents from the Internet, we require that such documents constitute a reasonable use of BART resources. Executable files may not be downloaded without prior approval from the Technology Department.

Users may not use the school's email or Internet systems to develop or send any virus or otherwise destructive program. Users should not open emails or attachments unless they are confident of the identity of the sender.

Copyrighted materials belonging to persons or entities other than BART may not be transmitted without permission of the copyright holder. Users are not permitted to copy, transfer, rename, add, or delete software programs belonging or licensed to others without express permission. Users are not permitted to copy, transfer, rename, download, or otherwise access any copyrighted materials including music files, video, imagery, or any other copyrighted material. Failure to observe copyright or license agreements may result in disciplinary action from BART or legal action by the copyright owner.

Users shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. All computer passwords and codes must be provided to BART. No password or code may be used that is unknown to BART.

BART publishes Best Practices of Usage and various other technology usage procedures to which all users are expected to adhere. Procedures may be developed or amended at any time by the administration of BART in cooperation with the Director of Technology. A violation of Best Practices, established procedures, or the Acceptable Use Policy may result in disciplinary action.

### Academic Honesty

All work submitted by a student should be a true reflection of his or her own effort and ability. Cheating will not be tolerated. Cheating includes: claiming credit for work that is not the product of one's own efforts, providing material or information so that credit may be claimed by others, failure to acknowledge sources, and failure to report knowledge of cheating. A student who cheats will be subject to the following consequences at the teacher's discretion: the student will receive a zero for the work, the student's parent(s) or guardian(s) will be notified, and the matter will be referred to the administration. Students who cheat a second time or have been involved in a serious act of academic dishonesty will be referred to the Principal or designee for a formal meeting/hearing. In all cases, students are entitled to the protections afforded to them by BART's Due Process procedures.

### Care of School Equipment

At BART, we care about our students and our school. Students must treat their surroundings, their classrooms, all school equipment, texts, library books, and computers with respect. Students are financially responsible for the loss or destruction of any material lent to them by the school. This includes any damage or losses to the school's technology.

### Emergency Drills

The safety of our school community is critical. All students are expected to participate quietly in emergency drills to ensure they know how to evacuate the building in case of a real emergency. Drills may include evacuation, lockdown, natural disaster, or other emergency. During a drill, all students will proceed immediately to emergency locations according to the posted directions. All school community members are expected to walk rapidly, but they are not to run. There is to be no talking, except that which is essential to performing the evacuation (for example, "this exit is blocked" or "I need help carrying this student who has sprained her ankle"). It is important to stand a safe distance from the building while outside. The last student leaving a room will close but not lock the door. At times, some particular emergency exits will be unavailable. If this occurs, students should go quickly to the nearest alternative exit.

All emergency drills are to be orderly and quiet, and students will remain quiet until a signal has been given by an administrator to return to the building.

### Safety

Safety is the responsibility of the entire student body, faculty, administration, and the Board of Trustees. Some general safety practices are:

- Do not push or run in the classrooms or corridors.
- Inform a teacher, custodian, or the Office if you see food or drink spilled on any floor or stairway in the building.
- No article of flame is permitted in any classroom, hallway, or on school grounds. You may not possess matches, a lighter, or fireworks, or in any manner cause a flame to be created. The only exception to this rule is if you are authorized by your teacher to light a Bunsen burner or burn something else under controlled conditions in a Chemistry or other Science lab.
- Learn and follow building evacuation plans.

Failure to observe these rules will result in disciplinary consequences.

#### Tobacco, Nicotine, & Marijuana-Free Environment Policy Statement

BART is dedicated to helping students develop the skills, knowledge, and attitudes necessary to adopt and maintain healthy lifestyles. We are therefore committed to maintaining a tobacco-free, smoke-free, nicotine-free, and marijuana-free environment for the health and safety of all students, employees, and visitors to its facilities. The use of tobacco products and Electronic Nicotine Delivery System (ENDS) devices (examples include any handheld electronic device such as e-cigarettes, pipes, pens, JUUL vape pen, and other devices for vaping) have direct links to numerous health problems. Tobacco and nicotine prevention and education play a critical role in establishing lifelong positive health habits for students.

#### Student Support

BART has a wide range of student support services in place to ensure that all students can learn while at school. These services include a full time School Counselor, Student Support Team (Administrators, Faculty Members, Coordinators), and a School Nurse. Students should follow appropriate procedures for scheduling time with these support people.

#### Health Office

The Nurse's Office is open from 8:00-3:00 daily for student visits. All students must have a teacher's pass in order to go to the nurse's office. Dismissals due to injury or illness must be authorized by the school nurse.

#### Physical Examination (105 CMR 200.00: Physical examination of school children)

Each child needs to present to the school nurse documentation of a physical examination within one year prior to entrance to school or within 30 days after school entry and at intervals of either three or four years, thereafter. If participating in competitive sports, physical exams are required annually.

#### Immunizations (105 CMR 220.00: Immunization of students before admission to school)

No student shall attend a preschool, elementary school or secondary school program without a certificate of immunization documenting that the child has been successfully immunized in accordance with current Department required immunization schedules.

#### Tdap Immunization

All students entering the 7th grade at BART must show documentation that the Tetanus booster, Tdap, has been administered.

Exemptions: There are two situations in which children who are not appropriately immunized may be admitted to school: 1) a medical exemption is allowed if a physician submits documentation attesting that an immunization is medically contraindicated; and 2) a religious exemption is allowed if a parent or guardian submits a written statement that immunizations conflict with their sincere religious beliefs. The law states that medical exemptions must be presented at the beginning of each school year. MDPH recommends also requesting religious exemptions on an annual basis, in writing, at the beginning of each school year.

#### Health Office Protocol



- First aid is treatment given to protect the life and comfort of the student until authorized treatment is secured and is limited to first treatment ONLY. Subsequent treatment is the responsibility of the student's parent(s)/legal guardian(s).
- Home injuries and illness should be treated by the parent/guardian and child's physician.
- Health office visits are computerized. The nurse will contact both parent and administration if a student is visiting the nurse's office too frequently and missing valuable time in the classroom.
- When a student returns to school after surgery, injury or an extended illness, a doctor's note is required indicating any restriction in gym/sports activities, stairs/elevator use, or need for medications/treatments.
- Students who are excused from gym class by a physician will not be allowed to participate in any extracurricular athletic events.
- When a student transfers to another school or school system, upon receipt of a signed "Release of Information" form from the student's parent/guardian, the nurse will place the health record in a sealed envelope and will send it directly to the school nurse of the receiving school.
- School nurses are mandated reporters by law and must report any suspicions of abuse or neglect to appropriate agencies.
- BART has a Medical Emergency Plan and a Cardiac Emergency Plan (see BART website). In a medical or cardiac emergency the student will be sent to the nearest equipped hospital.
- Medication policies and procedures and the schedule for the mandated school screenings can be viewed on the BART website.

### Severe and Life-Threatening Allergies

Our goal is to minimize the risk of exposure to allergens that pose a threat to our students. We have a nut-free classroom policy, which parent/guardians must agree to at the start of each school year, and we designate a nut-free table in our cafeteria, which is thoroughly wiped down between all lunch periods. School bus staff are made aware of student riders with life threatening allergies. Our staff is trained in EpiPen administration, including the signs and symptoms of an anaphylactic reaction, and students with life-threatening allergies are encouraged to carry their own EpiPen (see school medication policies on the BART website).

### School Adjustment Counseling

A school adjustment counselor (SAC) is a clinical social worker. School adjustment counseling may be arranged at the student office or by direct contact with the school adjustment counselor. Students and parents/guardians may request school adjustment counseling services when a student is experiencing personal, academic, or family distress. The goal of the program is to support school achievement and positive relationships while encouraging effective communication, problem solving, and pro-social decision making. If a student needs to meet with a school adjustment counselor more than three times, then parent/guardian permission is necessary. However, parents/guardians will be notified immediately in cases where a student's safety is at risk.

Community-based referrals for individual, group, and family counseling can be found on the BART website and/or by directly contacting the Health & Wellness Coordinator.

Students who cannot function in the learning environment on a given day, or who have become disruptive to the learning environment and are not responding to redirection from the teacher, will be sent to Student Support. A return to classes is permitted at the discretion of the Student Support Coordinator or the Assistant Principal. The student will not return to the class they have been expelled from until they have met with the teacher and the Student Support Coordinator and developed an appropriate plan to stop problem behaviors from recurring. Additional disciplinary measures may be necessary as determined by the Student Support Team.



### Homelessness Policy

To the extent practical and as required by law, BART Charter Public School will work with homeless students and their families to provide stability in school attendance and other services. Special attention will be given to ensuring the enrollment and attendance of homeless students not currently attending school. Homeless students will be provided the same district services on the same terms as families already in the district.

Homeless students are defined as lacking a fixed, regular and adequate nighttime residence, including:

- Sharing the housing of other persons due to loss of housing or economic hardship;
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- Living in emergency or transitional shelters;
- Being abandoned in hospitals;
- Awaiting foster care placement;
- Living in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings;
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, transportation stations or similar settings;
- Migratory children living in conditions described in the previous examples.

The Executive Director has designated the School Social Worker as the district's liaison for homeless students and their families.

To the extent feasible, homeless students will continue to be enrolled at BART while they remain homeless or until the end of the academic year in which they obtain permanent housing outside of BART's charter region.

Enrollment and attendance rights are available to homeless families on the same terms as to families resident in the district. If the student does not have immediate access to immunization records, the student shall be admitted under a personal exception. Students and families are encouraged to obtain current immunization records or immunizations as soon as possible, and the district liaison is directed to assist. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Records from the student's previous school shall be requested from the previous school pursuant to district policies. Emergency contact information is required at the time of enrollment consistent with district policies, including compliance with the state's address confidentiality program when necessary. Homeless students are entitled to the same transportation programs, on the same terms, as other BART students.

The district's liaison for homeless students and their families shall coordinate with: local social service agencies that provide services to homeless children and youths and their families; other school districts on issues of transportation and records transfers; and state and local housing agencies responsible for comprehensive housing affordability strategies. This coordination includes providing public notice of the educational rights of homeless students in schools, family shelters and such.

### Notification of Rights Under the Family Educational Rights and Privacy Act (FERPA)

FERPA gives parents/guardians certain rights with respect to their children's education records. These rights transfer to the student when he/she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records at the school. Schools may charge a fee for copies.

Parents or eligible students have the right to inspect and review the student's education records that they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his/her view about the contested information.

Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):

- School officials with legitimate educational interest
- Other schools to which a student is transferring
- Specified officials for audit or evaluation purposes
- Appropriate parties in connection with financial aid to a student
- Organizations conducting certain studies for or on behalf of the school
- Accrediting organizations
- To comply with a judicial order or lawfully issued subpoena
- Appropriate officials in cases of health and safety emergencies
- State and local authorities, within a juvenile justice system, pursuant to State Law

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them.

#### Parental Notification / Exemption Policy on Human Sexuality Class (MGL 71 § 32A)

BART will notify parents/guardians about their children's human sexuality education, and shall afford parents or guardians the flexibility to exempt their children from any portion of human sexuality class through written notification to the Principal. No child so exempted shall be penalized by reason of such exemption.

#### Distribution of Condoms and Dental Dams

It is the policy of the BART Charter Public School to support condom and dental dam availability to middle school and high school students in the school. This policy is intended as a countermeasure to the alarming rates of teenage pregnancy and sexually transmitted infections and is being instituted for the protection of the students as an answer to this increase in sexually related problems. This policy does support referral of individual students to appropriate staff and community resources when a student actively seeks out information related to their reproductive health.

Parents/guardians will be notified of condom and dental dam availability in the school and will have the opportunity to deny permission ("opt-out") for access to condoms and dental dams for their student(s) at the beginning of the school year. Parent/guardians who do not opt out of condom and dental dam availability will not be notified if their child receives condoms or dental dams from the school.

Condoms will be available through the School Nurse' Office. Students will receive counseling for condom receipt. Counseling shall include information on abstinence and instruction (verbal and/or written) on proper storage and use of condoms.

## Policies Regarding Pregnant Students

### Identification of Pregnant Student

A student who believes she may be pregnant should speak directly with the School Nurse. Should a student first confide in another trusted adult at BART, the adult is required to immediately refer the student to the School Nurse, accompanying her if appropriate.

### Referral for Pregnancy Services

The School Nurse, upon hearing about a potentially pregnant student, will do the following:

- Refer the student to a neutral outside agency to ensure the student receives adequate counseling.
- Discuss the school's policy on pregnancy with the student.

As mandated by the statute governing the emergency treatment of minors, the school will not inform the student's parents of her potential pregnancy unless "the life or limb of the minor is endangered."

See MGL Chapter 112 § 12F for more information. <http://www.mass.gov/legis/laws/mgl/112-12f.htm>

### Continuation of Academic Program During Pregnancy

Any pregnant student attending BART is permitted to remain in regular classes and participate in extracurricular activities with non-pregnant students throughout her pregnancy; after giving birth she is permitted to return to the same academic and extracurricular program as before she left.

In order to ensure that both the student and her unborn child remain safe at all times, the student must furnish the School Nurse with a note from her primary care provider describing any necessary limitations in her activities.

As is the case with all other extended absences due to physical or mental conditions, BART requires certification from a primary care provider that the student is physically and emotionally able to continue in school before returning to the academic program.

See the description of the Provision of Home or Hospital Educational Services immediately below for more information on the continuation of the academic program if the student needs to miss 14 or more days of school.

### Provision of Home or Hospital Educational Services

BART will coordinate home/hospital educational services as described under 603 CMR 28.03(3)(c) (<http://www.doe.mass.edu/lawsregs/603cmr28.html?section=03>) to a student enrolled at BART who, due to documented medical reasons, is confined to home or hospital for not less than 14 school days during the school year. This requirement to provide home/hospital instruction to a public school student who is being educated at public expense is not dependent upon the student's eligibility for special education.

Once the student's primary care provider determines that the student's medical condition will require either hospitalization or home care for not less than 14 school days, the primary care provider must notify BART in order to start the home/hospital instruction process. The student's primary care provider must complete a Department of Education form 28R/3 (or equivalent signed statement) and submit it to the Principal or other appropriate program administrator. At a minimum, the primary care provider's signed notice must include information regarding:

- The date the student was admitted to a hospital or was confined to home;
- The medical reason(s) for the confinement;
- The expected duration of the confinement; and
- What medical needs of the student should be considered in planning the home or hospital education services.

Students with chronic illnesses who have recurring home/hospital stays of less than 14 consecutive school days, when such recurrences have added up to or are expected to add up to more than 14 school days in a school year, are also eligible for home or hospital educational services if they are requested and the medical need is documented by the primary care provider.

BART will coordinate home and hospital educational services under 603 CMR 28.03(3)(c) without undue delay after BART receives written notice from the student's primary care provider that such services are necessary. There is no required 14-day waiting period before home or hospital instruction can commence if it is likely the student will be absent from the school-based program for 14 school days or more in the school year.

#### Confinement to Home or Hospital for More Than 60 School Days

If in the judgment of the student's primary care provider, a student with an IEP is likely to remain home, in a hospital, or in a pediatric nursing home for medical reasons and for more than sixty (60) school days in any school year, the Director of Special Education Services will, without undue delay, convene a team meeting to consider evaluation needs, and if appropriate, to amend the existing IEP or develop a new IEP suited to the student's unique circumstances (603 CMR 28.04(4)).

#### Delivery of Home or Hospital Services

BART may provide home/hospital services, including:

- Providing the services directly to the student using district employees;
- Contracting with the hospital to provide the needed services;
- Contracting with another school district to provide the services; or
- Contracting with another agency to provide the services.

BART will determine the number of instructional hours per day or per week based on the educational and medical needs of the individual student. BART may not preset the number of instructional hours per week provided to students who must remain at home or in the hospital; the decision must be individualized. Based on the student's medical status, the student's primary care provider may determine that the number of instructional hours should be reduced. In addition, the amount of instructional time deemed necessary by BART may be guided by the instructional approach used in a one-to-one home or hospital setting as compared to the instructional approach normally implemented by the student's school-based program. Any reduction in instructional time must be based on the educational benefit received by the student rather than reduced student-teacher ratio. Service delivery, including the time of day the services are to be delivered, should be determined in the best interests of the student and in consideration of the medical circumstances of the student.

BART will carefully consider all aspects of a student's educational program while attending school, including any current IEP services, Section 504 plans, and instructional accommodations, as well as the student's general education services.

#### Academic Content of Instruction and Certification of Staff for Home or Hospital Instruction

Instruction provided under 603 CMR 28.03(3)(c) by BART will include the same academic content as that provided in the student's regular school-based program. While teachers providing the instruction do not have to be certified in all subject areas, BART must be able to demonstrate that the assigned staff member effectively provides the necessary instruction to the student. Teachers providing home/hospital instruction must coordinate the instructional content, approach, and student progress with the student's teachers at school. Special Education and/or related services provided in a home or hospital setting under this provision must be delivered (or closely supervised) by staff certified or appropriately licensed to deliver such services.

#### Student Council

In order to help students learn about and practice democratic and civic ideals of our community, and for students to have a voice in their community, BART students have a Student Council in both the middle school and the high school. The Student Council is elected by the student body at the start of each school year and provides students an opportunity to voice issues of importance to them. The Student Council also allows for students to organize events and activities that the student body wants to see happen throughout the school year.

#### Athletic Policy

The purpose of the Interscholastic Athletic Program at BART is to instill the character qualities of the scholar-athlete in our students. These include a commitment to the following values: teamwork, mutual respect, accountability, integrity, humility, sportsmanship, perseverance, and community.

The Interscholastic Athletic Program is an important part of the total school program and is open to all students in grades 6-12. Participation in the athletic program is a privilege, and every student in the athletic program must adhere to the training rules and responsibilities of the individual sport. Although regulations and team rules vary from sport to sport, all sports are conducted under the general rules of the River Valley Athletic League (RVAL). In addition to the rules and regulations set forth in the Code of Conduct, the school's Athletic Policy also governs students participating in BART's athletic program.

The Principal and Assistant Principal are responsible for ensuring that all coaches and athletes adhere to the general and specific rules as set forth by the Athletic Policy. The rules and regulations in this athletic policy shall apply to any violation, on or off the school premises, at any point during the school year.

#### General Regulations

1. The BART Athletic Policy rules must be followed in all cases of eligibility, transfer, physical examinations, insurance coverage, starting dates, use of school equipment, etc. Each coach has the responsibility to know and enforce school regulations and to inform team members and parents of their responsibilities.
2. A confirmed team member of a school team is a student who is consistently present for, and actively participates in, all school team sessions (i.e. practices, tryouts, competitions). Confirmed members of a school team are not

allowed to miss a school practice or competition in order to participate in a non-school athletic activity/event (for example: missing cross country practice to play in a youth league soccer game).

3. Conduct by a student athlete that is determined by the head coach and/or school administration to be detrimental to individual athlete(s), the athletic program, school, or school district will result in an individual conference with the head coach, athletic director, and/or school administration and possible suspension or expulsion from the team.
4. No athlete may quit one sport and try out for another after the season has begun without the mutual consent of both coaches. An athlete may not join a team that requires tryouts after cuts have been made.
5. Athletes must travel to and from contests held away from BART in transportation provided by the school. The only exceptions are:
  - a. Injury to a participant that would require alternate transportation.
  - b. Prior arrangement between the participant's parent/guardian and the coach and school administrator/athletic director and a signed Parental Transportation Form.
6. Unsportsmanlike conduct or use of profanity during a practice or contest will result in an individual conference with the head coach and/or athletic director and may result in temporary suspension from competition or possible removal from the team.
7. Students are expected to attend all practices and competitions including those held during school vacations. Absences will be considered EXCUSED or UNEXCUSED for the following reasons:
  - a. Practices or competitions missed as a result of a school excursion or family vacation will be considered excused when prior notification (48 hours or more) is provided to the head coach.
  - b. Practices or competitions missed as a result of illness, medical/dental appointments, or a death in the family will be considered excused with a note from the parent.
  - c. Practices or competitions missed as a result of a single afterschool homework detention will be considered excused if prior notification (24 hours or more) is provided to the head coach. If a student fails to inform his or her coach of the detention, or if there is a pattern of detentions, they will not be considered excused.
  - d. Practices or competitions missed as a result of behavioral detentions will not be considered excused. However, the student is still required to inform his or her coach of the detention in order to regain eligibility for competition.

**Note:** Following any absence from practice or competition (whether excused or unexcused), the student's position on the team and readiness for competition is left to the discretion of the coach for safety reasons.

8. Unexcused absence from a scheduled practice or competition shall be handled in the following manner:
  - a. **First Violation:** The first violation (per team, per season) will result in a conference between the coach and athlete.
  - b. **Second Violation:** The second violation will result in suspension from the next team competition following the athlete's return. The coach will notify the athletic director and the parent of the athlete.
  - c. **Third Violation:** The third violation will result in suspension from the team for a period of time ranging from one competition to all the remaining competitions. Before implementing such a suspension, the coach shall review the situation with the Assistant Principal and inform the parent/guardian of any suspension.
  - d. **Fourth Violation:** Upon the fourth violation, the athlete will be removed from the team.

**Note:** If a student athlete is suspended or removed from a team because of unexcused absences from scheduled practices, his or her athletic user fee **will not** be refunded. Absences that are excused or that occur for the reasons defined above shall not result in the punitive action outlined above.

9. An athlete suspended from school (ISS or OSS) is also suspended from the team for the entire duration of the suspension. This includes practices, games, and any other team activities. These will be considered unexcused absences and may jeopardize the athlete's place on the team.
10. A student must complete the entire sport's season in order to be eligible for a sport letter or other team or individual award. (Exception: injury that limits participation.) No award will be given to a student suspended for the remainder of the season for Athletic Policy violations.
11. All athletes are required to take and participate in physical education.
12. Hazing or initiation practices are prohibited.
13. A coach may implement additional rules or regulations only if first approved by the Principal.

### Academic Eligibility

To be eligible to join fall athletic teams, a student must have been promoted to the next grade level in the preceding year. To be eligible to join winter or spring athletic teams, a student must have passed all courses in the preceding semester (70% or better in all classes). Academic eligibility shall be considered official on the date that practice begins for the sport. Additionally, students must remain in good academic standing during an athletic season in order to be eligible to compete. "Good academic standing" is defined as 70% or better in all classes. Coaches and the Athletic Director will check student grades every two weeks during athletic seasons to determine academic eligibility.

In Addition:

1. Courses taken during the summer vacation, unless that course was previously taken and failed, do not count toward eligibility.
2. Students receiving services through an educational plan for special learning needs may be declared academically eligible by the Principal provided that all other eligibility requirements are met.
3. Students who do not meet the criteria for academic eligibility at the beginning of an athletic season may appeal to a committee comprised of the Principal, team coach, and grade-level teacher to join a team within two weeks of the first practice of the season. Students appealing academic eligibility must write a letter to the Principal outlining reasons why special permission should be granted, concrete steps to maintain academic eligibility during the athletic season, and why team membership will have a positive impact. Once the Principal has received the appeal letter, she will arrange an appeal hearing. All decisions following the appeal hearing are final.

### Medical Eligibility

Any student dismissed from school during the school day or excused from physical education by the nurse may not participate in a practice or play in a game on that same day. Before participating in any sport, each student must have a physical exam by a licensed physician and submit a form showing proof of the physical examination. One physical will suffice for all sports activities within a thirteen-month period.

Any student who has been treated by a physician for an illness or injury that might affect participation will not be permitted to return to active participation without the physician's written consent. However, should the parents decide to place their son/daughter under the care of another licensed physician willing to authorize participation, the school nurse will accept his/her written statement specifically granting permission to participate. It is the responsibility of the parent/guardian to inform the school nurse of any illness or injury of this type and to submit to the school nurse the appropriate written clearance from the physician. For an injury that was not treated by a physician, permission must be received from the school nurse in order for a student to return to practice and/or competition.



### Drug and Alcohol Free Athletes

Use or possession of tobacco or illegal substances such as drugs, alcohol, steroids, or misuse of over-the-counter drugs/substances is prohibited. In addition to punishments prescribed by law and/or the Code of Conduct, the following consequences will apply to an athlete if he/she is found to have violated the policy at any time within the school year.

1. First offense: The individual will be ineligible for any further athletic participation at BART. However, after three months, a student may become eligible following successful completion of community service or a school-approved rehabilitation program, as determined by the Principal.
2. Second offense: The individual will be ineligible for any further athletic participation at BART.

### School Attendance Requirements

Athletes are expected to be in school on time and to remain in school for the entire day. Students with an excused tardy must be in attendance prior to the start of second period in order to participate in an athletic activity. Any student who must leave school before the school day is completed must have permission from his/her parent/guardian and from the Assistant Principal or Athletic Coordinator in order to practice or play on that day.

Students attending a field trip are considered to be in school for the day and are eligible to play or practice that day. However, if the field trip will extend beyond the school day, athletes are expected to fulfill their academic obligations before their athletic activity. If conflicts arise, athletic contests will be rescheduled when possible. If a student is unable to avoid a conflict and a special circumstance exists, he/she may appeal the rule with the Assistant Principal and the Athletic Director.

### Athletic Fees

There is a user fee of \$100 for all team sports at BART (financial assistance is available by application). Any athletic fees must be paid in full prior to any athlete receiving a uniform and competing in athletic competitions. If an athlete quits or leaves a team prior to the end of the second week a full refund will be given. A 50% refund will be given in the first half of the season, and no refund if an athlete leaves in the second half of the season.

**Note:** If a student athlete is suspended or removed from a team because of unexcused absences or disciplinary concerns, his or her athletic user fee will not be refunded.

### Concussion Policy (105 CMR 201.00: Head injuries and concussions in extracurricular activities):

BART has developed a plan to prevent concussion and provide a safe return to activity for all student athletes after a head injury. BART's Head Injury and Concussion Policy will ensure that student athletes who experience a concussion are identified and referred to a health care provider for proper concussion symptom management, and do not return to play before they are fully recovered. The athletic director will oversee the implementation of this plan by enforcing the concussion protocols and collecting proper documentation. Please feel free to contact the athletic director or visit the athletics page on the BART website to view this policy

## Code of Conduct

### Introduction

BART strives to create an environment focused on learning and student growth. Therefore, BART's teachers, administrators, and students adhere to a set of routines, traditions, and high expectations. In order to reinforce BART's commitment to the creation of a community of independent thinkers, dynamic workers, and active citizens, BART's teachers and administrators encourage all students to reflect on the following questions:



1. Am I showing respect for others and myself by being present, punctual, and prepared?
2. Does my behavior positively support my learning and the learning of others?
3. Do my actions make me and others feel safe and unthreatened?
4. Do my actions keep my work and property and the work and property of others safe?
5. Does my behavior protect the reputation of the school as a whole?

BART is a place where students learn not only about the rights and responsibilities of citizenship, but also gain valuable experience in exercising them. Students, as citizens, are expected to hold themselves to a high standard of behavior in order to contribute to the maintenance of a school environment where everyone's right to learn, right to be respected, right to a meaningful curriculum, and right to feel safe is supported and protected. Discipline at BART is designed to support these goals. In order to do so, BART developed this Code of Conduct to define what is acceptable and unacceptable and then listed the consequences for the violations of school rules. BART's system of consequences is designed to cultivate a respectful, serious academic atmosphere and to help students practice and accept responsibility for their behavior and actions.

BART's school community discusses the Code of Conduct in morning meetings, Collegiate Skills classes, and student government in order for students to play a role in reviewing, amending, or adding to this document.

#### Expected Behavior

We believe that all students should have the opportunity to learn while at school. Students who demonstrate positive student behavior and uphold the school norms help create an environment that is conducive to learning, while negative behaviors distract both the individual and the group from this goal.

BART is committed to educating students to become knowledgeable and caring citizens of the world. While students' academic potential will be tapped in academic core classes and in their art and technology enrichment classes, the development of students' character is equally important. Therefore, students will learn about good character in core classes and in structured discussions and activities in their Collegiate Skills classes.

While we expect that students will maintain high standards for their behavior, we also understand that students might make mistakes. Below is a list of expected behaviors and the potential consequences for not behaving appropriately. In addition to administering consequences, we ask students to consider the effects of their behaviors and their actions on their lives and the lives of others in the BART community.

In-class consequences will be administered for behavior that is unproductive or counterproductive, such as not being prepared for class, minor disruptions of class learning, and dress code violations. More serious consequences will be administered for behaviors including but not limited to those in the following section. The timeline for dealing with these infractions will depend on their severity. All illegal and dangerous infractions will be dealt with immediately.

Infractions that occur outside of school-sponsored activities, but still impact the school community and disrupt the learning environment, will be treated as violations of the school code of conduct.

Category	Expected Behavior	Improper Behavior	Potential Consequence(s)
<b>Attendance</b>	Attend all scheduled classes and events on time. Remain with class or school unless given permission to do otherwise.	Excessive tardiness; Attending scheduled classes or events late without proper excuse; Missing school without a proper excuse; Missing a class without a proper excuse; Leaving school grounds during the day (unsupervised); Unexcused absence from detention.	Loss of after-school activity privileges (dances, tutoring, etc.). After-School Detention; In-School Suspension; Out-of-School Suspension.
<b>Learning Environment</b>	Demonstrate respect towards staff, guests, and other students.	Failure to follow an adult's directions; Repeated talking out of turn; Distracting other students; Verbal abuse; Disrupting the learning environment in any way; Unauthorized buying or selling of any kind. Eating or drinking in class, gum chewing.	Removal from classroom to the Student Support room; Loss of after-school activity privileges (dances, tutoring, etc.). After-School Detention; In- or Out-of-School Suspension.
<b>Respectful Environment</b>	Act respectfully and use quiet voices as you walk through the hallways so as not to disturb learning taking place in the classrooms/school. Respect all student work that is displayed publicly.	Running; Loud voices and shouting in the hallways; Loitering; Destruction of student work on walls or in school; Insubordination.	Loss of after-school activity privileges (dances, tutoring, etc.). After-School Detention; In-School or Out-of-School Suspension for serious or repeated infractions, including destroying student work.
<b>Harassment Free Environment</b>	Maintain a school environment that is free from harassment of any kind.	Bullying; Sexual/crude remarks, gestures; Discriminatory remarks; Inappropriate language and unwanted behavior; Threats; Hazing.	Loss of after-school activity privileges (dances, tutoring, etc.). Loss of professional dress for high school students; Loss of bus privileges; After-School Detention; In-School Suspension; Out-of-School

			Suspension.
<b>Drug Free Environment</b>	Maintain an environment free from tobacco, tobacco products, alcohol, and controlled/illegal substances. Maintain a no-tolerance policy for tobacco, alcohol, or illegal/controlled substance possession or use on school grounds/school-related events where students are present.	Possession, use, sale, or transfer of tobacco, tobacco products, alcohol, marijuana products, illegal and controlled substances in school or school-related events (including buses); Misuse of inhalants, glue, or any other similar substance, on school premises, at school-sponsored or school-related events, including field trips and to/from school.	Loss of bus privileges; In-School Suspension; Out-of-School Suspension; Expulsion.
<b>Conflict Resolution</b>	Resolve and handle disputes and differences in a non-violent and non-threatening manner.	Pushing, shoving, fighting, verbal abuse, threatening, or using any other violent act toward students, visitors, or staff.	Loss of after-school activity privileges (dances, tutoring, etc.). Loss of bus privileges; In-School Suspension; Out-of-School Suspension.
<b>Professional Conduct with Regard to Physical Contact</b>	Maintain appropriate and professional conduct in school.	Inappropriate touching and displays of affection in school or at school-related events.	Loss of after-school activity privileges (dances, tutoring, etc.). In-School Suspension; Out-of-School Suspension (for serious or repeated infractions).
<b>Professional Integrity and Trust</b>	Hand in work that is your own. Give credit to the authors of any resources that you use in the production of your work.	Cheating, plagiarizing, copying another student's work or giving answers to other students during a formal individualized assessment; lying to adults.	Student will not receive credit for plagiarized or copied work; Loss of after-school activity privileges (dances, tutoring, etc.). Loss of professional dress for high school students. After-School Detention; In-School Suspension; Out-of-School Suspension (for serious or repeated infractions).

<b>Professional Appearance</b>	Wear the appropriate school attire, as listed in the school's dress code, every day.	Failure to follow the dress code.	Student must change into appropriate attire brought in by parent/guardian on that day or student gets picked up by a parent/guardian; Loss of after-school activity privileges (dances, tutoring, etc.). After-School Detention; In-School Suspension.
<b>Protection of Property</b>	Treat all school materials, equipment, computers, and student work with respect. Keep the school areas free from litter and graffiti. Ask to borrow any private property or school property and then return it after use.	Theft, destruction, or defacing of school or a student's or teacher's private property; Littering, graffiti, or destruction of another student's work; Unauthorized borrowing.	Parent/Guardian responsibility for costs incurred due to loss or damage to school property; Loss of after-school activity privileges (dances, tutoring, etc.) Loss of professional dress for high school students; loss of bus privileges; In-School Suspension; Out-of-School Suspension (for serious or repeated infractions).
<b>Safety</b>	Maintain a safe school environment.	Possession of knives, guns, or other weapons at school or school-related events; threatening to bring or use weapons at school. Use or possession of contraband items such as matches, lighters, fireworks, stink bombs, perfume/cologne, animal scents, electrical charges, lasers, laser pens or pointers, or any devices which project intense light. Making bomb threats.	Loss of bus privileges; In-School Suspension; Out-of-School Suspension; Expulsion (for serious or repeated infractions).

<b>Computer Privileges</b>	Use the computer appropriately as outlined in the Acceptable Technology Use policy.	Misusing the computer as outlined in the Acceptable Technology Use Policy.	Loss of after-school activity privileges (dances, tutoring, etc.). In-School Suspension; Out-of-School Suspension (for serious or repeated infractions); Loss of computer privileges.
<b>Electronics</b>	Leave all electronics at home or make them non-visible and non-audible at school or school related events. (Exception: Senior Technology Policy, if approved.)	Using electronics at school or making them visible or audible at school or school-related events.	Confiscation of electronic equipment to be returned only to a parent or guardian; Loss of after-school activity privileges (dances, tutoring, etc.). After-School Detention; In-School Suspension (for repeated or serious infractions.).
<b>Elevator Use</b>	Use stairs unless given permission by the School Nurse, Assistant Principal, Principal or Executive Director to use elevator.	Unauthorized use of the elevator.	Loss of after-school activity privileges (dances, tutoring, etc.). After-School Detention; In-School Suspension (for serious or repeated infractions).

### School Policies

The following policies are written in language to be understood by the general public. One should refer to the actual language of the applicable federal and state law regulations for a complete description of rights, obligations, and penalties pertaining to the policies listed here.

### Anti-Discrimination Policy

BART does not discriminate in admission to, access to, treatment in, or employment in its services, programs or activities, on the basis of race, color, religion, national origin, sex, mental or physical disability, sexual orientation, gender identity, homelessness, or age.

BART strives to be in compliance with the laws governing anti-discrimination practices, including Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (ADA), the Age Discrimination in Employment Act of 1974 (ADEA), MGL Chapter 71 Section 89(1), 603 CMR 1.06(1) and MGL Chapter 76 Section 5. Please report any suspected violation of these laws and regulations to BART's Executive Director.

The Executive Director of BART oversees the compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the American with Disabilities Act of 1990, and The Age of Discrimination in Employment Act of 1974.

If any individual believes he or she has been the victim of a civil rights violation, the individual should speak directly with the Principal or the Executive Director, who have been trained in handling civil rights violations.

#### Confiscated Student Property Policy

School officials may confiscate student property for various violations of the Code of Conduct consistent with BART's commitment to maintaining an environment focused on learning and student growth. A parent or legal guardian of the student whose property was confiscated will be notified, and items must be picked up within 48 hours of the notification of the confiscation.

Berkshire Arts and Technology Charter Public School will not be liable for any property not picked up by a parent or guardian within 48 hours of notification.

#### Firearms and Dangerous Weapons Policy

Massachusetts General Laws, Chapter 269, Section 10(j), states the following:

Whoever, not being a law enforcement officer and notwithstanding any license obtained by him under the provisions of chapter 140, carries on the person a firearm as hereinafter defined, loaded or unloaded, or other dangerous weapon in any building or on the grounds of any elementary or secondary school, college or university without the written authorization of the board or officer in charge of the elementary or secondary school, college or university shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 2 years, or both. For the purpose of this paragraph "firearm" shall mean any pistol, revolver, rifle, or smoothbore arm from which a shot, bullet or pellet can be discharged.

Any officer in charge of an elementary or secondary school, college or university or any faculty member or administrative officer of an elementary or secondary school, college or university failing to report violations of this paragraph shall be guilty of a misdemeanor and punished by a fine of not more than \$500.

Massachusetts General Laws, Chapter 269, Section 10, also states that air rifles, BB guns, knives, blades, clubs, and blackjacks are all considered dangerous weapons. Additionally, BART Charter Public School administration can and will determine if any object carried or used by a student is a dangerous weapon while in school or on school grounds.

Imposter/fake/artificial firearms and weapons will all be treated as if they are real firearms and weapons. There is no place for fake firearms or weapons on school campuses, buses, or any school event. Possession of weapons is a serious issue – do not carry or possess anything that can be mistaken as a weapon.

#### Reporting of Possession/Use of Dangerous Weapons

As a student, you have the responsibility to report any weapon you see or hear about while at school. Reports should be made immediately to a teacher, the Principal, or another staff member.

The Principal shall ensure that all personnel assigned to the school report in writing to him any incident involving a student's possession or use of a dangerous weapon on school premises at any time. The Principal shall file a report concerning the weapon with the Executive Director. The Principal shall file copies of said weapon report with the local

Chief of Police and the Department of Social Services. The Principal will also file a copy of the weapons report with the Assistant Principal, who shall arrange an assessment (e.g., a risk assessment) of the student involved in said weapon report. The student shall be referred to a counseling program; said counseling shall be in accordance with acceptable standards as set forth by the Department of Education. Upon completion of the counseling session, those involved in the initial assessment shall make a follow-up assessment of the student.

### Hate Crimes and Bias Incidents Policy

BART is committed to providing a safe environment in which all students have an equal opportunity to learn, regardless of their race, color, religion, national origin, sex, disability, sexual orientation, gender identity, homelessness, or age. Hate crimes and bias incidents, by their nature, are confrontational; they create tension and promote social hostility. Such incidents will not be tolerated at BART because they interfere with every student's right to an education. In addition to jeopardizing academic achievement, hate crimes and bias-related harassment can undermine a student's physical and emotional well-being, provoke retaliatory violence, damage the school's reputation, and create or exacerbate tensions in the wider community.

A student who has committed a hate crime may also be subject to criminal prosecution for that crime.

### General Statement

BART will comply with all applicable federal and state laws governing hate crimes. Massachusetts law defines hate crimes as "any criminal act coupled with overt actions motivated by bigotry and bias including, but not limited to, a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, handicap, gender, gender identity, or sexual orientation prejudice, or which otherwise deprives another person of his/her constitutional rights by threats, intimidation or coercion, or which seeks to interfere with or disrupt a person's exercise of constitutional rights through harassment or intimidation." (MGL c. 22C, § 32; MGL c. 12 §§ 11H, 11I)

In addition, federal regulations prohibit the intentional use of force or threat of force against a person because of race, color, religion, national origin, sex, disability, sexual orientation, homelessness, or age for the purpose of interfering with a student's enrollment or attendance in any public school or college (18 USC § 245). Both federal and state statutes and regulations contain serious criminal penalties for persons convicted of hate crimes and the resulting civil rights violations.

This policy applies to hate crimes, bias incidents, civil rights violations, and bias-related harassment, which occur in school buildings or on school grounds, or during the course of any and all school-sponsored activities, including those which take place outside of school, or in any situation where there is a detrimental effect on the school or educational climate.

### Definitions

A hate crime occurs when a student or group of students is targeted for physical assault, threat of bodily harm, intimidation, verbal abuse, and/or damage to personal property because he or she is a member of a different race, color, religion, national origin, sex, disability, sexual orientation, gender identity, homelessness, or age.

Bias incidents are less serious acts that are also motivated by race, color, religion, national origin, sex, disability, sexual orientation, gender identity, homelessness, or age.

A hate crime or bias incident will be deemed to have occurred even where the harasser is mistaken about the victim's race, ethnicity, or other targeted characteristics. In addition, targeting students simply because they associate with another



student or students who are members of a particular racial, ethnic, religious or other targeted group may also be the basis of a hate crime or bias incident.

### Examples

Examples of hate crimes and bias incidents include, but are not limited to the following:

#### *Hate Crimes:*

- Bias-related drawings, markings, symbols, graffiti;
- Harassing and/or threatening hate mail and/or email messages;
- Verbally abusive and/or threatening phone calls; damage to personal property or belongings; arson; vandalism;
- Stalking: repeated, purposeful following of a student, together with evident bias against the victim's actual or perceived group status;
- Assault and battery against a student based upon their actual or perceived group status;
- Physical conduct which puts a student in fear of imminent, harm, together with name-calling of bigoted nature.

#### *Bias Incidents:*

- Insults, jokes, mimicking, and name-calling based on a student's race, color, religion, national origin, sex, disability, sexual orientation, gender identity, homelessness, or age;
- Use of slurs related to race, color, religion, national origin, sex, disability, sexual orientation, homelessness, or age;
- Negative comments on a student's manner of speaking or racial customs, surname, or religious traditions;
- Unwelcome verbal, written, or physical conduct directed at a student because of their race or skin color, such as nicknames which emphasize stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs;
- Conduct directed at the characteristics of a student's national origin, such as negative comments regarding surnames, manner of speaking; customs, or language;
- Conduct directed at the characteristics of a student's sexual orientation and or gender identity, whether actual, perceived, or asserted – such as negative name-calling and imitating mannerisms;
- Conduct directed at the characteristics of a student's disabling condition, such as imitating their manner of speech or movement, or interfering with that student's necessary equipment;
- Unwelcome verbal, written, or physical conduct, directed at the characteristics of a student's religion, such as derogatory comments regarding surnames, religious traditions, religious jewelry, or clothing.

### Reporting

When a student has been subjected to behaviors such as those described above, and is reasonably fearful of his or her own safety, or finds that his or her ability to perform school work is affected, a hostile environment has been created for that student. It may be created by a series of minor incidents, or by one serious incident. The existence of a hostile environment is a violation of the student's civil rights, as it interferes with or limits their ability to obtain an education.

The designated Civil Rights Administrator for BART is Executive Director Jay White. Students, staff, or any interested third party may report incidents. Students should report any incidents to an adult with whom they feel most comfortable – a teacher, counselor, or other staff member. Staff members should report incidents to the Principal or the school's Civil



Rights Administrator for investigation and handling. Confidentiality will be maintained to the extent possible, but it should be understood that where a serious crime is involved, the police, and other governmental agencies such as the Office of the Attorney General, will be alerted. When a student has complained of a bias incident but does not wish to file a written complaint, school officials or the designated administrator will conduct an informal inquiry into the circumstances of the incident, and will keep a written record of the inquiry, in the event that further incidents involving the complaining student and/or the alleged harasser take place.

Name:	Jay White
Title:	Executive Director
Address:	1 Commercial Place, Adams MA 01220
Phone Number:	(413) 743-7311

### Investigation

Upon receiving notice that a hate crime or bias incident is alleged to have taken place, the Principal or a designee will immediately take steps to ensure that the victim or victims are safe and secure, and will notify the Civil Rights Administrator of the allegation. All victims and witnesses will be interviewed within 5 days following the incident, followed by interviews with any other individuals who may have knowledge pertaining to the incident and the persons involved in it. Physical evidence, if any, will be gathered. The investigator will then make a determination as to whether a hate crime or bias incident has occurred, taking into consideration the definitions contained above, the surrounding circumstances, the relationships of the parties involved, and the context in which the incidents took place. In addition, the investigator will determine whether there are, or have been, any related incidents of harassment, and will evaluate the kinds of damage that may have been caused, both to the victim(s) and to the school environment. The investigator will issue a report within 5 school days.

### Notification to/by Parents and Legal Guardians

After investigation, if there are reasonable grounds to believe that a hate crime or bias incident has occurred, the Principal or a designee shall notify a student's parent(s) or legal guardian(s) if the student is a victim of, or is accused of, a hate crime or bias incident.

Parents and guardians are strongly encouraged to report hate crimes or bias incidents to the Principal or to the Executive Director.

### Informal Resolution Procedure

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser, which is facilitated by a school employee or by the designated Civil Rights Administrator. A person of their choice for support and guidance may accompany both the complainant and the alleged harasser. If the complainant and the alleged harasser feel that a resolution has been achieved, then the conversation will remain confidential and no further action will be taken.

The results of the informal resolution will be reported, in writing, to the Principal and the Executive Director. If either party feels that the informal conversation process is inadequate or has not been successful, they may proceed to the formal complaint procedure. Either party may also choose to forego the informal process and proceed directly to the formal complaint procedure.

### Formal Complaint Procedure

The designated administrator will fill out a harassment complaint form based on a student's written or oral allegations that an incident or incidents have taken place. The complaint form will be kept in a secure location, and will describe in detail the facts and circumstances of the incident(s).

If an involved student is under the age of 18, his or her parents or guardian will be notified immediately after consultation with the student, unless such a notification is determined not to be in the best interests of the student.

An investigation will take place within 5 school days of the date of the complaint or report. The investigator may determine that immediate steps need to be taken to protect the complaining student, the alleged harasser, and/or any potential witnesses, and will notify school administrators of such a determination.

The investigation will be completed as soon as possible, but no later than 5 school days after the date of the complaint, and a written report made to the Principal and the Executive Director. The report will contain a determination as to whether the allegations have been substantiated as factual, and whether they constitute a violation of this policy. The investigator will also recommend to the Principal and the Executive Director what action, if any, is required. The complainant and the alleged harasser will be informed of the results of the investigation and whether disciplinary action will be taken.

Both the Principal and the Executive Director will keep all written reports of investigations. BART recognizes that both the complainant and the alleged harasser have strong interests in maintaining the confidentiality of this process. The privacy of all parties, including witnesses, will be respected as much as possible, consistent with the School's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations which may be necessary due to the severity of the incident(s), the potential involvement of the police department, the District Attorney's Office, the Office of the Attorney General, and the potential involvement of a civil and/or criminal trial.

### Disciplinary Action

Disciplinary and/or corrective action will be taken as soon as possible following completion of the investigation of an incident of hate crime or a bias-related incident, and will have as its goal the elimination of the offensive conduct, the prevention of reoccurrences, and the re-establishment of a healthy school environment, especially for the victim(s). Such action will take into account the severity of the incident, the age and identity of the victim and harasser, and the effect upon the victim. Disciplinary and/or corrective action may include one or more of the following:

- Participation in an educational program about hate crimes and bias incidents for the perpetrator;
- An apology to the victim(s);
- Mandatory counseling;
- Community Service;
- Placement in an alternative educational setting;
- Detention;
- Short-term or long-term suspension.

In addition, perpetrators of hate crimes which rise to the level of criminal activity may be subject to criminal punishment as mandated by state and federal laws pertaining to such crimes. Police will be notified when a probable hate crime has taken place, and in particular will be notified in an emergency situation.

### Retaliation

BART will deal seriously with any and all threats or acts of retaliation against an individual who reports a hate crime or bias incident. School staff will maintain constant contact with victims and persons who report such incidents in order to ensure that no threats or acts of retaliation take place.

Any person found to have threatened to retaliate or actually retaliated would be subject to severe disciplinary action, including potential expulsion from the school. Should the retaliation rise to the level of criminal activity, school staff are required to report it to the local law enforcement agency.

### Hazing Policy

Massachusetts General Laws, Chapter 269, §§ 17-19, and 603 CMR 33.00 address state law and regulations regarding the prohibition of and criminal penalties for hazing among students. Massachusetts's law requires that schools publish the anti-hazing law to the school community. Sections 17, 18, and 19 of Chapter 269 of the Massachusetts General Laws state the following:

*Section 17.* 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 by imprisonment in a house of correction for not more than one year, or both such fine and imprisonment.

The term "hazing" as used in this section and in sections eighteen and nineteen, 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 consumption of any food, liquor, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

*Section 18.* Whoever knows that another person is the victim of hazing as defined in section seventeen 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 crime shall be punished by a fine of not more than one thousand dollars.

*Section 19.* 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 acknowledgment 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 that fails to make such report.

## Sexual Harassment Policy

### General Statement

All persons have the right to be free from sexual harassment; therefore, sexual harassment in any form is strictly forbidden in school, on school grounds, or at school-related activities.

### Definition

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- Submission to that conduct or communication is made a condition of obtaining services;
- Response to that conduct is used as a factor in decisions affecting one's education; or
- That conduct or communication has the purpose or effect of substantially interfering with an individual's education, or creating an intimidating, hostile, humiliating, or sexually offensive educational environment.

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. The victim does not have to be the person to whom the unwelcome sexual conduct is directed. Finally, any adult may be the victim of sexual harassment by a student.

### Examples

Examples of sexual harassment include, but are not limited to:

- Demanding sexual favors accompanied by threats;
- Engaging in reprisals as a result of an individual's refusing to engage in sexual behavior;
- Contact with (e.g., touching, patting, or pinching) any sexual part of another's body;
- Touching any nonsexual part of the body (e.g., shoulder, etc.) after that person has indicated that such touching is unwanted;
- Displaying sexually suggestive pictures or objects;
- Calling a person a demeaning, sexualized term;
- Making a reference to a person's physical characteristic when that person has indicated he/she does not wish to be addressed or referred to in that manner;
- Leering (i.e., prolonged staring) at a person's body; or
- Sexual language or conduct in another's presence, even if not directed to said individual, once it is known that he/she objects.

### Reporting

Any student who believes he/she is a victim of sexual harassment should talk to the Principal or the Executive Director or another adult in a position of authority in the school as soon as possible. Students should avoid trying to solve the problem of sexual harassment alone.

All persons shall promptly report knowledge of actual or reasonably suspected sexual harassment to the Principal or her designee.

### Investigation

All complaints or reports of sexual harassment shall be thoroughly investigated by the Principal or her designee, including notifying the person who has been accused of harassment and permitting a response to said allegation(s).

The investigation shall consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods deemed pertinent.

In addition, the Principal or her designee may take immediate steps, at her discretion, to protect the complainant, students, and employees pending completion of the investigation of alleged sexual harassment.

### Disciplinary Action

If there are reasonable grounds to believe that sexual harassment has occurred, the person accused of sexual harassment will have a confidential disciplinary hearing before the Principal or a designee.

If the Principal or her designee, after the above hearing, determines that sexual harassment has actually taken place, disciplinary and corrective action will occur to prevent any further incidents. The range of discipline and corrective action may include one or more of the following: an education component; apology to the victim; mandatory counseling; detention; short-term suspension; or long-term suspension.

If either the victim or person accused of sexual harassment is aggrieved by the finding(s) or action taken by the Principal or her designee, he or she may appeal said action to the Executive Director.

The Executive Director shall conduct a hearing and shall indicate her disposition of the appeal within two days of such appeal, and shall furnish a copy thereof to the aggrieved party and the BART Board of Trustees.

### Reprisal

Reprisal, threats, or intimidation of the victim or a person who provides information regarding a claim of sexual harassment will be treated as a most serious offense, which may result in a recommendation of permanent separation from the school community through expulsion from school.

### Notification to/by Parent(s)/Guardian(s)

After investigation, if there are reasonable grounds to believe that sexual harassment has occurred, the Principal or her designee shall notify a student's parent(s)/guardian(s) if the student is the victim of, or is accused of, sexual harassment.

Parent(s)/guardian(s) are strongly encouraged to report incidents of sexual harassment to the Principal or to the Executive Director.

### Frivolous Complaints

When a complaint of sexual harassment is unfounded, frivolous, or maliciously fabricated, the complainant shall be subject to a range of disciplinary and corrective actions consistent with the Code of Conduct.

### Report to Police

Depending upon the seriousness and frequency of incidents, the Adams or Massachusetts State Police may be contacted by the school administration.

### Teen Dating Violence Policy

BART is dedicated to providing an atmosphere free from actual or threatened psychological, physical, or sexual abuse, including teen dating violence. The school believes that education plays a critical role in establishing healthy relationships for its students. BART's health curriculum for grades 6-12 includes instruction on establishing safe, non-violent relationships. In addition, a Teen Safety Plan may be developed and implemented by the school.

It is the policy of BART that teen dating violence related to school, including at school-sponsored activities, shall not be tolerated.

### Filing a Complaint of Teen Dating Violence

A victim, student, faculty/staff member, or a parent/guardian may file complaints of teen dating violence related to school, including at school-sponsored activities, verbally or in writing. The complaint may relate to verbal, non-verbal, written, physical, or sexual behaviors that are observed, reported, or experienced. The complaint should be filed with the Principal, but if the victim is more comfortable talking with another staff member, that staff member must report the incident to the Principal. It is important to note that, pursuant to Massachusetts General Laws chapter 209A, school staff are required by law to report to the Department of Social Services if they have reasonable cause to believe that a child under the age of 18 is suffering serious physical or emotional abuse, neglect, or sexual abuse, including rape and indecent assault and battery.

When a complaint related to school, including school-sponsored activities, is received, the Principal or her designee will initiate an immediate investigation of the allegations. It will be conducted in such a way as to maintain confidentiality, and will include private interviews with the victim and/or person filing the complaint. The person alleged to have committed the behavior will also be interviewed separately. Upon completion of the report, the Principal will inform both parties of the results.

#### Disciplinary Action

Upon a finding that teen dating violence has occurred, BART will undertake disciplinary and corrective action. The range of disciplinary and corrective action may include one or more of the following: an education component; apology to the victim; mandatory counseling; detention; short-term suspension; or long-term suspension.

#### Restraining Orders

It is the responsibility of the student to inform the Principal if he or she has obtained a restraining order against any individual, whether or not that individual is a member of the BART community. Once the Principal is notified of the restraining order, the Principal or her designee may meet with the student and his or her parent(s) or guardian(s) to review the order and its implications. An appropriate safety plan will be developed in collaboration with the Principal, School Counselor, and faculty. The Principal or designee may also meet with the defendant to review the terms of the order, the expectations concerning appropriate behavior, and the consequences for violation of the order. Violation of a restraining order is a criminal offense, and must be reported to the police department.

When a complaint of teen dating violence that is not related to school or school-sponsored activities is made known to school officials, the student will be informed of available services. If the student agrees, a referral(s) to appropriate resources may be made. Parent/guardian involvement shall be encouraged.

#### Tobacco-Free Environment Policy Statement

BART is dedicated to providing a healthy, safe, and productive learning and recreation environment for staff, students, and visitors to its facilities. The use of tobacco products has a direct link to numerous health problems. Tobacco prevention and education plays a critical role in establishing lifelong positive health habits for its students.

Pursuant to the requirements of Section 36 of Chapter 71 of the Education Reform Act of 1993, the use of any tobacco products in school buildings or on school grounds at any time by any person is prohibited.

Students and staff who violate this policy will be disciplined in accordance with published regulations. Members of the public who violate this policy and fail to stop at the request of school staff or police will be directed to leave school property immediately. Those failing to obey the direction of school staff or police will be considered to be trespassing.

In accordance with the Massachusetts General Laws, Chapter 71, Section 37H, the use or possession of any tobacco product within the school building, school facilities, on school grounds, or on school buses by any individual, including school personnel, shall be strictly prohibited.

Signs shall be posted in the school building informing the general public of the school policy and requirements of state law.



### Drug and Alcohol Free Policy Statement

Illegal drugs and underage alcohol and marijuana use have no place in the learning community and are not tolerated at BART. Further, we recognize as a school the harmful impacts of references, jokes, and other activities that promote a culture of acceptance surrounding illicit and harmful activities. Use and possession of drugs, drug paraphernalia, or alcohol will result in immediate disciplinary action and are grounds for emergency removal from the building and suspension. Posting or promoting drug or alcohol use via social media that reaches members of the school community will be addressed in the same fashion as promoting and using drugs on school grounds and at school events.

### Bullying Prevention and Intervention Plan

#### Commitment to Safety and Respectful Behavior of All Community Members

##### Introduction: Priority Statement

BART is committed to providing all students with a safe, respectful learning environment free from bullying and cyber-bullying. This commitment is a critical aspect of the District's comprehensive efforts to promote learning and to prevent and eliminate all forms of bullying, cyber-bullying, or retaliation, and other harmful and disruptive behaviors that interfere with the learning process.

The District will not tolerate any unlawful or disruptive behavior, including any form of bullying, cyber-bullying, or retaliation in the school building, on school grounds, or in school-related activities. The district will investigate promptly all reports and complaints of bullying, cyber-bullying, and retaliation, and take prompt action to end that behavior and restore the sense of safety for a student who has been targeted. The District will support this commitment in all aspects of the school community, including curricula, instructional programs, staff development, extracurricular activities, and parent or guardian involvement.

The District expects that all members of the school community, students and adults, will treat each other in a civil, respectful manner and with admiration for differences. Bullying can create unnecessary anxiety that affects the ability or desire of a student to attend school, learn in school, travel on the school bus, feel safe in school areas such as the school grounds or cafeteria, or participate in special or extracurricular activities. The failure to address bullying behavior also gives community members the message that it is permissible to engage in such negative conduct. The Bullying Prevention and Intervention Plan ("Plan") is a comprehensive approach to addressing bullying and cyber-bullying, and the District is committed to working with students, staff, families, law enforcement agencies, and mental health and community agencies to prevent issues of violence. In consultation with these constituencies, the District has established this Plan for preventing, intervening, and responding to incidents of bullying, cyber-bullying, and retaliation. The school Principal is responsible for the implementation and oversight of the Plan.

##### Definitions Related to Bullying

**Aggressor.** A student or member of the school staff including but not limited to educators, paraprofessionals, administrators, counselors, school nurses, cafeteria workers, custodians, bus drivers, athletic coaches, advisors to extracurricular activities, support staff, or volunteers, who engage in bullying, cyber-bullying, or retaliation.

**Bullying.** As defined in MGL c.71, § 37O, bullying is the repeated use by one or more Aggressors of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at a Target that:

1. Causes physical or emotional harm to the Target or damage to the Target's property;

2. Places the Target in reasonable fear of harm to self or of damage to his or her property;
3. Creates a hostile environment at school for the Target;
4. Infringes on the rights of the Target at school; or
5. Materially and substantially disrupts the education process or the orderly operation of our school.

Bullying may include conduct such as physical intimidation or assault, including intimidating and individual into taking an action against his/her will; oral or written threats; teasing; put-downs; name-calling; stalking; threatening looks, gestures, or actions; cruel rumors; false accusations; and social isolation.

**Cyber-bullying.** As defined in MGL c.71, § 37O, cyber-bullying is bullying through the use of technology or any electronic communication, including but not 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 also includes:

- The creation of a web page or blog in which the creator assumes the identity of another person;
- 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 (1) to (5), inclusive, of the definition of bullying above.
- The distribution by electronic means of 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 the definition of bullying above.

Cyber-bullying may include conduct such as sending derogatory, harassing, or threatening email messages, instant messages, or text messages; creating websites that ridicule, humiliate, or intimidate others; and posting on websites or other social media, or otherwise disseminating, embarrassing inappropriate pictures or images of others.

**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 to alter the conditions of the student's education.

**Retaliation.** As defined in MGL c.71, § 37O, retaliation against or intimidation of a person who reports bullying, provides information during an investigation of bullying, or witnesses or has reliable information about bullying, also is prohibited. Retaliation is unacceptable behavior within the school's Code of Conduct. Such retaliation or intimidation may result in disciplinary action.

**Other behaviors** which are rude and hurtful but do not meet the criteria to be termed bullying, may not require reporting under the law, but will be addressed within the school's Code of Conduct in the Student Handbook.

**School 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, paraprofessionals, or volunteers.

**Target** is a student or school staff member against whom bullying, cyber-bullying, or retaliation has been perpetrated.

#### Location of Bullying

BART prohibits bullying:

**On School Grounds**, including 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 the school, or through the use of technology or an electronic device owned, leased, or used by the school.

**Off School Grounds**, including 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, if the acts create a hostile environment at school for the Target, infringe on the right of the Target at school, or materially and substantially disrupt the education process or the orderly operation of the school.

### Reporting Bullying

**Any Staff Member** will report immediately to the Principal or her designee upon witnessing or becoming aware of conduct that may be bullying, cyber-bullying, retaliation, or intimidation. This includes bullying, cyber-bullying, retaliation or intimidation against a student by another student or against a student by a staff member. The requirement to report to the Principal or designee does not limit the authority of the staff member to respond to behavioral or disciplinary incidents consistent with school policies and procedures for behavior management and discipline. This requirement applies to any member of the schools staff as defined above.

**Any Volunteer** will report immediately to the Principal or a designee upon witnessing or becoming aware of conduct that may be bullying, cyber-bullying, retaliation, or intimidation. Volunteers will be notified of and trained in the reporting requirement.

**Parents/Guardians.** The school expects parents and guardians, and others who witness or become aware of an instance of bullying or retaliation involving a student, to report it to the Principal or her designee. This includes bullying, cyber-bullying, retaliation or intimidation against a student by another student or against a student by a staff member. If the Principal is the Aggressor, the report shall be made to the Executive Director; if the Executive Director is the Aggressor, the report shall be made to the Chair of the Board of Trustees. Reports may be made anonymously, but no disciplinary action will be taken against an alleged Aggressor solely on the basis of an anonymous report. Parents, guardians, and others may request assistance from a staff member to complete a written report. This report to the Principal is best done in direct conversation followed by written formal communication.

**Students.** The school expects students who believe they have been subjected to bullying, cyber-bullying, or retaliation, or who witness or become aware of an instance of bullying, cyber-bullying, or retaliation involving a student, to report it to the Principal or designee. This report may also be made to the student's teacher, counselor, or any adult staff member. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with the Principal or designee, or with a staff member. This report is best done in direct conversation with the staff member, but may also be done by other means or through the student's parent or guardian. The report may also be submitted anonymously.

**Anonymous reports** of bullying, cyber-bullying, or retaliation may be submitted to teachers and school administrators and will be investigated, but no disciplinary action will be taken based solely on an unverified anonymous report.

**A Reporting Form** will be made available in the Student Office and in the Student Support Center. Reporting forms will also be located on the school's website. This form may be submitted directly to the Principal or left anonymously at the Student Office.

**False Reports.** Reports alleging bullying, cyber-bullying, or retaliation are a serious matter. Students who submit such reports that they know to be false will subject themselves to disciplinary action.

#### Investigating and Responding to Reports of Bullying

Upon receipt of a report of possible bullying, cyber-bullying, retaliation, or intimidation, the Principal or her designee will, before fully investigating the allegations, take steps to assess the need to restore a sense of safety to the alleged Target and/or to protect the alleged Target from possible further incidents. In taking any such steps, however, the rights of both the alleged Target and alleged Aggressor must be considered. Responses to promote safety may include, but are not limited to:

- Creating a personal safety plan;
- Pre-determining seating arrangements for the Target and/or the Aggressor in the classroom, at lunch, or on the bus;
- Identifying a staff member who will act as a “safe person” for the Target; and
- Altering the Aggressor’s schedule and access to the Target.

The Principal or her designee will take additional steps to promote safety during the course of and after the investigation as necessary. In conducting an investigation, the Principal or her designee will consider how the bullying behavior might impact the general learning environment of the school or the impact it may have on bystanders or other students in the school. Consequences may be necessary even if the Target indicates the Aggressor(s) behavior is permissible.

The Principal or her designee will promptly conduct an investigation. During the investigation the Principal or her designee will, among other things, interview as necessary students, staff, witnesses, parents or guardians, and others as appropriate. The Principal or her designee (or whoever is conducting the investigation) will remind the alleged Aggressor, Target, and witnesses of the importance of the investigation, their obligation to be truthful, and that retaliation against someone who reports bullying or provides information during a bullying investigation is strictly prohibited and will result in disciplinary action.

The Principal or her designee is required to investigate all reports of potential acts of bullying, cyber-bullying, retaliation, or intimidation. This obligation exists regardless of requests from reporters to not investigate or talk with certain students or individuals. We encourage reporting, but reporting on the condition that no action be taken or that limits be placed on the investigation cannot be accepted. The confidentiality of the complainant and the other witnesses will be maintained to the extent practicable given the school’s obligation to fairly and thoroughly investigate and address the matter.

#### **Steps of the Investigation:**

1. Report is received. Reports should include what specifically happened, who committed the alleged acts, who was present or may have information about the events, when the events occurred (date, time of day), and where the events occurred.
2. Interview the Target and assess the level of threat present.
3. Interview the reporter, if other than Target, and note and interview other witnesses or people involved with any online interactions.
4. Interview the alleged Aggressor(s).
5. Determine the merit and plausibility of the report.
6. Determine the circumstances and establish disciplinary or other consequences, if necessary.
7. Establish the need and the path for all involved to receive counseling supports.

8. Report to the Police Department of the town in which the Target/Aggressor resides, if necessary.

### Consequences and Responses to Bullying

If the school Principal or designee determines that bullying, retaliation, or intimidation has occurred and consequences are necessary, the school Principal or designee will:

1. Promptly notify the parents or guardians of the Target and the Aggressor about the results of the investigation and what action is being taken to prevent further acts of bullying or retaliation. Note that all notices to parents must comply with applicable state and federal privacy laws and regulations. Because of the legal requirements regarding the confidentiality of student records, the Principal or her designee cannot report specific information to the Target's parent or guardian about the disciplinary action taken unless it involves a "stay away" order and/or other directive that the Target must be aware of in order to report violations.
2. Notify the Director of Special Education if any of the students are on an IEP.
3. Take appropriate disciplinary action.
4. Notify the local law enforcement agency if the Principal or her designee has a reasonable basis to believe that the incident meets the definition of bullying or may result in criminal charges against the alleged Aggressor.
  - a. If the local law enforcement is notified, the Principal or her designee shall document the reasons for the decision.
  - b. If the local law enforcement agency is not notified or if it determines that its involvement is not necessary, the Principal or her designee shall respond to the behavior as is appropriate within the school's Code of Conduct in the Student Handbook.
  - c. A Memorandum of Understanding between the District, the local Police Departments from which the student population resides, and the Berkshire County District Attorney's Office will outline the nature of this reporting.
5. If an incident of bullying, retaliation, or intimidation involves students from another school district, the Principal or her designee will promptly notify the appropriate administrator of the school district so that both may take appropriate action.

### Consequences and Support Services

Bullying behavior can take many forms and can vary dramatically in its seriousness and its impact on the Target and other students. Accordingly, there is no one prescribed response to verified acts of bullying and retaliation. Consequences and disciplinary action will be applied in accordance with the school's Code of Conduct in the Student Handbook. The responses will range from redirection of future behavior to suspension or police involvement. These actions will escalate in severity for repeated offenses or with the severity of the implication of the negative conduct. Actions may be accompanied by the referral to counseling or other therapeutic support. The specific action will be age appropriate, concrete, and immediate. The nature and extent of disciplinary action imposed or consequences applied, is a matter within the sound discretion of the Principal or her designee. The Principal will balance the need for accountability and safety with the need to teach appropriate behavior. Consequences and discipline for acts of retaliation will be imposed at the same or more severe level as the underlying bullying, cyber-bullying, or inappropriate behavior.

Students or staff members who are not primary participants in the reported act of bullying, cyber-bullying, retaliation, or intimidation, but who join in, may be subject to disciplinary action or consequences as if they were primarily involved. "Joining-in" is a form of endorsing the behavior. Consequences or disciplinary actions taken in an instance of bullying will be shared with the appropriate school staff members to ensure awareness and follow-through.

When it is determined that a Target is in fear or is being threatened, the Principal will develop a safety plan to immediately take steps to limit and control the behavior of Aggressor(s) who are causing the threat. The safety plan will be developed in collaboration with the appropriate staff and shared with staff to ensure enforcement and follow up. The Principal or her designee will periodically follow up with the Target(s) and his/her parents to ensure the Target believes the situation has improved and that any threat or fear has been significantly reduced or eliminated.

#### Professional Development on Bullying

**Annual Staff Training on the Plan.** Annual training for all school staff (as defined above) on the Plan will include staff duties under the Plan, an overview of the steps that the Principal or her designee will follow upon receipt of a report of bullying, cyber-bullying, retaliation, or intimidation, and an overview of the bullying prevention curricula to be offered at all grades throughout the school or district. Staff members hired after the start of the school year are required to receive the training during the school year in which they are hired.

**Ongoing Professional Development.** The goal of professional development is to establish a common understanding of tools necessary for staff to create a school climate that promotes safety, civil communication, and respect for differences. Professional development will build the skills of staff members to prevent, identify, and respond to all forms of bullying. As required by MGL c. 71, § 37O, the content of school-wide and district-wide professional development will be informed by research and will include information on:

1. Developmentally (or age) appropriate strategies to prevent bullying;
2. Developmentally (or age) appropriate strategies for immediate, effective interventions to stop bullying incidents;
3. The complex interaction and power differential that can take place between and among an Aggressor, Target, and witnesses to the bullying;
4. Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk for bullying in the school environment;
5. The incidence and nature of cyber-bullying; and
6. Internet safety issues as they relate to cyber-bullying.

Professional development will also address ways to prevent and respond to bullying or retaliation for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs). This will include a particular focus on the needs of students whose disability affects social skills development.

Additional areas identified by BART for professional development may include:

- Promoting and modeling the use of respectful language;
- Fostering an understanding of and respect for diversity and difference;
- Building relationships and communicating with families;
- Constructively managing classroom behaviors;
- Using positive behavioral intervention strategies;
- Applying constructive disciplinary practices;
- Teaching students skills including positive communication, anger management, and empathy for others;
- Engaging students in school or classroom planning and decision-making; and
- Maintaining a safe and caring classroom for all students.

**Written Notice to Staff.** The school will provide all staff with an annual written notice of the Plan by publishing information about it, including sections related to staff duties, in the school or district employee handbook and the school's Code of Conduct in the Student Handbook.



### Parental Education and Notification on the Bullying Prevention Plan

The school will offer to parents and guardians education programs that are focused on the parental components of the anti-bullying curricula and any social competency curricula used by the school. The programs will be offered in collaboration with parent groups.

Each year the school will inform parents and guardians about the anti-bullying curricula that are being used. This notice will include information about the dynamics of bullying, including cyber-bullying and online safety. The school will send parents written notice each year about the student-related sections of the Plan and the District's Internet Safety Policy. All notices and information will be made available to parents and guardians in hard copy and electronic formats. The District will post the Plan and related information on its website.

### Curriculum and Instruction on the Bullying Prevention Plan

The school will provide to each grade age-appropriate instruction on bullying prevention that is incorporated into the curriculum. The curriculum will be evidence based. The Plan will describe the curriculum to help parents and others understand the district's bullying prevention efforts.

Bullying prevention curricula will be informed by current research, which, among other things, emphasizes:

- Using scripts and role playing to develop skills;
- Empowering students to take action by knowing what to do when they witness other students engaged in acts of bullying or retaliation, including seeking adult assistance;
- Helping students understand the dynamics of bullying and cyber-bullying, including the underlying power imbalance;
- Emphasizing cyber safety, including safe and appropriate use of electronic communication technologies;
- Enhancing students' skills for engaging in healthy relationships and respectful communications; and
- Engaging students in a safe, supportive school environment that is respectful of diversity and difference.

Initiatives will also teach students about student-related sections of the Bullying Prevention and Intervention Plan.

The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our bullying intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom behavior expectations;
- Creating safe school and classroom environments for all students, regardless of race, color, religion, national origin, sex, disability, sexual orientation, homelessness, or age;
- Using appropriate and positive responses and reinforcement, even when students require discipline;
- Using positive behavioral supports;
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the internet safely; and
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.



### Application to Students on Individualized Education Programs (IEPs)

As required by MGL c. 71, § 37O, and as amended by Chapter 92 of the Acts of 2010, when a student's IEP Team determines the student has a disability that affects social skills development or that the student may participate in, or is vulnerable to, bullying, harassment, or teasing because of his or her disability, the Team will consider what should be included in the IEP to develop the student's skills and proficiencies to avoid and respond to bullying, harassment, or teasing. This will include a particular focus on the needs of students whose disability affects social skills development.

### Data Collection and Reporting

In order to monitor the success of the Bullying Prevention and Intervention Plan, and to help determine the effectiveness of interventions, curricula, and actions, the school will collect and review student and staff survey data, parent survey data, and the number and nature of bullying, cyber-bullying, and retaliation instances. Reports will be forwarded to the Executive Director's office at the end of each school year. Reports of the data will be presented to the Board of Trustees and made available to the public on the District website.

### Student Discipline

Students who fail to follow BART policies and rules shall be subject to discipline by the school administration. State and federal law afford to students the right to due process of law as they face disciplinary action. Generally speaking, "due process" means the student must receive notice of what the school believes he or she has done to violate the law or school rules, and an opportunity to present his or her version of the incident before the school takes action.

The procedures and philosophies described in this section on Student Discipline shall be followed in conjunction with and shall not limit or override any procedures pertaining to specific laws and policies outlined above in the section on School Policies.

Students who are afforded rights under the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act (Section 504) should refer to the laws and regulations themselves, as well as the procedures outlined below, for discipline and appeal of disciplinary actions.

Federal and state law concerning students with IEPs and 504 plans may allow for additional procedural rights for students and parents of those students than are provided for under BART's general disciplinary action procedures, as noted below.

All teachers and counselors will be informed by the administration when one of their students is suspended.

### Due Process

The type of notice and opportunity to be heard varies depending on the seriousness of the incident and length of suspension the school is seeking to impose. Students have the right to certain minimal due process protections when school officials seek to impose short-term suspensions. Where school officials seek to suspend a student for more than 10 days (long-term suspension), depending on the length of the exclusion, greater due process protections may be required.

### Procedures for Suspension/Expulsion

**Please read this section carefully as the Procedures for Suspension/Expulsion have been amended to reflect recent changes in state law.**

The purpose of the new Massachusetts Student Discipline Regulations, effective July 1, 2014, is:

- For those discipline offenses subject to MGL 71 § 37H<sup>3/4</sup>, to limit the use of long-term suspension as a consequence for student misconduct until other remedies and consequences have been considered and tried as appropriate;
- To promote engagement of a student's parent in discussion of the student's misconduct, and options for responding to it;
- To assure that every student who is expelled or suspended, regardless of the reason for suspension or expulsion, has the opportunity to receive education services to make academic progress during the period of suspension or expulsion; and
- To keep schools safe and supportive for all students while ensuring fair and effective disciplinary practices.

## Definitions

**Disciplinary Offense.** Any alleged or determined disciplinary infraction by a student, *except for*: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such 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, as provided in MGL c.71, §§ 37H or 37H<sup>1/2</sup>. A disciplinary offense, as defined, is subject to the provisions of MGL c.71 § 37H<sup>3/4</sup>.

Disciplinary offense under MGL c.71 §§ 37H or 37H<sup>1/2</sup> means one or more of the following alleged or determined disciplinary infractions: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; and d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in MGL c.71 §§ 37H or 37H<sup>1/2</sup>.

**Expulsion.** The removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under MGL c.71 §§ 37H or 37H<sup>1/2</sup> for: a) possession of a dangerous weapon; b) possession of a controlled substance; c) assault on a member of the educational staff; or d) a felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such 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, as provided in MGL c.71 §§ 37H or 37H<sup>1/2</sup>.

**In-School Suspension.** Removal of a student from regular classroom activities, but not from the school premises, for no more than ten (10) consecutive school days, or no more than ten (10) school days cumulatively for multiple infractions during the school year. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days. In-school suspension for ten (10) days or less, consecutively or cumulatively during a school year, shall not be considered a short-term suspension. If a student is placed in in-school suspension for more than ten (10) days, consecutively or cumulatively during a school year, such suspension shall be deemed a long-term suspension for due process, appeal, and reporting purposes.

**Long-Term Suspension.** 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 any school year. A Principal may, in his or her discretion, allow a student to serve a long-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as

removal in calculating school days. Except for students who are charged with a disciplinary offense set forth in subsections (a) or (b) of section 37H, or in section 37H<sup>1/2</sup> of MGL c.71, no student may be placed on long-term suspension for one or more disciplinary offenses for more than ninety (90) school days in a school year beginning with the first day that the student is removed from school. No long-term suspension shall extend beyond the end of the school year in which such suspension is imposed.

**Parent.** A student's parent, guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian.

**Principal.** The instructional leader or headmaster of a public school, or his/her designee, for purposes of school disciplinary matters. At BART, the Assistant Principal serves as the Principal's designee for disciplinary matters.

**School-Wide Education Service Plan.** The document developed by a Principal, in accordance with MGL c.76 § 21, that includes a list of education services available to students who are expelled or suspended from school for more than ten (10) consecutive days.

**Short-Term Suspension.** The removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less. A Principal may, in his or her discretion, ask a student to serve a short-term suspension in school. Removal solely from participation in extracurricular activities or school-sponsored events, or both, shall not count as removal in calculating school days.

**Executive Director.** The chief executive officer employed by a school committee or board of trustees to administer a school system or charter school.

**Suspension.** Short-term suspension and long-term suspension unless otherwise stated.

### Grounds for Short-Term Suspension

Grounds for a short-term suspension include:

1. Leaving school during school hours without permission.
2. Unauthorized absence(s) from school (truancy) or from class (see Attendance Policy).
3. Repeated, unexcused tardiness to school, class, and homeroom (see Attendance Policy).
4. Unexcused absence(s) from a detention.
5. Gambling in any form.
6. Use or possession of contraband items such as matches, lighters, fireworks, stink bombs, animal scents, electrical charges, lasers, laser pens or pointers, or any devices that project intense or dangerous light. Repeated offenses may result in long-term suspension.
7. Use of pagers/beepers, cellular phones, or other electronic communication devices except for documented reasons.
8. Smoking/tobacco in school building, on school grounds, in a school bus, or at school functions (see Tobacco-Free Policy)
9. Exhibitionism, lewd, wanton, and lascivious behavior, disorderly conduct, or distracting and inappropriate sexual contact between students. Depending on its severity, such an offense may result in a long-term suspension/expulsion and referral to law enforcement agencies (see Massachusetts General Laws, Chapter 272, Sections 16 and 53).

10. The possession, dissemination, or use of obscenity in any form, including but not limited to speech, writing, or explicit sexual pictures or drawings. The use of this language or material in an intentional, disrespectful, or disruptive manner will not be tolerated in a school setting and may result in a long-term suspension/expulsion and referral to law enforcement agencies (see Massachusetts General Laws, Chapter 272, Section 29 and 31).
11. Intentional acts threatening the health and safety of self or others (e.g., fights, false fire alarms, tampering with fire alarms, extortion, engaging in seriously unhealthy acts, etc.) on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. A determination regarding the severity of such acts will be made by the appropriate administrator and staff member, and a long-term suspension/expulsion and referral to law enforcement agencies may be recommended.
12. Lack of respect for school staff and visitors, including, but not limited to: insubordination; failure to identify oneself to a teacher or administrator; disobedience to a teacher, administrator, or staff member; the willful disregard of express or implied directions by a teacher, administrator, or staff member, including the refusal to take *or responding inappropriately* to tests or exams; the failure to attend a mandated program; and the use of insulting or profane language or gestures.
13. Theft or vandalism to school property or the property of others in a school setting, whether during or after school hours or at any school activity such as athletic events, dances, field trips, on school buses, etc. Reasonable proof of the offender is necessary. Restitution by the offender is required. If the offense is judged particularly severe by the appropriate administrator, a long-term suspension/expulsion and referral to law enforcement agencies may be recommended. (See Massachusetts General Law, Chapter 266, Sections 30, 98, 100, 127A, etc.).
14. Chronic school offender: The student who repeatedly disturbs or interrupts the educational process, refuses to work, who falsifies signatures on reports, who refuses to return signed papers to teachers or administrators, who refuses to report to appropriate school personnel, who exhibits offensive behaviors on an ongoing basis, and/or who repeatedly violates the Code of Conduct.
15. Organizing or participating in hazing.
16. Violation of Civil Rights. Students have the right to be free from discrimination based upon race, color, religion, national origin, sex, disability, sexual orientation, gender identity, homelessness, or age. Such discrimination includes, but is not limited to, verbal and physical attacks on students directed at their racial, ethnic, or religious background, or their disability, and any form of sexual harassment.
17. Violation of rules approved by the BART Board of Trustees and filed with the Commissioner of Education for an individual school or program (See Massachusetts General Laws, Chapter 71, Section 37H).
18. Violation of federal or Massachusetts law.
19. Bullying in any form, including verbal abuse, harassment, taunting, name-calling, threats in any form, extortion, intimidation, slander, defamatory statements (verbal, written, or electronic), pushing, shoving, and tripping. This includes asking anyone else to bully another student.
20. Causing problems at another school, such as: disrupting the learning process; creating a hostile environment for, or intimidating, one or more students there; endangering persons or property; or bringing disrepute to the reputation of BART.
21. Fighting.
22. Cheating or plagiarism.
23. Purposeful misrepresentation of the facts, i.e. lying about event(s), to school officials.
24. Computer use / Internet violations.
25. Harassment (of all kinds and types).
26. Unauthorized buying or selling of any kind between students.
27. Repeated dress code violations.
28. Any school-related act, on or off school property, which interferes with or restricts another student's ability to enjoy the educational benefits afforded or offered within, and outside of, the school setting. Such acts include, but are not limited to, incidents that interfere with or threaten the well-being or order of the school or its staff, students, or the general public.

### Grounds for Long-Term Suspension or Expulsion

1. Assault or assault and battery on school premises, school-sponsored or school-related events, including field trips and athletic games, and to and from school, if the offence is upon a student or visitor resulting in serious bodily injury or with the likelihood of substantial injury. (See Massachusetts General Laws, Chapter 265, Sections 13A and 13D.)
2. Misuse of inhalants, glue, or any other similar substance, on school premises, at school-sponsored or school-related events, including field trips and athletic events, and to and from school.
3. Making a bomb threat by any means, including, but not limited to, verbally, electronically, or in writing.
4. Possession, use, or distribution of alcohol, or being under the influence of alcohol on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school.
5. Chronic or repeated serious offenses as defined in Grounds for Short-Term Suspension, above: Items 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 25, and 28 on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school.
6. Possession of a firearm on school premises, at school-sponsored or school-related events, including field trips and athletics games, and to and from school. This includes imposter or imitation firearms. (See United States Code, Section 921 of Title 18.)
7. Possession of a dangerous weapon, other than a firearm, on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See Massachusetts General Laws, Chapter 269, Section 10.) This includes BB guns, paint guns, imitation weapons, imposter weapons and any item deemed dangerous by the school administration.
8. Assault or assault and battery by means of a dangerous weapon on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See Massachusetts General Laws, Chapter 265, Section 15A and 15B.)
9. Assault or assault and battery on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school, if the offense is upon the Principal, Assistant Principal, teacher, teacher's aide, or other school staff member.
10. Possession, use, being under the influence of, and/or distribution of a controlled substance and/or illegal drug defined in Massachusetts General Laws, Chapter 94C, including, but not limited to, marijuana, cocaine, crack, heroin and other narcotics, etc., as well as drug paraphernalia and imposter/counterfeit drugs on school premises, at school-sponsored or school-related events, including field trips and athletic events, and to and from school.
11. Use or possession of a bomb or any other explosive or incendiary device, including an object that appears to be a bomb or other such device.
12. Pursuant to Massachusetts General Laws, Chapter 71, Section 37H<sup>1/2</sup>, a student charged with a felony or who is the subject of a felony delinquency complaint may be suspended; or a student convicted, adjudicated, or admitting guilt with respect to a felony or felony delinquency may be expelled, provided that the Principal determines, after a hearing, that the student's continued presence poses a substantial detrimental effect on the general welfare of the school.

### Discretionary Assessments of Student for Certain Infractions

The Principal may require an assessment of a student involved in a violation of any of the above paragraphs.

### Report to Law Enforcement

The Principal *shall* notify the Adams Police Department whenever a student:

1. Commits an assault or an assault and battery upon a school staff member;
2. Commits an assault or an assault and battery by means of a dangerous weapon;

3. Is in possession of a dangerous weapon;
4. Distributes a controlled substance, including alcohol; or
5. Is in possession of a controlled substance, including alcohol, for the second/subsequent time.

The Principal may, at her discretion, notify the Adams Police Department whenever a student is in possession of a controlled substance, including alcohol, for the first time, or commits a delinquent or criminal act in violation of federal or Massachusetts law not specified in the above list of “shall notify” offenses.

#### Investigation of Disciplinary Incidents

Nothing shall prevent a school administrator from conducting an investigation, including student interviews, of a school-related disciplinary incident.

#### Alternatives to Suspension Under Section 37H<sup>3/4</sup>

In every case of student misconduct for which suspension may be imposed, the Principal shall exercise discretion in deciding the consequence for the offense and consider ways to re-engage the student in learning.

#### Notice of Suspension and Hearing Under Section 37H<sup>3/4</sup>

The Principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such a hearing.

The Principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The 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 concerning the proposed suspension, including the opportunity to dispute the charges and to present the student’s explanation of the alleged incident, and for the parent to attend the hearing;
- E. The date, time, and location of the hearing;
- F. The right of the student and the student’s parent to interpreter services at the hearing if needed to participate;
- G. Whether the student may be placed on long-term suspension following:
  1. The rights set forth in 603 CMR 53.08 (3)(b); and
  2. The right to appeal the Principal’s decision to the Executive Director.

The Principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Without the parent present, the Principal must be able to document reasonable efforts to include the parent. The Principal is presumed to have made reasonable efforts if the Principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification. Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Principal and parent.



### Emergency Removal Under Section 37H<sup>3/4</sup>

Nothing in these regulations shall prevent a Principal from removing a student from school temporarily when a student is charged with a disciplinary offense and the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the Principal's judgment, there is no alternative available to alleviate the danger or disruption. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the Principal shall:

- Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the other matters set forth in 603 CMR 53.06(2);
- Provide written notice to the student and parent as provided in 603 CMR 53.06(2);
- Provide the student an opportunity for a hearing with the Principal that complies with 603 CMR 53.08(2) or 53.08(3) and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of the time for hearing is otherwise agreed to by the Principal, student, and parent;
- Render a decision orally on the same day as the hearing, and in writing no later than the following school day, which meets the above requirements.

An administrator may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made from the student's safety and transportation.

### Principal's Hearing Under Section 37H<sup>3/4</sup>

The Principal shall determine the extent of the rights to be afforded the student at a disciplinary hearing based on the anticipated consequences for the disciplinary offense. If the consequences may be long-term suspension from school, the Principal shall afford the student, at a minimum, all the rights set forth, in addition to those rights afforded to students who may face a short-term suspension from school.

### Principal Hearing – Short-Term Suspension

- A. The purpose of the hearing with the Principal 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 whether the student committed the disciplinary offense, and if so, determine the consequences for the infraction. At a minimum, the Principal shall discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student also shall have the opportunity to present information, including mitigating facts, that the Principal should consider in determining whether other remedies and consequences may be appropriate as set forth in 603 CMR 53.05. The Principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.
- B. Based on the available information, including mitigating circumstances, the Principal shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.
- C. The Principal shall notify the student and parent of the determination and the reasons for it, and if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal. The determination shall be in writing and may be in the form of an update to the original written notice.

### Principal Hearing – Long-Term Suspension



- A. The purpose of the hearing is the same as the purpose of a short-term suspension hearing.
- B. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:
  - a. In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student or not;
  - b. The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
  - c. The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
  - d. The right to cross-examine witnesses presented by the school district;
  - e. The right to request that the Principal record the hearing, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Principal shall inform all participants before the hearing that an audio record will be made, and a copy will be provided to the student and parent upon request.
- C. The Principal shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.
- D. Based on the evidence, the Principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The Principal shall send the written determination to the student and parent by hand delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Principal and the parent. If the Principal decides to suspend the student, 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 the key facts and conclusions reached by the Principal;
  - 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 to make academic progress during the period of removal from school;
  - e. Inform the student of the right to appeal the Principal's decision to the Executive Director or designee, but only if the Principal has imposed a long-term suspension:
    - i. The student or parent must file a written notice of appeal with the Executive Director within five (5) calendar days of the effective date of the long-term suspension; provided that within five (5) calendar days, the student or parent may request and receive from the Executive Director an extension of time for filing the written notice for up to seven (7) additional calendar days;
    - ii. The long-term suspension will remain in effect unless and until the Executive Director decides to reverse the Principal's determination on appeal.

#### Executive Director's Hearing Under Section 37H<sup>3/4</sup>

A student who is placed on long-term suspension following a hearing with the Principal shall have the right to appeal the Principal's decision to the Executive Director.

The student or parent shall file a notice of appeal with the Executive Director within the time period set forth. If the appeal filing is not timely, the Executive Director may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Executive Director shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the Executive Director shall grant the extension.

The Executive Director shall make a good faith effort to include the parent in the hearing. The Executive Director shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Executive Director to participate. The Executive Director shall send written notice to the parent of the date, time, and location of the hearing.

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

The student shall have all the rights afforded the student at the Principal's hearing for long-term suspension.

The Executive Director shall issue a written decision within five (5) calendar days of the hearing. If the Executive Director determines that the student committed the disciplinary offense, the Executive Director may impose the same or lesser consequence than the Principal, but shall not impose a suspension greater than that imposed by the Principal's decision.

The decision of the Executive Director shall be the final decision of the charter school.

## In-School Suspension Under Section 37H<sup>3/4</sup>

The Principal may use in-school suspension as an alternative to short-term suspension for disciplinary offenses.

The Principal may impose an in-school suspension for a disciplinary offense under this provision.

The Principal 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 Principal determines that the student committed the disciplinary offense, the Principal 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 Principal 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 Principal 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 meeting shall be scheduled on the day of the suspension if possible, and if not, as soon thereafter as possible. If the Principal is unable to reach the 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.

The Principal shall send written notice to the student and parent about the in-school suspension, including the reason and the length of the in-school suspension, and invite the parent to a meeting with the Principal for the purpose set forth, if such meeting has not already occurred. The Principal 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 Principal and the parent.

## Emergency Removal Under Section 37H<sup>3/4</sup>

The Principal may remove a student from privileges, such as extracurricular activities and attendance at school-sponsored events, based on the student's misconduct. Such a removal is not subject to the procedures in G.L. c.71, §37h<sup>3/4</sup>.

## Disciplinary Offenses Under Section 37H or 37H<sup>1/2</sup>

The Principal may expel, or in his/her discretion, impose a long-term suspension on a student who has committed a disciplinary offense under Section 37H or 37H<sup>1/2</sup>.

### Notice

The Principal may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The Principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The 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 concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- E. The date, time, and location of the hearing;
- F. The right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- G. In addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights:
  - a. In advance of the hearing, the opportunity to review the student's record and the documents upon which the Principal may rely in making a determination to suspend the student or not;
  - b. The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
  - c. The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
  - d. The right to cross-examine adult witnesses presented by the school district;
  - e. The right to request that the Principal record the hearing, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.
- H. The Principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Without the parent present, the Principal must be able to document reasonable efforts to include the parent. The

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

## Education Services and Academic Progress Under Sections 37H, 37H<sup>1/2</sup>, and 37H<sup>3/4</sup>

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 Executive Director or Principal shall inform the student and parent of this opportunity in writing when such suspension or expulsion is imposed.

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

The Executive Director shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and the method of arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students.

The Executive Director or 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 by 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.

## Immediate Short-Term Suspension

Where a student's continued presence at school endangers persons or property, or threatens disruption of the academic process, the administration may impose an immediate short-term suspension before a hearing occurs. In the exceptional cases where immediate suspension is justified, the notice and hearing shall follow as soon as practicable.

## Student Return to School after Short-Term Suspension

The school will schedule a re-entry conference to occur with the student's parent or guardian upon the student's return from a suspension.

The Principal shall provide written notification to the Attendance Officer if the student does not return to school upon completion of his/her suspension.

## Student Return to School After Long-Term Suspension

The student may return to school only upon the written approval of the Principal. A parent or legal guardian shall accompany the student upon his/her return to school.

The Principal shall provide written notification to the Attendance Officer if the student does not return to school upon completion of his/her suspension.

The school will schedule a re-entry conference to occur with the student's parent or guardian upon the student's return from a suspension.

## Communications with Other Schools Regarding Disciplinary Actions

A student transferring into BART shall provide the Principal with complete school records. Said records shall include, but not be limited to, any incidents involving suspension, expulsion, or violation of criminal acts, or any incident reports in which such student was previously excluded from school.

**If, after a student has been admitted, it is determined that the student has been expelled from a previous school, BART reserves the right to exclude the student from BART.**

When a student is expelled under any of the provisions of this section and applies for admission to another school, the Executive Director, once notified, shall inform the Superintendent of the receiving school of the reasons for the pupil's exclusion from BART. (MGL Ch.71, Sec. 37H.)

## Disciplinary Action Relative to Students with Disabilities

Eligible students with disabilities, as defined by the reauthorized Individuals with Disabilities Education Act (IDEA 2004) and Massachusetts General Laws, Chapter 71B (formerly Chapter 766), as well as Section 504 of the Rehabilitation Act of 1973, shall be subject to the provisions of the BART Student Handbook/Code of Conduct Discipline Policy except as otherwise provided in this section.

Federal and Massachusetts laws, regulations, and policies do not prohibit the exclusion of students with disabilities in all cases. However, when it is permitted, the long-term removal of a student from the program, which is prescribed in his/her Individualized Education Program (IEP) or Section 504 Accommodation Plan, must be preceded by a more deliberate review of the causes and reasons for the proposed suspension and the development of an alternative program, consistent with federal and state law.

With respect to the exclusion of students with disabilities for more than 10 school days, federal law (see 20 USC, § 1415(k)) requires parent/legal guardian consent, or where the parent(s) or guardian(s) do not consent, the securing of an administrative or judicial order authorizing the exclusion, except for violations involving dangerous weapons, controlled substances, or fighting resulting in serious bodily injury.

With respect to the removal of students with disabilities from public schools, Massachusetts follows federal laws and regulations.

## Procedures for the Exclusion of Students with Disabilities Pursuant to Federal and Massachusetts Regulations

For further information regarding students with disabilities, please see the “Notice of Procedural Safeguards” by the Massachusetts Department of Elementary and Secondary Education.

### **Disciplining Students with Disabilities: Procedures Applicable for Exclusions of More than 10 School Days:**

The following provisions shall apply whenever a school administrator proposes to suspend a student with disabilities for more than 10 school days.

#### **Definitions of Suspension:**

Suspension shall be defined as any action which results in the removal of a student from the program prescribed in his/her Individualized Education Program (IEP) or Section 504 Accommodation Plan. The term includes in-school suspension as well as any exclusion from specialized transportation services contained in the student's IEP, which prohibits the student's participation in his/her prescribed program.

#### **General Requirements:**

BART shall ensure that:

1. Its Code of Conduct is on file with the Department of Elementary and Secondary Education, and all student handbooks contain the specific procedures in these regulations for the exclusion of a student with disabilities.
2. It has an appropriate procedure to notify the Director of Special Education of the misconduct for which exclusion of a student with disabilities for more than 10 school days is proposed, so that the required procedures can be implemented consistently.
3. The number and duration of exclusions of students with disabilities is recorded and maintained by school administrators.
4. The IEP or 504 Accommodation Plan of every student with disabilities indicates whether the student is or is not expected to meet the school's discipline code, and, if not, describes modifications of the code.
5. No student with disabilities may be excluded for more than 10 school days without following appropriate federal and state regulations.

#### **Manifestation Determination Meeting:**

When it is known that the exclusion(s) of a student with disabilities approaches 10 school days, a review of the IEP and other relevant information will be conducted. Participants in the meeting shall include, but not be limited to, individuals who are trained in the area of the student's special needs as well as the student's parent(s) or guardian(s). At that review, the review Team will determine whether the student's misconduct is a direct and substantial manifestation of the student's disabilities, or results from an inappropriate special education program or placement, or from an IEP that was not fully implemented. School personnel may consider any unique circumstances on a case-by-case basis before deciding whether a change in placement is warranted. Depending on the result of the determination, exclusion may or may not be implemented.

*Circumstances under which the student **may not** be suspended for more than 10 school days:*

1. If the Team concludes that the student's misconduct is directly and substantially related to the student's disability(ies) or results from an inappropriate special education program or placement or an IEP that was not fully implemented, the student shall not be excluded. Instead, the student's IEP shall be revised to reflect a new program or placement designed to meet the student's needs more effectively, or, if the misconduct resulted from an appropriate IEP that was not fully implemented, all necessary steps shall be taken by the school to ensure that the IEP is fully implemented. If revision of the student's IEP is required, development of an amended or new IEP occurs.
2. If a new program or placement is designed for the student as a result of the review, the program or placement shall be implemented immediately following parent/guardian approval of the IEP. If the parent(s) or guardian(s) refuse consent to the IEP, the school or the parent(s) or guardian(s) may request a hearing to determine the appropriateness of the program, in accordance with the *Notice of Procedural Safeguards*. Alternatively, the parties may seek mediation to resolve the dispute. If a hearing is requested, during the pendency of the hearing, the student shall remain in his/her last agreed-upon educational placement (the placement in effect when the dispute arose), unless another placement is agreed upon by the school and the student's parent(s) or guardian(s), or a court or hearing officer's order permits the school to change the student's placement based on a showing that the student's continued presence in school presents a substantial likelihood of injury to the student or to others.

*Circumstances under which exclusion **may** be imposed for more than 10 school days:*

1. If the school wishes to impose a suspension/expulsion for more than 10 school days, and the Team concludes that: the student's misconduct is not a manifestation of the student's disabilities and is not the result of an inappropriate special education program/placement, and the current IEP was fully implemented, the school shall:
  - a. Conduct a Functional Behavioral Assessment and develop a Positive Behavioral Intervention Plan;
  - b. Provide an appropriate interim alternative educational plan for the delivery of services to the student during the period of the exclusion; and
  - c. Present the interim alternative educational plan to the student's parent(s) or guardian(s).
2. A copy of the interim alternative educational plan must be included in the student's file, which shall also include documentation which demonstrates that:
  - a. The school has complied with procedures required by Goss v. Lopez and by the school's Code of Conduct;
  - b. The school has complied with procedures required by Section 1415(k) of the IDEA;
  - c. The disciplinary action is for a stated number of days;
  - d. The action is necessary in light of the needs of the student and others; and
  - e. The school administrators have conferred with appropriate special education staff as to the disciplinary action and have followed all the procedures outlined herein including notice to the parent(s) or guardian(s) of their right of appeal.

## Exception for Students on Section 504 Accommodation Plans for Drug-Related Offenses:

Section 504 of the Rehabilitation Act makes an exception for students on Section 504 Accommodation Plans who have been disciplined for drug-related offenses and are currently using illegal drugs. Section 504 permits a district to take the



same disciplinary action against such a student as it would against a regular education student, including exclusion. In its definition of “student with a disability,” Section 504 specifically exempts from its protections a student who is currently engaged in illegal drug use. A student who is involved with using drugs forfeits his/her right to services during the period of his/her exclusion. The due process procedures of the Section 504 implementing regulation also do not apply to such disciplinary actions. See 29 USC § 705 (20)(c)(iv).

Since no services are provided to regular education students who have been excluded from school for using drugs, a district is not required to provide them to students on a Section 504 Accommodation Plan. The U.S. Department of Education, Office for Civil Rights, which oversees Section 504, has stated that districts “may” provide such services if they wish to. However, schools are *not required* under the law to provide such services during the period of exclusion. When the exclusion period ends, the student returns to school under the same Section 504 Accommodation Plan that existed prior to the offense and suspension.

## IDEA 2004 Statutory Requirements

Section 615(k) of the Individuals with Disabilities Education Act (IDEA 2004) sets forth the following procedures with respect to disciplining students with disabilities, as well as protections for those students who have not yet been found eligible for special education services. The IDEA was amended by Congress in 2004 and became effective July 01, 2005.

Massachusetts law defers to Section 615(k) of IDEA 2004 with regard to disciplining students with disabilities. In addition, students who fall under Section 504 of the Rehabilitation Act of 1973 also have a right to almost all of the procedural protections enumerated in Section 615(k) as follows:

### **Placement in Alternative Educational Setting**

#### **1. Authority of School Personnel:**

- a. **Case-By-Case Determination** – School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.
- b. **Authority** – School personnel under this subsection may remove a child with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to children without disabilities).
- c. **Additional Authority** – If school personnel seek to order a change in placement that would exceed 10 school days, and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the child’s disability pursuant to subparagraph (E), the relevant disciplinary procedures applicable to children without disabilities may be applied to children without disabilities, except as provided in section 612(a)(1), although it may be provided in an interim alternative educational setting.
- d. **Services** – A child with a disability who is removed from the child’s current placement under subparagraph (G) (irrespective of whether the behavior is determined to be a manifestation of the child’s disability) or subparagraph (c) shall:

- i. Continue to receive educational services, as provided in section 612(a)(1), so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the child's IEP; and
- ii. Receive, as appropriate, a functional behavioral assessment, behavioral intervention services, and modifications that are designed to address the behavior violation so that it does not recur.

**e. Manifestation Determination**

- i. **In General** - Except as provided in subparagraph (B), within 10 school days of any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the local educational agency, the parent/guardian, and relevant members of the IEP Team (as determined by the parent/guardian and the local educational agency) shall review all relevant information in the student's file, including the child's IEP, any teacher observations, and any relevant information provided by the parent/guardian to determine:
  - 1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
  - 2. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP.
- ii. **Manifestation** – if the local educational agency, the parent/guardian, and relevant members of the IEP Team determine that either sub clause (I) or (II) of clause (i) is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

**f. Determination the Behavior was a Manifestation** – If the local educational agency, the parent/guardian, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the child's disability, the IEP Team shall:

- i. Conduct a functional behavioral assessment, and implement a behavioral intervention plan for such child, provided that the local educational agency had not conducted such assessment prior to such determination before the behavior that resulted in a change of placement described in subparagraph (C) or (G);
- ii. In the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
- iii. Except as provided in subparagraph (G), return the child to the placement from which the child was removed, unless the parent/guardian and the local educational agency agree to a change of placement as part of the modification of the behavioral intervention plan.

**g. Special Circumstances** – School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the child's disability, in cases where a child:

- i. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a State or local educational agency;

- ii. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency; or
- iii. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a State or local educational agency.

**h. Notification** – Not later than the date on which the decision to take disciplinary action is made, the local educational agency shall notify the parent(s)/guardian(s) of that decision, and of all procedural safeguards accorded under this section.

**2. Determination of Setting** – The interim alternative educational setting in subparagraphs (C) and (G) of paragraph (1) shall be determined by the IEP Team.

### **3. Appeal**

**a. In General** – The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination under this subsection, or a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request a hearing.

#### **b. Authority of Hearing Officer**

- i. **In General** – A hearing officer shall hear, and make a determination regarding, an appeal requested under subparagraph (A).
- ii. **Change of Placement Order** – In making the determination under clause (i), the hearing officer may order a change in placement of a child with a disability. In such situations, the hearing officer may:
  - 1. Return a child with a disability to the placement from which the child was removed; or
  - 2. Order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

**4. Placement During Appeals** – When an appeal under paragraph (3) has been requested by either the parent/guardian or the local educational agency:

- a. The child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(C), whichever occurs first, unless the parent/guardian and the State or local educational agency agree otherwise; and
- b. The State or local educational agency shall arrange for an expedited hearing, which shall occur within twenty (20) school days of the date the hearing is requested and shall result in a determination within ten (10) school days after the hearing.

### **5. Protections for Children Not Yet Eligible for Special Education and Related Services**

- a. **In General** – A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violates a code of student conduct, may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.
- b. **Basis of Knowledge** – A local educational agency shall be deemed to have knowledge that a child is a child with a disability if, before the behavior that precipitated the disciplinary action occurred:
  - i. The parent/guardian of the child has expressed concern in writing to supervisory or administrative personnel of the appropriate educational agency, or a teacher of the child, that the child is in need of special education and related services;
  - ii. The parent/guardian of the child has requested an evaluation of the child pursuant to Section 614(a)(1)(B); or
  - iii. The teacher of the child, or other personnel of the local educational agency, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the director of special education of such agency or to other supervisory personnel of the agency.
- c. **Exception** – A local educational agency shall not be deemed to have knowledge that the child is a child with a disability if the parent/guardian of the child has not allowed an evaluation of the child pursuant to section 614 or has refused services under this part, or the child has been evaluated and it was determined that the child was not a child with a disability under this part.
- d. **Conditions that Apply if No Basis of Knowledge**
  - i. **In General** – If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B) or (C)) prior to taking disciplinary measures against the child, the child may be subjected to disciplinary measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).
  - ii. **Limitations** – If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under this subsection, the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parent(s)/guardian(s), the agency shall provide special education and related services in accordance with this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

## 6. Referral to an Action by Law Enforcement and Judicial Authorities

- a. **Rule of Construction** – Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State Law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.
- b. **Transmittal of Records** – An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

## 7. Definitions – In this subsection:

- a. **Controlled Substance** – The term ‘controlled substance’ means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).
- b. **Illegal Drug** – The term ‘illegal drug’ means a controlled substance but does not include a controlled substance that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of Federal law.
- c. **Weapon** – the term ‘weapon’ has the meaning given the term ‘dangerous weapon’ under section 930(g)(2) of title 18, United States Code.
- d. **Serious Bodily Injury** – The term ‘serious bodily injury’ has the meaning given the term ‘serious bodily injury’ under paragraph (3) of subsection (h) of section 1365 of title 18, United States Code.

## Violent Juvenile Offender Bill

Effective October 1, 1996, Massachusetts General Laws, Chapter 265, Section 44, has been amended to read:

“Whoever commits an assault and battery on a child under the age of eighteen for the purpose of causing or coercing such child to join or participate in a criminal conspiracy in violation of [MGL c. 274 § 7], including but not limited to a criminal street gang or other organization of three or more persons which has a common name, identifying sign or symbol and whose members individually or collectively engage in criminal activity, shall, for the first offense, be punished by imprisonment in the state prison for not less than three nor more than five years or by imprisonment in the house of corrections for not more than two and one half years; and for a second subsequent offense by imprisonment in the state prison for not less than five nor more than ten years.”

## Searches of Students

School officials do not need a warrant before conducting a reasonable search of a student who is under their authority, his/her clothing, vehicle, and possessions, when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or the rules of the school.

The measures adopted to search a student shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student(s) and the nature of the infraction.

**Students should have no expectation of privacy in school desks, backpacks, computers, or vehicles while they are on school grounds.**

### **Searches of Desks and Computers**

Desks and computers are for the use of students but remain the property of BART. Students may be issued storage space, with or without locks, desks, computers, etc., at the opening of school or thereafter. Students are advised that school administrators, to insure cleanliness, safety, and adherence to federal, state, and local laws and regulations, as well as the Code of Conduct, may inspect desks, computers, etc., without notice. The use of police drug-sniffing dogs may also be employed at the discretion of school administration.

### **Searches of Students’ Persons and Property**

The administration shall ensure that searches of students shall be reasonable under all of the circumstances of the search. The search by a school official of a student and/or the student's possessions will be justified when there are reasonable grounds for suspecting that the search will turn up evidence that a student or students have violated either the law or the rules of the school.

## Physical Restraints

1. This set of policies and procedures is governed by the Code of Massachusetts regulations (603 CMR 46.00).
2. Maintaining an orderly, safe environment conducive to learning is an expectation of all BART staff. Further, students of the district are protected by law from the unreasonable use of physical restraint.
3. Physical restraint will be used only in emergency situations after other less intrusive alternatives have failed or have been deemed inappropriate, and with extreme caution. School personnel will use physical restraint with two goals in mind:
  - a. To administer a physical restraint only when needed to protect a student and/or a member of the school community from imminent, serious, physical harm; and
  - b. To prevent or minimize any harm to the student as a result of the use of physical restraint.
4. Neither chemical restraints (i.e., administering medication for the purpose of restraint) nor mechanical restraints may be used at BART. Nor may the student be placed in a seclusion restraint; that is, physically confining a student alone in a room or limited space without access to school staff. The use of "time out" procedures during which a staff member remains accessible to the student is not considered a "seclusion restraint."
5. BART uses the Crisis Prevention Institute's *Nonviolent Crisis Intervention* methods of physical restraint.
6. BART will ensure that several people have in-depth training in the methods and appropriate procedures for administering and reporting on the use of physical restraint in compliance with 603 CMR 46.03(3).
7. These persons and the **Assistant Principal and Principal** will be kept advised by the **Director of Special Education or the Health and Wellness Coordinator** of any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on any particular students.
8. At the beginning of each school year, the list of personnel with in-depth training will be provided to each member of staff. The list will also be included in the information package for any staff member starting after the beginning of the school year, and it will be filed with the *Personnel Policies and Procedures Manuals* in the office of the **Director of Special Education**.
9. If a situation is developing that may lead to the need for physical restraint, the teacher or other staff member present should ask a paraprofessional or student present to request the immediate assistance of the **Assistant Principal or Principal**, or a specific person who is in-depth trained, whomever is closest, and failing that to ask the **Special Education Administrative Assistant** to send one, or preferably two, of the in-depth-trained personnel to help.
10. Where possible, the restraint will be applied by one of the in-depth trained personnel and will be witnessed by another adult not involved in the restraint. However, any member of staff is allowed to use reasonable force to protect students, other persons, or themselves from assault or imminent, serious, physical harm. (See below for details of restraint procedures.)
11. During August, or within a month of their employment for those hired after the school year begins, new employees will receive training on the following:
  - a. BART's restraint policy;
  - b. Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
  - c. Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used;



- d. Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student;
  - e. The list of those who have received in-depth training pursuant to 603 CMR 46.03(3) in the use of physical restraint.
12. In-depth training in the proper administration of physical restraint will include, but not be limited to:
- a. Appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
  - b. A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
  - c. The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
  - d. Instruction regarding documentation and reporting requirements and investigation of injuries and complaints;
  - e. Demonstration by participants of proficiency in administering physical restraint.
13. Physical restraint may be used only in the following circumstances:
- a. Non-physical interventions would not be effective; and
  - b. The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.
14. Physical restraint will be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
15. Physical restraint is prohibited in the following circumstances:
- a. As a means of punishment; or
  - b. 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 imminent, serious, physical harm.

## Details of Restraint Procedures

1. The person administering a physical restraint will use only the amount of force necessary to protect the student or others from physical injury or harm.
2. The person administering the physical restraint will use the safest method available and appropriate to the situation. Floor or prone restraints will not be used unless the staff member administering the restraint has received in-depth training and, in their judgment, such method is required to provide safety for the student or others present.
3. The person administering physical restraint will discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty (20) minutes, it will be considered an "extended restraint" for purposes of the reporting requirements in 603 CMR 46.06.
4. Additional requirements for the use of physical restraint:
  - a. 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 will continuously monitor the physical status of the student, including skin color and respiration. A restraint will be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.
  - b. Restraint shall be administered in such a way as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student must be released from the restraint immediately, and school staff must take steps to seek medical assistance.



- c. The **Assistant Principal, Principal** and in-depth trained personnel will consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
- d. Following the release of a student from a restraint, the **Assistant Principal** or **Principal** will implement follow-up procedures. These include:
  - i. Reviewing the incident with the student to address the behavior that precipitated the restraint;
  - ii. Reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed; and
  - iii. Consideration of whether any follow-up is appropriate for students who witnessed the incident.
- e. After the incident, the circumstances under which a physical restraint was made must be reported.
  - i. After any use of physical restraint, the person applying the restraint and the teacher who initiated the request will verbally inform the Assistant Principal of the restraint as soon as possible, and by written report no later than the next school working day, so that the appropriate reports can be made, as follows:
    - 1. A Written Restraint Report, as specified in 603 CMR 46.06(2), must be used to document all incidents lasting more than five minutes or where any injuries were involved.
    - 2. As specified in 603 CMR 40.06(5), any use of physical restraint that results in a serious injury to a student or staff member, or any physical restraint of duration longer than 20 minutes, must be reported to the Department of Education within five school working days of the administration of the restraint together with a copy of the record of physical restraints for the 30-day period prior to the date of the reported restraint.
    - 3. The Department of Education will determine if additional action on the part of BART is warranted and, if so, will notify BART of any required actions within 30 calendar days of receipt of the written report(s).
  - ii. The **Special Education Administrative Assistant** will maintain an ongoing record of all reported instances of physical restraint and will make them available for review by the **Department of Elementary and Secondary Education**, upon request.
  - iii. The **Assistant Principal** (or **Principal** or **Executive Director** if deemed more appropriate in the particular circumstances) will verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report postmarked no later than three school working days following the use of restraint. If BART customarily provides a parent or guardian of a student with report cards and other necessary school related information in a language other than English, the written restraint report will be provided to the parent or guardian in that language.
  - iv. The written report to the parent(s) or guardian(s) will include:
    - 1. The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.
    - 2. 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 de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

3. A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
4. For extended restraints, the written report will describe the alternatives to extended restraint that were attempted, the outcome of those efforts and the justification for administering the extended restraint.
5. Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.
6. Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student and/or any other related matter.

## Reporting to Law Enforcement and Other Agencies

The above policies and procedures do not impede the right of any individual to report to appropriate authorities a crime committed by a student or other individual. The state regulations guiding these policies and procedures do not impede law enforcement or judicial authorities from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or to be posing a security risk. These procedures should not deter any individual from reporting neglect or abuse to the appropriate state agency. See the *Personnel Policy and Procedures* section on staff members' responsibilities as mandated reporters.

## Special Circumstances

1. In special circumstances, waivers of reporting requirements may be sought from parents of students, including those on IEPs, who present a high risk of frequent, dangerous behavior that may frequent the use of restraint. Despite any such waiver, extended restraints and restraints that result in serious injury to a student or program staff member must be reported in accordance with the requirements of 603 CMR 46.06. A parent may withdraw consent to such waiver at any time without penalty.
2. The **Executive Director** would handle any such waiver request. Staff would then be directed as to the special procedures required by State regulation 603 CMR 46.07.

## Rights under Section 504, Titles II, IV, VI, IX, and the Americans with Disabilities Act

It is the policy of BART to comply with all applicable provisions of Section 504 of the Rehabilitation Act of 1973, as well as those contained in Title II, Title IV, Title VI, Title IX, and the Americans with Disabilities Act (ADA). These Acts prohibit discrimination against persons in any program that receives federal funding.

### Definition

Section 504 of the Rehabilitation Act of 1973 and the ADA prohibit discrimination against persons with a **handicap**. A person with a handicap is defined as one who:

- Has a mental or physical impairment which substantially limits one or more major life activities;
- Has a record of such impairment; or
- Is regarded as having such impairment.

BART recognizes its responsibility to avoid discrimination in policies and practices involving both students and staff. No discrimination against anyone who falls under the provisions of Section 504 or the ADA will knowingly be permitted in any program or practice of the School. Accordingly, BART acknowledges that it has specific responsibilities to identify such handicapped persons, to evaluate such persons, and, if they are eligible under Section 504, to provide them with reasonable accommodations to access appropriate educational services.

Any student, parent, or guardian who believes that he or she has been discriminated against on the basis of a handicap should immediately file a written complaint with the Director of Special Education of BART, who will then investigate the complaint.

No student, parent, or guardian who has filed such a complaint will be subject to coercion, intimidation, interference, or retaliation for registering a complaint or assisting in the investigation of the complaint.

## Parent/Guardian Notice of Rights Under Section 504

As a parent or guardian you have the right to:

1. Have your child take part in and receive benefits from public education programs without discrimination based on his/her handicapping condition(s).
2. Have the school district advise you of your rights under federal law.
3. Receive notice with respect to identification, evaluation, or placement of your child.
4. Have your children receive free, appropriate public education. This includes the right to be educated with non-handicapped students to the maximum extent appropriate. It also includes the right to have the school district make reasonable accommodations to allow your child an equal opportunity to participate in school and school-related activities.
5. Have your child educated in facilities and receive services comparable to those provided to non-handicapped students.
6. Have evaluation, educational, and placement decisions based upon a variety of sources by persons who know the student, the evaluation data, and placement options.
7. Have transportation provided to and from an alternative placement setting at no greater cost to you than would be incurred if the student were placed in a program operated by the district.
8. Have your child be given an equal opportunity to participate in non-academic and extracurricular activities offered by the district.
9. Examine all relevant records relating to decisions regarding your child's identification, evaluation, educational program, and placement.
10. Obtain copies of educational records at a reasonable cost unless the fee would effectively deny you access to the records.
11. Receive a response from the school district to reasonable requests for explanations and interpretations of your child's records.
12. Request amendment of your child's educational records if there is a reasonable cause to believe that they are inaccurate, misleading, or otherwise in violation of the privacy rights of your child. If the school district refuses this request for amendment, it shall notify you within a reasonable time, and advise you of the right to a hearing.
13. File a grievance.

14. Request mediation or an impartial due-process hearing related to decisions or actions regarding your child's identification, evaluation, educational program, or placement. You and the student may take part in the hearing and have an attorney represent you. Hearing and mediation requests may be made to:

Commonwealth of Massachusetts  
Department of Education  
Bureau of Special Education Appeals  
350 Main Street  
Malden, MA 02148-5023  
Phone: (781) 338-3000

15. Appeal to:

Office of Civil Rights, Region 1  
John W. McCormack  
Post Office and Courthouse Square, Room 222  
Boston, MA 02700  
Phone: (617) 223-9662

## Section 504 Compliance at BART

The person in this district who is responsible for assuring compliance with Section 504, Titles II, IV, VI, IX and the Americans with Disabilities Act is:

Erin Hattaway, Learning Services Coordinator  
1 Commercial Place  
Adams, MA 01220  
Phone: (413) 743-7311

## Grievances

BART has established an internal procedure in order to provide for prompt and equitable resolutions of complaints alleging any action prohibited by the United States Department of Justice regulations implementing Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act. Title II of the ADA regulations largely reinforces Section 504 of the Rehabilitation Act of 1973. This procedure is also to be followed when lodging complaints involving alleged violations of Title IV, Title VI, and Title IX. Complainants should contact the Learning Services Coordinator named in the previous paragraph to file a grievance.

Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities" sponsored by a public entity.

Title IV of the 1964 Civil Rights Acts provides that no person shall, on the ground of race, color, or national origin be excluded from participating in any program receiving federal financial assistance.

Section 901(a) of Title IX of the Education Amendments of 1972 prohibits any educational program or activity from discriminating on the basis of sex.

Section 504 of the Rehabilitation Act of 1973 protects the rights of individuals with disabilities within the work and school setting. Section 504 is a federal civil rights statute.

Section 601 of Title VI prohibits discrimination on the basis of race, color, or national origin.

(Note: complaints that do *not* allege discriminatory conduct should be handled in a manner consistent with the school's Complaint Procedure.)

## Complaint Procedure

At BART, we strive to treat all students, families, faculty, and staff in a respectful, fair, and impartial manner. There may be times, however, when individuals have a complaint about the actions of a faculty or staff member, or a problem with school policies themselves. We believe it is in the best interest of all involved to raise those issues and work within the school community to resolve them.

If such a situation arises, please follow the procedure outlined here:

1. All complaints regarding potential **civil rights violations** should be directed to the Principal or Executive Director, both of whom have been trained in the appropriate handling of these issues.
2. If you believe it would be inappropriate or too difficult to discuss an issue with the relevant member of the faculty, staff, or the Administration, you may speak directly to their supervisor or to the Board of Trustees.
3. Otherwise, if the complaint is about the actions of a specific individual, speak directly to the faculty or staff member with whom you have the complaint. If the complaint is about a policy or procedure, speak with the student's Collegiate Skills teacher.
4. If you are not satisfied with the resolution proposed by the appropriate faculty or staff member, schedule a meeting with the Principal.
5. If you are not satisfied with the resolution proposed by the Principal, schedule a meeting with the Executive Director. In order for the Executive Director to inquire into a grievance that relates to a specific incident or incidents, it will be necessary for the complainant to provide as much detail as possible in terms of date(s), time(s), student(s), teacher(s), and other people involved in or observing the incident. To avoid miscommunication and to expedite the process, this information should be provided in writing prior to meeting with the Executive Director so that she may make internal inquiries and research school records before the meeting. If the complainant chooses not to do this, then the meeting may be recorded, a written record made of key allegations, and the complainant asked to sign that it is accurate. The Executive Director will then need time to research the issue before scheduling a further meeting to attempt to resolve the issue.
6. Grievances that are not satisfied by a discussion with the Executive Director may be brought to the Board of Trustees. The complaint should be made in writing, addressed to the Chair of the Board at the school's address. Full supporting information, as described above, should be supplied in order that a subgroup of Trustees may make inquiries prior to meeting with the complainant(s). Such meetings will be arranged at mutually convenient times for the complainant(s) and designated trustees.
7. If this does not resolve the issue, the complainant may ask to meet with the entire Board of Trustees. This meeting will be held in Executive Session in order to preserve the privacy of those concerned. A complainant is free to raise an issue in the public comment portion of a Board of Trustees meeting. However:

- a. The Board of Trustees will not be able to comment on any grievances brought to their attention for the first time in the public statement portion of a Board of Trustees meeting because they will need time to inquire into the complaint.
  - b. The Board of Trustees will not be able to make detailed comments in public on any grievance that involves actions involving students and/or teachers since they are legally bound to keep student and personnel information confidential.
8. If an individual believes that the school has violated any provision of the charter school law and regulations, he or she may file a formal, written complaint with the Board of Trustees, in accordance with the Code of Massachusetts Regulations (603 CMR 1.10). After receiving the complaint, the Board must send a written response to the individual within 30 days. If the Board does not address the complaint to the individual's satisfaction, the individual may submit the complaint in writing to the Massachusetts Commissioner of Education.
9. A parent or guardian may file a complaint with the Massachusetts Department of Elementary and Secondary Education at any time if he or she believes that the school has violated any federal or state law or regulation regarding special education.

## Expulsion Policy

### Definitions

**Expulsion.** The removal of a student from the school premises, regular classroom activities, and school activities for more than ninety (90) school days, indefinitely, or permanently, as permitted under MGL c.71, § 37H<sup>1/2</sup> for:

- A. Possession of a dangerous weapon;
- B. Possession of a controlled substance;
- C. Assault on a member of the educational staff; or
- D. A felony charge or felony delinquency complaint or conviction, or adjudication or admission of guilt with respect to such felony, if a Principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school, as provided in MGL c.71, §§ 37H or 37H<sup>1/2</sup>.

**Parent.** A student's father, mother, or legal guardian, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or legal guardian.

**Principal.** The instructional leader or headmaster of a public school, or person or agency legally authorized to act on behalf of the student in place of or in conjunction with the father, mother, or guardian.

**School-Wide Education Service Plan.** The document developed by a Principal, in accordance with MGL c.76, § 21, that includes a list of education services available to students who are expelled or suspended from school for more than ten (10) consecutive days.

**Executive Director.** The chief executive officer employed by a school committee or board of trustees to administer a school system or charter school.

## Disciplinary Offenses Under Section 37H or 37H<sup>1/2</sup>

The principal may expel a student who has committed a disciplinary offense under Section 37H or 37H<sup>1/2</sup>.

**Notice**

The Principal may not impose expulsion for a disciplinary offense without first providing the student and the parent oral and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The Principal shall provide oral and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice shall set forth in plain language:

- A. The disciplinary offense;
- B. The basis for the charge;
- C. The potential consequences;
- D. The opportunity for the student to have a hearing with the Principal concerning the proposed expulsion, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- E. The date, time, and location of the hearing;
- F. The right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- G. The student shall have the following rights:
  - a. The right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
  - b. The right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
  - c. The right to cross-examine adult witnesses presented by the school district;
  - d. The right to request that the hearing be recorded by the Principal, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the Principal shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.
- H. The Principal shall make reasonable efforts to notify the parent orally of the opportunity to attend the hearing. Without the parent present, the Principal must be able to document reasonable efforts to include the parent. The Principal is presumed to have made reasonable efforts if the Principal has sent written notice and has documented at least two (2) attempts to contact the parent in the manner specified by the parent for emergency notification. Written notice to the parent may be made by hand delivery, first-class mail, certified mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the Principal and parent.

**Principal's Hearing**

The Principal shall provide the parent, if present, an opportunity to discuss the student's conduct and to offer information, including mitigating circumstances, that the Principal should consider in determining consequences for the student.

Based on the evidence, the Principal shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to expulsion, what remedy or consequence will be imposed, in place of or in addition to an expulsion. The Principal shall send the written determination to the student and parent by hand delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other



method of delivery agreed to by the Principal and the parent. If the Principal decides to expel the student, the written determination shall:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out the key facts and conclusions reached by the Principal;
3. Identify the length and effective date of the exclusion, and, if suspended, a date to return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school; and
5. Inform the student of the right to appeal the Principal's decision to the Executive Director or designee, but only if the Principal has expelled the student.

Should an appeal be desired, the student or parent must file a written notice of appeal with the Executive Director within ten (10) calendar days of the effective date of an expulsion related to assault, weapons, or drugs (Chapter 71, Section 37H) or five (5) days for an expulsion due to felony convictions (Chapter 71, Section 37H<sup>1/2</sup>).

The expulsion will remain in effect unless and until the Executive Director decides to reverse the Principal's determination on appeal.

### Executive Director's Hearing

A student who is expelled following a hearing with the Principal shall have the right to appeal the Principal's decision to the Executive Director.

The student or parent shall file a notice of appeal with the Executive Director within the time frame set forth above. If the appeal is not timely filed, the Executive Director may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Executive Director shall hold the hearing within three (3) school days of the student's request, unless the student or parent requests an extension of up to seven (7) additional calendar days, in which case the Executive Director shall grant the extension.

The Executive Director shall make a good faith effort to include the parent in the hearing. The Executive Director shall be presumed to have made a good faith effort if he or she has made efforts to find a day and time for the hearing that would allow the parent and Executive Director to participate. The Executive Director shall send written notice to the parent of the date, time, and location of the hearing.

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

At the appeal hearing, the student shall have the right to present oral and written testimony, the right to counsel, and the right to confront and cross-examine witnesses presented by the school.

The Executive Director shall issue a written decision within five (5) calendar days of the hearing. If the Executive Director determines that the student committed the disciplinary offense, the Executive Director may overturn or alter the decision of the Principal, including recommending an alternative educational program for the student.

The decision of the Executive Director shall be the final decision of the school.

## Education Services and Academic Progress Under Section 37H and 37H<sup>1/2</sup>

Any student who is expelled shall have an opportunity to receive educational services and make academic progress toward meeting state and local requirements, through the school-wide education service plan. The Executive Director or Principal shall inform the student and parent of this opportunity in writing when expulsion is imposed.

The Executive Director shall develop a school-wide education service plan describing the education services that the school district will make available to students who are expelled or suspended from school for more than ten (10) consecutive days. The plan shall include the process for notifying such students and their parents of the services and for arranging such services. Education services shall be based on, and be provided in a manner consistent with, the academic standards and curriculum frameworks established for all students.

The Executive Director or Principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled. 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.

If the student moves to another district during the period of expulsion, the new district of residence shall either admit the student to its schools or provide educational services to the student in an education service plan.

## Grounds for Expulsion

1. Possession of a firearm on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. This includes imposter or imitation firearms. (See United States Code, Section 921 of Title 18).
2. Possession of a dangerous weapon, other than a firearm, on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See Massachusetts General Laws, Chapter 269, Section 10.) This includes BB guns, paint guns, imitation weapons, imposter weapons, and any item deemed dangerous by the school administration.
3. Assault or assault and battery by means of a dangerous weapon on school premises, at school-sponsored or school-related events, including field trips and athletic games, and to and from school. (See Massachusetts General Laws, Chapter 265, Sections 15A and 15B.)
4. Assault or assault and battery on school premises, school-sponsored or school-related events, including field trips and athletic games, and to and from school, if the offense is upon the Principal, Assistant Principal, teacher, teacher's aide, or other school staff member.
5. Possession, use, being under the influence of, and/or distribution of a controlled substance and/or illegal drug as defined in Massachusetts General Laws, Chapter 94C, including, but not limited to, marijuana, cocaine, crack, heroin, and other narcotics, etc., as well as drug paraphernalia and imposter or counterfeit drugs on school



premises, at school-sponsored or school-related events, including field trips and athletic events, and to and from school.

6. Use or possession of a bomb or any other explosive device or incendiary device, including an object that appears to be a bomb or other such device.
7. Pursuant to Massachusetts General Laws, Chapter 71, Section 37H<sup>1/2</sup>, a student charged with a felony or who is subject of a felony delinquency complaint may be suspended, or a student convicted, adjudicated, or admitting guilt with respect to a felony or felony delinquency may be expelled, provided that the Principal determines, after hearing, that the student's continued presence poses a substantial detrimental effect on the general welfare of the school.

## Contact Information

BART's telephone number is (413) 743-7311; the fax number is (413) 743-7327

Administration		
Anna Bienia	School Adjustment Counselor	anna.bienia@bartcharter.org
Jess Bouchard	College Advising Teacher	jess.bouchard@bartcharter.org
Marygrace Brown	Dean of Students	marygrace.brown@bartcharter.org
Rachel Carkhuff	Communications and Enrollment Coordinator	rachel.carkhuff@bartcharter.org
Jennifer Choquette	Athletic Director	jennifer.choquette@bartcharter.org
Erin Egan	Health and Wellness Coordinator	erin.egan@bartcharter.org
Kim Goodell	Business Office Administrative Assistant	kimberly.goodell@bartcharter.org
Erin Hattaway	Assistant Principal	erin.hattaway@bartcharter.org
JP Henkel	Director of Technology	jp.henkel@bartcharter.org
Sean Keogh	Principal	sean.keogh@bartcharter.org
Jennifer Kupiec	Student Services Administrative Assistant and Secretary to the Principal	jennifer.kupiec@bartcharter.org
Brendan Longe	Data and Assessment Coordinator	brendan.longe@bartcharter.org
Susan Lubell	Director of Special Education	susan.lubell@bartcharter.org
Stephanie Maselli	College and Internship Placement Counselor	stephanie.maselli@bartcharter.org
Julia Marko	Business Manager	julia.marko@bartcharter.org
Kate Merrigan	Director of Student and Community Development	kate.merrigan@bartcharter.org
Ann Pfister	School Nurse	ann.pfister@bartcharter.org
Brian O'Grady	Grants and Visiting Artist Coordinator	brian.ograde@bartcharter.org
Amy Shapiro-Van Dusen	Student Office Administrative Assistant	amy.shapiro-vandusen@bartcharter.org
Noah Snyder	Director of Facilities	noah.snyder@bartcharter.org
Jay White	Executive Director	jay.white@bartcharter.org



## Berkshire Arts & Technology Charter Public School 2019-2020 Calendar (Updated 7/8/19)

### August 2019

Week #	S	M	T	W	T	F	S
					1	2	3
	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
1	18	19	20	21	22	23	24
2	25	26	27	28	29	30	31

1: New Teachers Begin

7: Teachers Return

14: All Staff Return

20: First Day of School

### September 2019

Week #	S	M	T	W	T	F	S
3	1	2	3	4	5	6	7
4	8	9	10	11	12	13	14
5	15	16	17	18	19	20	21
6	22	23	24	25	26	27	28
7	29	30					

2: Labor Day – No School

4: School Photo Day

20: No School – PD

### October 2019

Week #	S	M	T	W	T	F	S
7			1	2	3	4	5
8	6	7	8	9	10	11	12
9	13	14	15	16	17	18	19
10	20	21	22	23	24	25	26
11	27	28	29	30	31		

7-9: Interim Assessment #1\*

14: Columbus Day – No School

18: Half Day – PD

25: End of Q1

28: Start of Q2

### November 2019

Week #	S	M	T	W	T	F	S
11						1	2
12	3	4	5	6	7	8	9
13	10	11	12	13	14	15	16
14	17	18	19	20	21	22	23
15	24	25	26	27	28	29	30

11: Veteran's Day – No School

12 &amp; 14: Student Led Conferences

15: Half Day – PD

27: Half Day

28-29: Thanksgiving – No School

### December 2019

Week #	S	M	T	W	T	F	S
16	1	2	3	4	5	6	7
17	8	9	10	11	12	13	14
18	15	16	17	18	19	20	21
19	22	23	24	25	26	27	28
20	29	30	31				

2-4: Interim Assessment #2\*

13: No School – PD

12/23-1/1: Winter Break – No School

### January 2020

Week #	S	M	T	W	T	F	S
20				1	2	3	4
21	5	6	7	8	9	10	11
22	12	13	14	15	16	17	18
23	19	20	21	22	23	24	25
24	26	27	28	29	30	31	

12/23-1/1: Winter Break – No School

17: End of Q2

20: MLK, Jr. Day – No School

21: Start of Q3

24: Half Day – PD

### February 2020

Week #	S	M	T	W	T	F	S
24							1
25	2	3	4	5	6	7	8
26	9	10	11	12	13	14	15
27	16	17	18	19	20	21	22
28	23	24	25	26	27	28	29

10-12: Interim Assessment #3\*

17-21: February Break – No School

28: Half Day – PD

### March 2020

Week #	S	M	T	W	T	F	S
29	1	2	3	4	5	6	7
30	8	9	10	11	12	13	14
31	15	16	17	18	19	20	21
32	22	23	24	25	26	27	28
33	29	30	31				

20: No School – PD

24 & 25: 10<sup>th</sup> Grade ELA MCAS\*

31: Math Interim Assessment #4\*

### April 2020

Week #	S	M	T	W	T	F	S
33				1	2	3	4
34	5	6	7	8	9	10	11
35	12	13	14	15	16	17	18
36	19	20	21	22	23	24	25
37	26	27	28	29	30		

3: End of Q3

6: Start of Q4

6-10: Middle School ELA MCAS\*

20-24: April Break – No School

### May 2020

Week #	S	M	T	W	T	F	S
37						1	2
38	3	4	5	6	7	8	9
39	10	11	12	13	14	15	16
40	17	18	19	20	21	22	23
41	24	25	26	27	28	29	30

4-8: MS Math MCAS\*

5: AP Calculus\*

7: AP Physics\*

11: AP Biology\*

13: AP ELA\*

13 & 14: 8<sup>th</sup> Grade Science MCAS\*

19 & 20: 10<sup>th</sup> Grade Math MCAS\*

21 &amp; 22: Half Day – Portfolio

25: Memorial Day – No School

30: Graduation

### June 2020

Week #	S	M	T	W	T	F	S
42	31	1	2	3	4	5	6
43	7	8	9	10	11	12	13
44	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30				

2 &amp; 3: High School Science MCAS\*

12: End of Q4

11-12: Half Days (SLCs / Portfolio)

17: Last Day of School – Half Day\*\*

	No School
	Half Day (dismissal at 12pm)
	Interim Assessments
	MCAS, ACCESS
	Special Events
	College Board Testing

#### MARKING PERIODS:

Quarter 1 Begins August 20<sup>th</sup>

Quarter 1 Ends October 25<sup>th</sup>

Quarter 2 Begins October 28<sup>th</sup>

Quarter 2 Ends January 17<sup>th</sup>

Quarter 3 Begins January 21<sup>st</sup>

Quarter 3 Ends April 3<sup>rd</sup>

Quarter 4 Begins April 6<sup>th</sup>

Quarter 4 Ends June 12<sup>th</sup>

\*Testing dates are subject to change

\*\*Last day of school subject to change if more than 5 snow days during the year

## **Signature Page**

Berkshire Arts and Technology Charter Public School

### **Student Handbook**

I have received the 2019/2020 Berkshire Arts and Technology Charter Public School Student Handbook. I have read and understand the Handbook. I will do my best as a parent/guardian or student to support the policies of the school. This form must be signed and returned to the school.

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Parent/Guardian's Name

Signature

Date

---

Student's Name

Signature

Date

---

Student's Collegiate Skills Teacher's Signature

Date