



### 1. Welcome to the North Attleborough School District

Our District Mission is guided by our core values. The North Attleborough Public Schools, in partnership with families and the community, will provide a respectful, caring, safe, and supportive environment that actively engages and challenges our students and staff to reach their full potential. The District Vision is to create innovative learning environments where students are supported intellectually, emotionally, socially, and physically, while becoming productive and responsible citizens. District Core Values - Collaboration, Achievement, Respect, Excellence, Support - support the District's vision and mission.

### 2. Expectations

NAPS will provide rigorous and relevant learning opportunities to develop college and career readiness while maximizing individual achievement.

### 3. District School Hours

North Attleborough High School	7:15-1:49
North Attleborough Middle School	7:45- 2:19
Amvet Elementary School	8:30-2:44
Community Elementary School	8:30-2:44
Falls Elementary School	9:00-3:14
Martin Elementary School	9:00-3:14
Roosevelt Elementary School	8:30-2:44
Early Learning Center	8:30-2:30

#### **4. Contact Information**

<b>Principal Jeffrey Sposato</b>	<b>508-643-2148</b>
<b>Assistant Principal Andrew Benharris</b>	<b>508-643-2148</b>
<b>Administrative Assistant Jill Pizarro</b>	<b>508-643-2148</b>

#### **5. Building Specific Information**

- Students may begin to arrive at school at 8:05 a.m. Students should be dropped off at the front entrance. If dropping off via car, please pull all the way forward in the front circle driveway to help alleviate back-up onto South Washington St. Students will enter the building immediately upon arrival. Students may ride their bicycles to school. Students need to have a helmet and protective gear in accordance with state law. The student and family assume responsibility for the proper storage of the bicycle outside of the school.
- Breakfast is served daily beginning at 8:05 a.m.
- Bus students must have a pass to ride the bus. Students may not ride any bus other than their assigned bus.
- Students must follow their usual dismissal routines unless we know in advance of any changes. We do not dismiss students to any person not listed on student emergency cards. Proper identification is required.

#### **6. Information from School Nursing/ [Health Services](#)**

The role of the school nurse is to provide first aid, illness assessment, and case management for students with health care needs. The school nurse does not diagnose or prescribe treatment.

##### **Student Health Records**

- A medical record is kept for each student enrolled in North Attleborough Public Schools. The school should be notified of any information that may be pertinent to this record, such as serious allergies, asthma or any condition requiring daily medication, or hospitalization.
- Please help keep school health records current by delivering copies to the School Nurse of any immunizations, vision and hearing screenings, physical examinations, or any new medications initiated.
- Physical examinations are required by the state when entering Kindergarten, Grades 1, 4, 7, and 10. These need to be done by your child's physician. If you do not have a physician for your child, please contact the School Nurse.
- The School Nurse conducts mandated state screenings for vision, hearing, and scoliosis with referral to outside medical agencies when indicated, and monitoring and assessing students' health needs in the school setting. Parents/guardians who choose not to have their child participate must send a letter in to the nurse at the start of each school year.

**Medication Taken At School** - Please refer to NAPS School Committee [Policy JLCD](#) for further information regarding Administering of Medications

- If your child requires medication during school hours please consult the School Nurse regarding State Mandated Medication Regulations, and the necessary paperwork. This paperwork may also be found under [Health on the North Attleborough Public Schools Website](http://www.naschools.net) (www.naschools.net).
- *ALL medications require a doctor's order. We currently have a doctor's order listing cough drops, Tylenol, Ibuprofen, or Benadryl only. These require a parent signature (please see the nurses copy of the emergency card). Please note that cough drops are considered medication and must be kept in the nurse's office.*

Whenever possible medication should be scheduled during hours when students are not in school. **Medications are not to be transported by children. All medications must be in a pharmacy container or manufacturer's labeled container with the child's name.**

**Medications cannot be dispensed to a child unless the prescription is written specifically for that child.**

#### **Illness at School**

- Without a doctor's note, the school nurse assumes the responsibility for determining whether your child is well enough to return to school after an illness, and whether they should be sent home because of an illness commencing during school hours.

#### **Returning to School after Absence Due to Illness**

- Children can return to school 24 hours after their temperature has returned to normal- (100 or more) without the aid of fever reducing medicine-(Tylenol or ibuprofen).
- Children can return to school only when they have had 1 full day (24 hours) of a prescribed medication.
- Children can return to school **24 hours after** their last episode of vomiting or diarrhea.

#### **Notes Required**

- A note from a parent is required after any absence.
- A note from a doctor is required after your child has been absent for 5 or more days.
- A note from a doctor or the discharge sheet if any emergency treatment has occurred; i.e., sprained or broken bones, asthma treatments.
- Any medical condition or accident, which may limit physical education activities, must be followed up with a note from your doctor; particularly if this affects recess or physical education.
- When a student is injured so as to require a splint or a cast, the student will not be able to participate in gym or recess for his/her own safety and that of his/her classmates. When the splint or cast is removed a note from the attending physician stating the student can return to all activities is required.

**Also, please remember to update your emergency CONTACT INFORMATION if changes occur DURING THE SCHOOL YEAR (i.e., job change, and telephone number change).**

**Communicable Diseases** - Please refer to NAPS School Committee [Policy JLCC](#) for further information regarding Communicable Disease

- During the school year, children's communicable diseases such as impetigo, chicken pox, pediculosis (head lice, etc.) are common. Please remember that all students having had an infectious disease may not return to school before the end of the minimum period of isolation prescribed by the Massachusetts Department of Health as follows:
- Chicken Pox: when pox are completely dry.
- Whooping Cough: Please advise the School Nurse of diagnosis and treatment. Return to school policies vary depending upon the stage of the illness.
- Impetigo: Usually 24 hours after treatment has begun and lesions are no longer draining.
- Mumps: Nine days or until swelling has subsided, whichever comes first.
- Ringworm: Nine days or until swelling has subsided, whichever comes first.
- Conjunctivitis: According to the school nurse's evaluation, a child may be sent home.
- Strep Infection: 24 hours **after** antibiotic treatment begins.
- Scarlet Fever: 24 hours **after** antibiotic treatment begins.
- Fifth Disease: By the time the rash develops, the contagion is over. However, notify the school nurse so that pregnant school staff can be alerted.
- Pediculosis (head lice): After treatment of live lice. \*Students must be checked by the nurse before returning to the classroom.

**Allergies** - For further information regarding **Life Threatening Food Allergies** please refer to NAPS School Committee [Policy JLCEA](#) as well as [Policy JLCEA - E1 Student Food Allergy and Food Allergies and Managing Students with Food Allergies](#).

Food allergies can be severe and occasionally life threatening. The foods most likely to cause allergic reactions are peanuts, tree nuts, dairy products, egg soy, wheat, fish, and shellfish.

Allergic reactions to the above listed foods can range from mild skin irritations to severe reactions, which may cause anaphylactic shock or even death.

Parent/guardian, school staff and nursing work together to address student allergy needs and plans. Collaboration may include medical documentation from the child's health care provider, an order for epinephrine by a licensed provider as well as any other medication needed, support on student, self-management of their allergy as age appropriate. An Individual Health Care Plan (IHCP) and/or an Allergy Action Plan may be developed if need be. School staff will be informed of allergy related needs and responses if need be in order to minimize the risk of life-threatening reactions of allergic students while in school.

Please refer to the [NAPS Health Services web site](#) for further information including information related to **Concussions / Head Injury Management** and **Head Lice**

## FACE COVERINGS

The Community School is committed to providing a safe environment in its schools during the COVID-19 pandemic. According to public health experts, one of the best ways to stop the spread of coronavirus and to keep members of our school community safe is the use of face masks or face coverings. Therefore, using the guidance and recommendations from the Center for Disease Control (CDC), the Department of Elementary and Secondary Education (DESE) and the Massachusetts Department of Public Health (DPH), the District has established the following requirements which will remain in place until further notice.

A face covering that covers the nose and mouth must be worn by all individuals in school buildings and on school transportation. Exceptions to this policy under certain circumstances, such as for students with medical, behavioral or other challenges who are unable to wear masks, must be approved by the building principal in consultation with the school nurse or local Board of Health. Students who refuse to wear a mask may be disciplined in accordance with the Student Handbook.

Please read the following for further guidance:

The North Attleborough Public School District is committed to providing a safe environment in schools during the ongoing COVID-19 pandemic. Maintaining a safe environment is critical to the District's ability to returning students to a full-time classroom learning experience.

According to public health experts, one of the best ways to stop the spread of coronavirus and to keep members of our school community safe is the use of face masks or face coverings. Therefore, using the guidance and recommendations from the Center for Disease Control (CDC), the Department of Elementary and Secondary Education (DESE) and the Massachusetts Department of Public Health (DPH), the District has established the following requirements which will remain in place until further notice.

A face covering that covers the nose and mouth must be worn by all individuals in school buildings and on school transportation.

Individuals may be excused from the requirement for the following list of reasons, per CDC guidance:

The individual:

- has trouble breathing.
- is unconscious.
- is incapacitated.
- cannot remove the mask or face covering without assistance.

In addition, masks or face coverings will not be required for anyone who has a medical, behavioral or other challenge making it unsafe to wear a face mask or face covering. A written

note from a physician is required for a requested exemption. Parents may not excuse their child from the face mask requirement by signing a waiver.

Additionally, face masks or face coverings will not be required:

- during mask breaks.
- while eating or drinking.
- while outside.

Individuals are encouraged to distance as much as feasible when masks are removed indoors.

Exceptions to this policy under certain circumstances, such as for students with medical, behavioral or other challenges who are unable to wear masks, must be approved by the building principal in consultation with the school nurse or local Board of Health. Face shields or physical barriers may provide an alternative in some instances.

A student's mask or face covering is to be provided by the student's family. Staff members are responsible for providing their own face coverings. However, the district will supply disposable face covering for individuals who arrive at a building, or board school transportation, without one.

If students are in violation of this policy, the building principal will consult with the parent/guardians to determine whether an exception is appropriate, or the student may be removed from the school building for in-person learning until such time as they can comply with the requirement, or the requirement is lifted.

Violations of this policy by staff will be handled in the same manner as other violations of School Committee policy.

Visitors in violation of this policy will be denied entry to the school/district facility.

This policy will remain in place until rescinded by the School Committee.

#### Guidance Statements

##### **Massachusetts Department of Public Health**

<https://www.mass.gov/doc/updated-advisory-regarding-masks-and-face-coverings-july-30-2021-0/download>

##### **Center for Disease Control and Prevention – Guidance for Covid-19 Prevention in K-12 Schools Updated August 5, 2021 -**

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html>

##### **Center for Disease Controls – Guidance for Covid-19 Prevention on Public Transportation**

<https://www.cdc.gov/coronavirus/2019-ncov/travelers/face-masks-public-transportation.html>

SOURCE: MASC – August 10, 2021

## **7. Replacement Costs and Obligations**

North Attleborough Schools furnish books, technology devices, and materials to all students for their use during the school year. Textbooks and materials are the responsibility of individual students. Materials are to be kept clean and handled carefully. A pupil shall be required to pay the North Attleborough Public Schools for the value of any book or material that is lost or damaged beyond ordinary wear while in his/her possession. Payments must be made for library materials that are lost or damaged beyond normal wear and tear. The person who borrows the material(s) will be held responsible for reimbursing the library the full replacement cost of the lost or damaged material(s). In certain instances, a cap may be placed upon such restitution if the judgment of the Administration warrants it.

Please reference the NAPS School Committee Policies, JICB and/or JICBA for further information regarding Lost or Damaged Textbooks and Lost or Damaged Materials.

## **8. Field Trips**

All school field trips will comply with district policies. Students must have a signed permission slip prior to departing on the field trip. Students who are not allowed to attend a field trip because of poor behavior may be assigned to another classroom while the class is on the trip. Teachers are required to notify parents prior to the trip and to discuss alternate plans for the student.

## **9. Dress Code**

School attire should be neat, clean, and not of a distracting nature. Items worn by the student should not endanger their health or safety, or school property. The administration will determine whether items of clothing are of a distracting nature or in violation of the health standard and safety of the students attending the school. Foot covering must be worn at all times.

## **10. Report Cards**

Parents will receive periodic reports of a student's progress and grades. The School Committee further recognizes that these reports are a vital form of communication

between the schools and parents. The school committee also believes that all progress reports must be based upon full information, accurately and honestly reported with the proper maintenance of confidentiality.

Elementary students will receive standards based report cards three times a year. The academic year will be broken down into trimesters. Standards based grades allow students to show mastery of skills. The academic reporting scale is 1-4 and reflects students' increasing skill. 1's indicate that students need more exposure and modeling to develop knowledge and understanding. When starting a new target, many students have no prior knowledge, and begin at 1. As students learn, they can make progress toward grade level expectations, and score 2. Once they achieve grade level expectations, they score 3. Typically 4's are used for students who exceed grade level expectations.

### **11. Attendance**

North Attleborough Public Schools adheres to all state laws and regulations concerning attendance, including compulsory attendance laws.

By 8:30am each school day, parents must call the school at 508-643-2148 if their child is going to be absent that day. All parents will receive an automated phone call from the school if their student is not in school by 8:30am. Faculty and administration will assist students who are struggling with attendance; options include but are not limited to counseling, conferences with parents and students, and/or disciplinary action when warranted. Parents are also encouraged to communicate with the school if they have any concerns about their child's attendance.

Students with excessive absences will be reported to the Attendance Officer.

*Absences can only be excused if a child has a medical or court appointment, for a religious holiday, or must attend a funeral. Please note that a parent's report of a child's absence because of illness, must have medical verification to count as excused. District policy requires that a doctor's note is provided if your child is ill for more than three days or if there are repeated absences for illness.*

### **Vacations**

Being present in the classroom is essential for academic success, therefore, we request that parents schedule vacations during school breaks. Parents are asked to notify the school in advance, in writing, when a vacation is scheduled within school time. Vacation absences are considered unexcused absences. Students on vacation during school time are responsible to obtain and make up the work within a reasonable amount of time after returning. *Teachers will not provide students with assignments prior to departure for a non-school vacation, however, students may be able to access online tasks via classroom pages.*



### **How to Get Work for an Absence**

*After three consecutive days of absence parents may request homework from the teachers. It is a student's responsibility to get all missed assignments and arrange to make up tests.* Homework is often posted on a teacher's or team's website. Teachers inform parents and students at the beginning of the year how to obtain assignments for their classes.

### **Tardy To School**

Please call the Main Office at **508-643-2148** to report a student's late arrival to school. They will be issued a tardy pass. Lateness will be excused only for scheduled appointments, i.e. doctor, dentist; *a note from the doctor or dentist must accompany the student upon his/her arrival at school.*

## **12. Wellness Policy**

The North Attleborough School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. The North Attleborough Public Schools recognize the important relationship between wellness and academic success, not only for students, but the entire school community. The Wellness policy is intended to outline the districts' ongoing commitment in support of wellness in the areas of nutrition, physical activity, and other school-based activities that promote health and wellness. The district Wellness policy can be viewed in the appendix on the district's website.

## **13. School Nutrition Program**

Our program offers a variety of hot and cold entrees, along with fresh fruit and vegetables. **SCHOOL MENUS** - View our menus by visiting [naschoolnutrition.net](https://naschoolnutrition.net)

**SCHOOL BREAKFAST**: All schools have a breakfast area that allows students to take breakfast to their classrooms or eat in the cafeteria. Breakfast includes an entree with whole grains and/or lean protein, fresh fruit, 100% juice, and milk.

**SCHOOL LUNCH** - Lunch includes an entree of lean protein and whole grains, fruit, vegetables, and 1% milk or skim chocolate milk.

**FREE BREAKFAST & LUNCH** - **USDA has extended free meals to all NAPS students through the 2021-2022 school year.** Please note that milk is only served with a complete meal or can be purchased for \$.50. Federal regulations do not permit the distribution of free milk to a student who brings a lunch from home even if the student is eligible for a free lunch. Snacks and water may be purchased for \$1.00 using student meal account funds. We ask that parents closely monitor their child/children's meal account to ensure that there is a balance if children will be purchasing snacks. Parents/Guardians can add money and check the account balance using the MySchoolBucks program <https://www.myschoolbucks.com>. Parents/Guardians are able to

deposit money into lunch accounts by sending check/cash in an envelope with their child's name. Checks should be made payable to "North Attleborough Food Service." There is a \$25 fee for returned checks.

**SCHOOL MEAL APPLICATIONS** - Thanks to waivers granted by USDA, NAPS is able to provide **FREE breakfast and lunch to all students for the 2021-2022 school year.** However, if your student(s) current status is paid, we still encourage you to fill out an application for Free and Reduced Meal Eligibility to be qualified for additional benefits such as student fee waivers, P-EBT, and reduced-price internet service. Applications can be completed on [MYSCHOOLAPPS.COM](https://myschoolapps.com). Families do not need to complete an application if the family receives a Direct Certification Letter.

**ELEMENTARY LINQ ONLINE ORDERING** - [LINQ online ordering](#) for SY21-22 will be for the Elementary Lunch Menu only! Middle & High School students will be able to select meal choices in the cafeteria. Breakfast will be available for pick up for all students in the morning no order is needed! Visit [naschoolnutrition.net](https://naschoolnutrition.net) for instructions!

### **13. Discrimination Policy:**

The North Attleboro Public School System does not discriminate on the basis of race, color, religion or religious creed, ancestry, national or ethnic origin, age, gender, gender-identity, sexual orientation, military or veteran status, disability, genetic information, or any other characteristic protected under applicable federal, state or local law in admission to, access to, employment in, or treatment in its programs and activities.

### **14. Student Records:**

Under the Family Educational Rights and Privacy Act (FERPA) and the Massachusetts Students Record Regulations at CMR 23.00 et seq, parents/guardians and students have rights related to student records maintained by the North Attleboro Public Schools. These rights include the ability to request access to student records and the opportunity to challenge the content of the student record. Student record laws and regulations, noted below, regulate third party access to student records and define how long records must be maintained by the school. Detailed regulations are found at 603 CMR 23.00 and are available at <http://www.doe.mass.edu/lawsregs/603cmr23.html>.

The eligible student or the parent/guardian shall have the right to add information, comments, data, or any other relevant written material to the student record. The student or parent/guardian shall have the right to request in writing deletion or amendment of any information contained in the student record, except for information which was inserted into that record by an Evaluation Team. Any deletion or amendment shall be made in accordance with the procedures set forth in 603 CMR 23.08 and 23.09. Please reference to NAPS School Committee Policies JRA and/or JRA-R1, Student Records for further information

**Notice of Directory Information** - The North Attleboro Public Schools has designated certain information contained in the educational records of its students as directory information for

purposes. The following information regarding students is considered directory information: (1) name, (2) address, (3) telephone number, (4) date and place of birth, (5) major field of study, (6) participation in officially recognized activities and sports, (7) weight and height of members of athletic teams, (8) dates of attendance, (9) degrees, honors and awards received, (10) post high school plans of the student. Directory information may be disclosed for any purpose at the discretion of the school, without the consent of a parent/guardian or an eligible student. Parents/guardians and eligible students have the right to refuse to permit designation of any or all of the above information as directory information. In that case, this information will not be disclosed except with the consent of the parent(s)/guardian(s) or student, or as otherwise allowed by FERPA and 603 CMR 23.00 et seq, any parent(s)/guardian(s) of a student refusing to have any or all of the designated directory information disclosed must file a written notification with the principal or assistant principal on or before October 1st. In the event that a refusal is not filed, it is assumed that neither the parent(s)/guardian(s) nor eligible student objects to the release of the directory information designated.

**Notice of Student Records Forwarded without Consent** - The student record may be forwarded to authorized school personnel of the school to which a student seeks or intends to transfer without the consent of the student or parent/guardian. This policy constitutes notice of the District's right to forward such records.

**Notice of Access for Non-Custodial Parent** - State regulations provide that a non-custodial parent is "eligible to obtain access to the student record unless: (i) the parent has been denied legal custody or has been ordered to supervised visitation, based on a threat to the safety of the student and the threat is specifically noted in the order pertaining to custody or supervised visitation, or (ii) the parent has been denied visitation, or (iii) the parent's access to the student has been restricted by a temporary or permanent protective order, unless the protective order (or any subsequent order modifying the protective order) specifically allows access to the information contained in the student record, or there is an order of a probate and family court judge which prohibits the distribution of student records to the parent." The non-custodial parent must request access in writing, and notice to the custodial parent of the request is provided in accordance with 603 CMR 23.00.

## **15. Student Discipline and Code of Conduct:**

The North Attleborough Public Schools believes that all students deserve every opportunity to achieve academic success in a safe, secure learning environment. Good citizenship in schools is based on respect and consideration for the rights of others. Students will be expected to conduct themselves in a way that the rights and privileges of others are not violated. They will be required to respect constituted authority, to conform to school rules and to those provisions of law that apply to their conduct. The students in North Attleborough Public Schools are expected to maintain academic integrity and plagiarism of any kind will not be tolerated.

The North Attleborough Elementary Schools may utilize a Progressive Discipline approach for students demonstrating behaviors that disrupt the learning environment, show disrespect, or

impact the safety of others. Discipline begins at the classroom level with the teacher working collaboratively with the parents/guardians of the students in order to encourage appropriate classroom behavior. If behaviors persist, the principal or assistant principal may become involved with increasing consequences and possible development of a behavior plan.

Principals and staff will not use academic punishment of any form as a consequence to inappropriate behaviors/actions by students.

The Principal may, as a disciplinary measure, 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 remainder of this policy, law, or regulation.

The following procedures govern the imposition of disciplinary consequences that may remove the student from his/her regular school program for some period of time, in accordance with M.G.L. c. 71, ss. 37H, 37H ½ and 37H ¾ and 603 CMR 53.00. The goal of the following procedures is to limit the role of long term suspension as a disciplinary consequence and to encourage student and parent participation in maintaining appropriate school behavior.

**a. Suspensions/Expulsions for Possession of Drugs, Weapons or Assault on Staff or Pendency/Adjudication of Felony Charges.**

Under M.G.L. C. 71, s. 37H, a school district may expel a student for the following conduct: possession of a dangerous weapon; possession of a controlled substance; or assaulting a staff member. Students charged with violations under this statute will be provided with written notice of a hearing before the principal which shall include notice of the right to representation and the right to present evidence. The hearing may be tape recorded at the discretion of the principal. A written decision will be issued by the principal and shall include notice of the student's right to educational services and to appeal an adverse decision to the Superintendent.

M. G. L. c. 71, s. 37H ½ allows a principal to suspend or expel a student who has been charged with or adjudicated responsible for a felony charge. The principal will provide written notice of a hearing to determine whether the student's continued presence in school would have a substantial detrimental effect on the school community. The hearing may be tape recorded at the discretion of the principal. The student will have the right to representation and to present evidence on his/her behalf. A written decision will be issued by the principal and shall include notice of the student's right to educational services and to appeal an adverse decision to the Superintendent.

A suspended or expelled student may be entitled to educational services as provided by the district's educational services plan.

**b. In School Suspension:** A principal/designee may determine that a student's alleged misconduct should result in an in-school suspension, rather than a short term out of

school suspension. In such a case, the principal shall inform the student of the nature of the offense and give the student an opportunity to explain or dispute the charge. If the principal decides that the student did violate school rules or policies, the student will be told of the length of the in-school suspension. On that same day, the principal shall make reasonable efforts to notify the parents orally of the offense, the reason for the decision to suspend in-school, and the length of the suspension. As soon as possible, parents will be invited to a meeting to discuss the student's academic performance and ways to address the problem behavior. The parents and student will also be provided with written notice of the suspension, the rationale for the suspension and its duration on the day of the suspension.

In school suspensions of ten days or more, consecutively or cumulatively for the school year will be considered long term suspensions, subject to the provisions for long term suspensions set out below.

**c. Short Term or Long Term Suspensions for other reasons. M.G.L. C. 71, s. 37H <sup>3</sup>/<sub>4</sub> provides additional procedures for students who may be subject to short term (less than ten days) or long term (more than ten days) of suspension out of school for conduct not covered by s 37H or s. 37H <sup>1</sup>/<sub>2</sub>.**

- i.** Prior to suspension, the student and parent must be provided with oral and written notice including the nature of the disciplinary offense, the basis for the charge, the potential consequences, the opportunity for a hearing to dispute the charges and present evidence, the time, date, and location of the hearing, and the right to an interpreter, if necessary.
- ii.** If the student may be suspended long term, the hearing notice shall also include the right to examine the student's record before hearing, the right to be represented, the right to cross-examine witnesses, and the right to a recording of the hearing and to have an interpreter present, as necessary.
- iii.** At hearing, the principal shall discuss the incident, the basis for the charge that school rules or policies were violated, and other pertinent information. Both the student, and the parent, if present, may present information, including mitigating facts, that should be considered by the principal in making the determination regarding the student's responsibility and consequences.
- iv.** The principal shall notify the student and parent in writing of the decision and the reasons for it. If the student is to be suspended, the notice shall include the type and duration of the suspension and advise the student and parent of the student's opportunity to make up school work or receive educational services offered in the district's plan during the suspension.

If the penalty is a short term suspension, the decision will be provided as an addendum to the original notice of hearing. There is no appeal to the Superintendent.

If the penalty is a long term suspension, the written decision will include information regarding the opportunity to receive educational services during the suspension and of the right to an appeal to the Superintendent.

Elementary School principals shall provide the Superintendent with prior written notice in any instance where an out of school suspension is imposed upon a student in kindergarten through grade 3.

- d. Appeal to the Superintendent Pursuant to M.G.L. ch. 71, s. 37H ¾.** An appeal from a long term suspension must be filed within 5 days of the principal's decision. If an appeal is not filed within the 5 day limit, the Superintendent may deny the appeal, or grant a hearing at his discretion. The Superintendent will hold the appeal hearing within three days of the request for appeal, but may grant an extension of up to seven additional days, upon request. The Superintendent will make a good faith effort to include the parent in the hearing and send written notice of the date, time and place of the appeal hearing. The Superintendent will determine whether the student committed the offense and what, if any the consequence shall be. The Superintendent's hearing shall be recorded. The student will have the same rights afforded at the long term suspension hearing before the principal, including the right to representation, to present evidence, and to cross examine witnesses. A written decision shall be provided within 5 days of the Superintendent's appeal hearing in the form required for the principal's decision. There is no appeal from the Superintendent's decision.
- e. Emergency Removal.** If the principal/designee determines that the continued presence in school of a student poses a danger to persons or property or materially and substantially disrupts the order of the school, and there is no alternative available to alleviate the danger or disruption, the principal may remove the student from school prior to a hearing for a period not to exceed two school days in accordance with the following procedure:

  - i. the principal will make immediate and reasonable efforts to notify the parents of the emergency removal orally to be followed by written notice, which shall contain and provide information regarding the incident, the student's rights to due process, and the date, time and place where a disciplinary hearing will be held;
  - ii. the hearing shall be held before the expiration of the two school days of emergency removal unless an extension of time is agreed to by the student, parent and the principal; and
  - iii. the principal shall take adequate measures to provide for the safety and transportation of a student removed on an emergency basis.
- f. Reentry Meeting.** At the end of a suspension or exclusion from school the student and his/her parent(s) will meet with the principal or designee to discuss the student's reentry

to school, including behavioral expectations and any appropriate conditions for participation in school programs and activities.

- g. Make up Work and Educational Services.** The Principal, or his or her designee will notify the student and parent of a suspended student about how the student may make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers, and projects. Additionally, the Education Service Plan will detail whatever learning options are available; options may include (but are not limited to) tutoring, alternative placement, Saturday school, and online or distance learning. Any student who is expelled or subjected to a long suspension as defined herein will be provided with at least two alternative educational services. Upon the student or parent/legal guardian's selection of any alternative educational services, the school or the District will help facilitate and verify enrollment in the service.

#### **16. Additional Procedures for Students with Disabilities**

In general, all students are expected to meet the requirements for behavior as set forth in the student handbook and the school's code of conduct. All students are entitled to the due process procedures outlined above to determine whether a provision of the Code of Conduct was violated. In addition, the provisions outlined below apply to students with a documented disability who have an Individualized Education Program (IEP) or a Section 504 Plan.

- a. The principal or designee will notify the Special Education Office of the suspendable offense of a special education student.
- b. A suspension of longer than 10 consecutive days or a series of suspensions resulting from similar behaviors that accumulate to more than 10 days and constitute a pattern are considered to represent a change in placement.
- c. Prior to a change in placement of a student with disabilities, the Team will convene to determine whether the student's conduct is a manifestation of his/her disability. A student's conduct is a manifestation of his/her disability if the conduct in question was caused by or had a direct and substantial relationship to the child's disability, or if the conduct in question was the direct result of the district's failure to implement the student's IEP or a 504 Plan.
- d. If the Team determines that the student's misconduct is a manifestation of his/her disability, the Team will review and/or propose a functional behavioral assessment and will create, review or modify as necessary the student's behavior plan and IEP or a 504 plan. Under such circumstances, the student will be returned to his/her current placement unless otherwise agreed to by the team.
- e. If the Team determines that the student's misconduct is not a manifestation of his/her disability, then the district may suspend or expel the student consistent with policies applied to any student, except that the district must continue to offer a free appropriate public education to the student with disabilities.

- f. Regardless of the manifestation determination, the district may unilaterally place the student in an interim alternative educational setting (as determined by the Team) for up to 45 school days under the following circumstances: 1) if the student carries or possesses a weapon to or at school, on school premises, or at a school function; 2) a student 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; or 3) a student has inflicted serious bodily injury upon a person while at school, on school premises, or at a school function.
- g. North Attleborough Public Schools will provide written notice to the parent of all rights to appeal. If the parent chooses to appeal, during the appeal the student stays put in the interim alternative placement, unless the parent and district agree otherwise.

### **Procedural requirements applied to students not yet determined to be eligible for special education**

- 1. If, prior to the disciplinary action, the school had knowledge that the student may be a student with a disability, the school will provide the student with all protections available under the laws pertaining to students with disabilities until and unless the student is subsequently determined not to be eligible. The district may have prior knowledge if:
  - a. The parent had expressed concern in writing; or
  - b. The parent had requested an evaluation; or
  - c. District staff had expressed directly to the special education director or other supervisory personnel specific concerns about a pattern of behavior demonstrated by the student.
- 2. The school will not be considered to have had prior knowledge if the parent has not consented to evaluation of the student or has refused special education services, or if an evaluation of the student has resulted in a determination of ineligibility.
- 3. If the school had no reason to consider the student disabled, and the parent requests an evaluation subsequent to the disciplinary action, the school will proceed consistent with federal requirements to conduct an expedited evaluation to determine eligibility.
- 4. If the student is found eligible, then he/she will receive all procedural protections subsequent to the finding of eligibility.

### **17. Searches of Students, Property, and Lockers**

Possession of contraband is illegal and inconsistent with school policy. Students, their belongings, and/or vehicles on school property may be searched if they are suspected of having such contraband. Lockers are the property of North Attleborough Public Schools and are provided only for uses consistent with legitimate school or social purposes. Storage of contraband (e.g. weapons, drugs, alcohol, stolen property) in school lockers is



not permissible, and lockers are subject to searches to ensure compliance with these policies. Likewise, random searches may be conducted of lockers, students, students' belongings, and vehicles on school property by contraband seeking dogs. These may come at any time and students will be expected to remain in their classrooms for the duration of any search.

## **18. Drug and Tobacco Use**

North Attleborough Schools are drug free and tobacco free school environments. State law prohibits the possession or use of any drugs or tobacco product within the school, on school grounds, or on school buses by any individual, including school personnel, and chaperones on school field trips.

## **19. Electronic Devices**

No student shall use cell phones, laser pointers, portable media players, or other audio broadcasting or reception equipment during class unless special permission is granted by the classroom teacher. The use of a cell phone as a calculator is NOT allowed. The inappropriate use of a video or picture cell phone is prohibited at all times and may be subject to other discipline policies.

## **20. Student Internet Safety and Technology Acceptable Use Policy**

The purpose of this Policy and Contract is to outline the acceptable use of technology hardware, software, systems, networks, websites, Internet connections and/or other equipment, hereinafter referred to as "technology," belonging to, or in the possession and/or control of, the North Attleborough School District (NASD).

NASD will not be liable for the actions of anyone connecting to the Internet. All users shall assume full liability, legal, financial, or otherwise, for their actions.

NASD may make changes in this Policy and in the Contract at any time, with or without prior notice to students or other users, or parents.

Any failure to comply with this Policy shall constitute misconduct by the user and may result in discipline and/or legal action against the user.

### **I. PRIVACY**

The Internet is not private. All documents, emails and postings are archived and can be found in the future.

NASD can and does monitor all computer use. All messages, files, sounds, image and information created, sent, or retrieved over NASD technology are the property of the NASD. NASD reserves the right to monitor, inspect, copy, review, delete, destroy, maintain and/or store at any time without prior notice any and all messages, data and

information created, sent, or retrieved over NASD technology. All files shall be and remain the property of the NASD, and no user shall have any expectation of privacy regarding such materials. Likewise, all users shall have the expectation that NASD will not use information stored on their servers for commercial purposes. However, all information maintained by NASD on its technology equipment, networks, and/or web site(s) is subject to the Massachusetts Public Records law, and NASD may be required to make any such information available to members of the public, regardless of the anticipated use of such information.

NASD has the right to access information stored in any user folder or documents on the current user screen. Each computer keeps a history of all Internet sites visited, which can be retrieved if necessary.

## **II. PERSONAL RESPONSIBILITY**

By signing the Contract, the user agrees to follow all rules outlined in this Policy and to report violations of the Policy by other students to the site administrator (e.g., teacher, lab assistant, paraprofessional, media specialist, building administrator). Use of NASD technology is a privilege and not an entitlement. It is expressly agreed that NASD may, acting in its sole discretion, limit or deny that privilege to any user at any time. Use of personal technology must be in compliance with the student handbook and this Policy.

## **III. TERM OF THE PERMITTED USE**

A student who returns a properly signed Contract will have access to NASD technology. *The student and/or the parent/guardian must sign the Contract upon entrance to NASD and upon entrance to the Middle School. A signature must be on file for each student.*

### **A. Acceptable Uses of Network**

NASD provides access to its computer networks and the Internet for educational purposes only. Specific approved uses include, but are not limited to:

1. research
2. distance learning
3. communication and activities that support our educational mission
4. educational or vocational searches

### **B. Unacceptable Uses of Network**

The following uses are considered unacceptable:

1. Violating the law or encouraging others to violate the law.
2. Transmitting offensive or harassing messages including cyber-bullying.
- C. Using NASD technology for a primarily commercial, social and/or entertaining nature, with no related educational purpose.

- D. Using NASD technology to view, transmit or download pornographic or otherwise objectionable materials.
- E. Using NASD technology to transmit confidential materials. Providing private information about oneself and any other individual over the Internet including credit card or social security numbers (unless for approved uses, such as college or employment applications).
- F. Using NASD technology to download and/or use any program, partial program, peer-to-peer software or game.
- G. Using the network to cause harm to others or their property.
- H. Using the network to access, modify or destroy a file that has been created by another.
- I. Sharing passwords or assigned accounts.
- J. Knowingly engaging in activities that expose NASD technology to computer viruses, harmful software, or physical damage.
- K. Hacking activities or circumventing security measures on school or remote computers.
- L. Unauthorized copying, downloading, or distributing of copyrighted software or materials. This includes, but is not limited to: e-mail, text files, program files, image files, database files, sound files, music files, and video files.
- M. Plagiarizing.
- N. Spamming or the unauthorized use of NASD distribution lists for e-mails. This includes creating or forwarding chain letters or pyramid schemes of any type.
- O. Distributing jokes, stories, or other materials that are based upon slurs or stereotypes relating to race, gender, ethnicity, nationality, religion, or sexual orientation.
- P. Bypassing NASD filtration (e.g., use of proxy servers).
- Q. Any other use deemed unacceptable by NASD.

### **C. Netiquette**

All users must abide by rules of network etiquette, which include the following:

- 1. Be polite.
- 2. Avoid offensive language.
- 3. Forward or redistribute e-mail messages and/ or e-mail addresses only with the permission of the sender.
- 4. Be considerate when sending attachments with e-mail.

## **IV. INTERNET SAFETY**

### **A. Individual Responsibility**

Every user must take responsibility for his or her use of the network and Internet. If a student finds that other users are visiting offensive or harmful sites, he or she is encouraged to report such use to the site administrator.

### **B. Personal Safety**

If someone attempts to arrange a meeting as a result of an Internet contact, the student is to report the communication immediately to the site administrator.

#### **C. Confidentiality of Student Information**

Personally identifiable information and/or images of students may not be disclosed or used in any way on the Internet without the permission of a parent/guardian, or if the student is 18 or over, the permission of the student. If the user has any doubts or questions about providing information over the Internet, the user is urged to contact the site administrator or supervising teacher before providing such information.

#### **D. Active Restrictive Measures**

NASD either by itself or in combination with the Internet Service Provider (ISP) utilizes filtering or blocking software or other monitoring technologies to prevent students from accessing visual depictions that are (1) obscene, (2) pornographic, or (3) harmful to minors. Although filtering software and monitoring efforts are designed to make the Internet an educational and safe experience, they cannot completely eliminate the risk that students will be able to access inappropriate material.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h] [7]), as meaning any picture, image, graphic image file, or other visual depiction that

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion.
- depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals.
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

CIPA (Children's Internet Protection Act) mandates that filtration be in place.

### **V. VIOLATIONS OF THE POLICY**

Failure to follow the Policy can, at the discretion of NASD, result in

- restricted technology access.
- loss of technology access.
- other disciplinary action.
- referral to law enforcement personnel and/or legal action including, but not limited to, criminal or civil prosecution and/or penalty under appropriate state and federal laws.

## **VII. WARRANTIES/INDEMNIFICATION**

NASD makes no warranties of any kind, either express or implied, in connection with its provision of access to and use of its technology provided under this Policy. NASD shall not be responsible for any claims, losses, damages, injuries or costs or fees (including attorney's fees) of any kind suffered or incurred, directly or indirectly, by any user arising from use of NASD technology.

By signing the Contract, the user takes full responsibility and agrees to hold harmless and indemnify NASD, its Internet Service Provider (ISP), the town of North Attleborough, and all of NASD, its ISP officers, and the town's employees, agents, representatives, administrators, teachers, volunteers and staff from any and all claims, losses, damages, injuries or costs or fees (including attorneys fees) of any kind resulting from the user's access to the NASD technology, including, but not limited to, any fees or charges incurred through purchases of goods or services by the user. The user or, if the user is a minor, the user's parent/guardian agrees to cooperate with the district in the event of the school's initiating an investigation of a user's access to its computer network and the Internet, whether that use is on a school computer or on another computer outside the network.

## **VIII. UPDATES**

If the account information initially provided changes, it is the user's responsibility to report such changes immediately to the site administrator. Users may be asked, on occasion, to re-sign the Contract.

## **IX. PUBLISHING ON THE INTERNET**

NASD requires that all publications of school, grade, department, group or project pages that are displayed on any NASD webpage be created and reviewed within the guidelines established by NASD.

### **A. North Attleborough School District's Website**

The purpose of the NASD website is to encourage and enhance teaching and learning and to provide accurate and timely information about our school system.

1. All webpages will be official publications of NASD.
2. The district webmaster will oversee all NASD webpages.

### **B. Publishing Guidelines**

NASD has established guidelines for publishing on the district's website:

1. NASD webpages must have common elements of consistent form and quality content, and must follow copyright laws and software licensing regulations.
2. All subject matter including links should relate to curriculum, instruction, school activities, general information supporting student safety, growth, and learning, or information of interest to the public.

### **C. Safety Procedures for Publishing on the Internet**

1. Parents/guardians not wishing to have their children's images, voice or work published on the Internet should contact their building principal or designee, in writing.
2. Students shall not be identified by home addresses, telephone numbers or e-mail addresses.

## **IX. ELECTRONIC COMMUNICATIONS**

Electronic communications, including but not limited to, e-mail, messaging, voice over IP, blogging, audio and video broadcasting, chat rooms, wikis and social networking are prohibited unless those applications are required for educational purposes. If a student receives a threatening or harassing e-mail or message, it should not be erased. It is the student's responsibility to immediately notify the site administrator.

### **21. DISCRIMINATION, SEXUAL HARASSMENT, BULLYING AND HAZING**

All persons associated with the North Attleborough Public Schools including, but not necessarily limited to, the committee, the staff, and the students are expected to conduct themselves properly, reflecting the core values of the North Attleboro School District at all times, so as to provide an atmosphere free from discrimination, sexual harassment, bullying, hazing and intimidation. These terms are collectively referenced as "harassment." Any person who engages in harassment while acting as a member of the school community will be in violation of this policy. It shall be a violation of this policy for any employee or any student of the North Attleborough School Department to engage in or condone harassment in school or to fail to report or otherwise take reasonable corrective measures when they become aware of an incident of harassment.

Students and employees are protected from harassment under the provisions of the State and Federal law since courts have found harassment to take many forms. It is the responsibility of every employee, student or parent to recognize acts of harassment and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented.

Any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating in an investigation of a harassment complaint is similarly unlawful and will not be tolerated.

Because the North Attleborough School Committee takes allegations of harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace and school environment that is free of harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace or school conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition(s) of harassment.

This policy also is not designed or intended to limit the school's authority to take disciplinary action or take remedial action when such harassment occurs out of school but has a connection to school, or is disruptive to or materially and substantially interferes with an employee's work, personal life, a student's school work, or participation in school related opportunities or activities.

**Discrimination**, including harassment, on the basis of race, color, religion, national origin, ethnicity, genetic information or testing, sex, sexual orientation, age or disability (hereinafter "membership in a protected class") will not be tolerated. Retaliation against any student or other individual who has complained of discrimination, including harassment, or individuals who have cooperated with an investigation of such a complaint, is also unlawful and will not be tolerated. These provisions apply to conduct by or directed toward persons associated with the educational community by all other persons including, but not limited to, students, District employees, the School Committee, school volunteers, and independent contractors.

### ***Definition of Sexual Harassment***

Unwelcome sexual advances; requests for sexual favors; or other verbal, written, electronically transmitted, or physical conduct of a sexual nature may constitute harassment where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment, instruction or participation in school activities or programs.
2. Submission to or rejection of such conduct by an individual is used by the offender as the basis for making personal or academic decisions affecting the individual subjected to sexual advances.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, attendance at school or participation in academic or curricular activities, or
4. Such conduct has the effect of creating an intimidating, hostile, or offensive work or learning environment through severe or pervasive behavior which substantially and materially interferes with work or school opportunities.

While it is not possible to list all circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment

depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

1. Unwelcome sexual advances — whether they involve physical touching or not.
2. Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
3. Displaying sexually suggestive objects, pictures, cartoons;
4. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
5. Inquiries into one's sexual experiences; and,
6. Discussion of one's sexual activities.

Title IX of the Education Amendments of 1972 prohibits sexual harassment of student and employees at NAPS, but the conduct considered to be "sexual harassment" under Title IX is limited and does not capture all conduct that amounts to sexual harassment under school policy and/or other state and federal laws. For these reasons, NAPS will investigate all allegations of sexual harassment in accordance with its Sexual Harassment Policy, attached to this handbook as APPENDIX B, and if it determines that the alleged conduct falls outside of Title IX's scope but still constitutes sexual harassment under this anti-harassment and discrimination policy, NAPS will implement appropriate remedial and/or disciplinary action in accordance with this policy.

### ***Bullying/Cyberbullying:***

It is the policy of North Attleboro Public Schools to prohibit any and all forms of bullying or retaliation in our school buildings, on school grounds, or in school-related activities in compliance with M.G.L. ch. 71, § 37O. The District is committed to providing an educational environment which is free from bullying and cyberbullying. Bullying/cyberbullying is the unwelcome, written, electronic, verbal or physical act or gesture where a student feels intimidated, coerced, harassed, or threatened by a student or school staff member.

### **Definition of Bullying**

Bullying is defined as "the repeated use by one or more students or by a member of a school staff including, but not limited to, an educator, administrator, school nurse, cafeteria worker, custodian, bus driver, athletic coach, advisor to an extracurricular activity or paraprofessional of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a victim that: (i) causes physical or emotional harm to the victim or damage to the victim's property; (ii) places the victim in reasonable fear of harm to oneself or of damage to one's property; (iii) creates a hostile environment at school for the victim; (iv) infringes on the rights of the victim at school; or (v) materially and substantially disrupts the education process or the orderly operation of a school. For the purposes of this section, bullying shall include cyberbullying."



## **Definition of Cyberbullying**

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

## **Bullying Shall Be Prohibited**

(i) on school grounds, property immediately adjacent to school grounds, at a school- sponsored or school-related activity, function or program whether on or off school grounds, at a school bus stop, on a school bus or other vehicle owned, leased or used by a school district or school, or through the use of technology or an electronic device owned, leased or used by a school district or school (ii) at a location, activity, function or program that is not school-related, or through the use of technology or an electronic device that is not owned, leased or used by a school district or school, if the bullying creates a hostile environment at school for the victim, infringes on the rights of the victim at school or materially and substantially disrupts the education process or the orderly operation of a school. Nothing contained herein shall require schools to staff any non-school related activities, functions, or programs.

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

NAPS recognizes that certain students may be more vulnerable to become targets of bullying, harassment, or teasing based on actual or perceived characteristics, including race, color, religion, ancestry, national origin, sex, socioeconomic, status, homelessness, academic status, gender identity or expression, physical appearance, or sensory, disability, or by association with a person who has or is perceived to have one or more of these characteristics. The school or district will identify specific steps it will take to create a safe, supportive environment for vulnerable populations in the school community, and provide all students with the skills, knowledge, and strategies to prevent or respond to bullying, harassment, or teasing.

## **To File a Report**

**Harrassment Coordinators/Grievance Officers:** Michelle McKeon, Assistant Superintendent, and Catherine Calicchia, Human Resource Department, Woodcock Administration Building, 6 Morse

Street, North Attleborough – 508-643-2100 are the sexual harassment grievance officers and are vested with the authority and responsibility of processing all sexual harassment complaints in accordance with the procedures set out above.

### **Training**

Annual training shall be provided for all school staff in preventing, identifying, responding to, and reporting incidents of bullying.

### ***Definition of Hazing***

Hazing means any conduct or method of initiation, even if consented to, 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.

1. Such conduct shall include, but is not limited to, 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 person, or Which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.
2. Whoever knows that another person is the victim of hazing and is at the scene of such activity, shall, to the extent that such person can do so without danger or peril to himself or others, report such activity to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such behavior shall be subject to discipline.

### ***Investigating***

1. In school systems, harassment may take many forms and cross many lines. The situation may be an instance of staff member to staff member, staffmember to student, student to staff member, or student to student. Guidelines for dealing with any charge of harassment are as follows:
2. By law, harassment is defined by the victim's perception in combination with objective standards or expectations. What one person may consider acceptable behavior may be viewed as harassment by another person. Therefore, in order to protect the rights of both parties, it is important that the victim or an administrator to whom a complaint was made or reported make it clear to the harasser that the behavior is objectionable.
3. In all charges of harassment, the victim should describe in writing the specifics of the complaint to ensure that the subsequent investigation is focused on the relevant facts. Oral and anonymous complaints will be reviewed but are inherently difficult to investigate and may not be procedurally fair; as a result no disciplinary action shall be taken on anonymous complaints unless independently verified by clear and convincing evidence. All other complaints will be reviewed based on a preponderance of evidence standard.

4. Any school employee that has reliable information that would lead a reasonable person to suspect that a person is an instigator/participant or a target of harassment, bullying, or intimidation shall immediately report it to the administration; each school shall document any prohibited incident that is reported and confirmed, and report all incidents of discrimination, harassment, intimidation, bullying or cyber-bullying and the resulting consequences, including discipline and referrals, to the Superintendent's office as they occur.
5. A good faith report from a staff member renders the staff member immune from discipline for making a report and is considered to have been made in the course of the staff member's employment for purposes of M.G.L. c. 258. As a result, the school district shall indemnify staff members from any cause of action arising out of a good faith report of harassment or the district's subsequent actions or inaction in connection thereto.
6. If an instance of student-to-student harassment is reported to a staff member other than an administrator, the staff member must inform the Assistant Principal, or the Building Principal.
7. If a situation involving a charge of staff member to student harassment is brought to the attention of any staff member, the staff member shall notify the Building Principal or Assistant Superintendent immediately.
8. In a situation involving a charge of student to staff member sexual harassment the staff member should notify the Building Principal or Assistant Superintendent.
9. In a situation involving a charge of staff member to staff member harassment the staff member should notify the Building Principal or the Assistant Superintendent.
10. Once a charge of harassment has been made, including charges of mental, emotional or physical harassment as well as threats to a person's safety, property or position in the school or work environment, the following course of action should be taken.
  - a. The Building Principal should investigate the charge through discussions with the individuals involved. In situations involving allegations against a staff member, he/she should be informed of his/her rights to have a third party present at the time of the discussion. In situations involving students the Principal should engage the appropriate classroom or special subject area teacher. Parents will be informed of the situation and invited to participate in resolution discussions. It is important that the situation be resolved as confidentially and as quickly as the circumstances permit.
  - b. If the harasser and the victim are willing to discuss the matter at resolution meeting in the presence of the Principal/designee or Superintendent/designee, a supportive faculty member and/or parent should be included in the discussion. During this discussion, the offending behavior should be described by the victim and administration, a request for a change in behavior should be made, and a promise should be made that the described behavior will stop. If circumstances do not permit a face-to-face meeting the administration will present the victim's position. Follow-up verification procedures will be explained. Failure to comply after a resolution

meeting will result in appropriate discipline.

- c. The matter shall be documented in a manner consistent with the severity of the behavior, the impact of the behavior on the victim and the school, and the disciplinary consequences imposed by the administration.

11. If after a resolution meeting with the involved parties, the Building Principal determines that further more formal investigation or additional disciplinary action must be taken, the following could occur:

- a. In instances involving student to student or student to staff member harassment, the student may be subject to discipline including but not limited to counseling, suspension, and in appropriate cases expulsion.
- b. In instances involving staff member to student and staff member to staff member harassment, findings will be reported to the Superintendent of Schools for further action. Personnel action may also be initiated at this point, up to and including discharge consistent with the applicable law and collective bargaining agreement.
- c. In all cases a referral to law enforcement will be considered by the Principal or Superintendent based on the circumstances. School officials will coordinate with the Police Department to identify a police liaison for harassment cases.

Claims of Harassment, Bullying, and/or Hazing will be investigated in accordance with District policy. [LINK](#)

For further information about these guidelines or help with discrimination, sexual harassment, bullying, or hazing problems, or any other form of harassment, consult the building principal.

Notwithstanding the provisions of District policy, at any time a complainant may file a complaint with the United States Department of Education, Office of Civil Rights at the following address:

Office of Civil Rights of the Department of Education  5 Post Office Square Boston, MA 02110-1491 Phone (617) 289-0111 Fax (617) 289-0150	Massachusetts Commission Against Discrimination  One Ashburton Place Sixth Floor, Room 601 Boston, MA 02108 Phone: 617-994-6000 TTY: 617-994-6196	Equal Employment Opportunity Commission  John F. Kennedy Federal Building  475 Government Center Boston, MA 02203 1-800-669-4000 617-565-3196 1-800-669-6820
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## **22. SPECIAL EDUCATION**

The Individuals with Disabilities Education Act (IDEA) is a federal law that provides eligible students with disabilities a free appropriate public education and ensures special education and/or related services are provided. Students or parents/guardians may request an evaluation for special education services. For information, contact Ms. Margaret Camire, Director of Student Services, Woodcock Administration Building, 6 Morse Street, North Attleborough, MA 02760; phone 508-643-2160.

## **23. SECTION 504 ACCOMMODATION PLANS**

Section 504 of the Rehabilitation Act of 1973 protects the rights of individuals with disabilities in programs and activities, including schools, that receive federal funds. Section 504 provides that: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Section 504 identifies an eligible person as anyone with a physical or mental disability that substantially limits one or more major life activities such as walking, seeing, hearing, speaking, working, or learning. For information, contact Section 504 Coordinator, Ms. Margaret Camire, Director of Student Services, Woodcock Administration Building, 6 Morse Street, North Attleborough, MA 02760; phone 508-643-2160.

## **24. SAFETY, SECURITY, AND COMMUNICATION**

**Cancellations/Delayed Opening of School** - Announcements canceling or delaying school will be made through the district's Connect-ed system and posted on the school website, **[www.naschools.net](http://www.naschools.net)** as well as social media platforms. Local TV and radio stations will also be notified. **When the NAPS Superintendent announces a delayed opening, early dismissal, or cancellation of school, for whatever reason, all school activities are also delayed or cancelled consistent with the announcement. All school activities refers to all school, campus, or off campus activity including all extra-curricular activities, unless otherwise announced and directed by the NAPS Superintendent of Schools.**

**EVACUATION DRILLS AND ALARMS** - Periodic fire drills are conducted to ensure a rapid and safe evacuation of the school. Students are to leave the building per instructions from the teacher or supervising faculty member and stay together as a group so attendance may be taken. Students are to stand away from the building and keep the roads clear at all times. Should the fire alarm be inoperable, a continuous ringing of the passing bell is the signal to evacuate the building.

**LOCKDOWNS** – At the direction of administration, periodic lockdown drills are conducted to ensure student and staff safety in the case of a dangerous situation occurring at school. During lockdown, students and staff must remain in their classroom or, if in the corridor, go to the nearest available room. All room doors will be locked and students will remain in the rooms until notified by the administration.

**VISITORS** - All visitors must sign in at the Main Office with proper identification and pick up a visitor's pass.

**25. RETENTION/PROMOTION POLICY**

APPENDIX A

**WRITTEN NOTICE OF ASBESTOS MANAGEMENT PLAN**

**Notification of Asbestos Management Plan  
North Attleborough Public Schools  
*John Woodcock Administration Building*  
6 Morse Street  
North Attleborough, Massachusetts 02760  
Christopher George  
Director of Facilities and & Grounds  
508-643-2100 (phone) 508 643-2110 (fax)**

September 2021

Dear Parents:

The North Attleborough Public Schools, in compliance with the Asbestos Hazard Emergency Response Act (AHERA) contracted with Briggs Associates and Diversified Environmental Corporation to perform inspections of all North Attleborough Schools. As a consequence of these inspections, Operations Maintenance Programs and Management Programs were developed for each school and submitted to the Commonwealth for approval.

A copy of your school's Management Plan is available for viewing in the principal's office. Inspection reports and Management Plans for all schools are available for public inspection at the Office of the Superintendent. Copies of the Management Plans will be made available upon request for fees associated with reproduction. The person designated to implement the Management Plans for the schools is Christopher George, Director of Facilities and Grounds, 6 Morse Street, North Attleborough, MA 02760.

Christopher George  
Director of Facilities and Grounds

## **APPENDIX B**

### **Sexual Harassment/Title IX Policy**

#### **Introduction**

Title IX of the Education Amendments Act of 1972 and various state and federal laws protect all students and school employees from sex-based harassment that occurs during an educational activity, regardless of the sex of the parties. In school systems, sexual harassment may cross many lines, and may involve staff member and staff member, staff member and student, student and student, third party and staff member, or third party and student. All students and school employees can experience sex-based harassment, including male and female students/employees, LGBT students/employees, students/employees with disabilities, and students/employees of different races, national origins, and ages.

Any person who believes that a student, teacher, administrator, other school personnel or third party has engaged in conduct prohibited by this policy, whether such conduct has been directed at him/her or some other person, should report the alleged prohibited conduct as soon as possible to the appropriate North Attleborough Public Schools (NAPS) official (as designated by this

policy) verbally or in writing. Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different NAPS employee than the one designated in this policy.

### **Policy Statement**

NAPS does not discriminate against individuals on the basis of sex, or any other category protected by state and federal law, in the administration of its educational and employment policies, and in its administered programs and activities, and provides equal access to all designated youth groups. NAPS is committed to maintaining an educational and work environment free from all forms of discrimination, including sexual harassment and retaliation.

### **Goals**

NAPS is committed to providing equal educational opportunities and a safe learning and workplace environment free from discrimination, including sexual harassment and retaliation. NAPS will not tolerate any form of discrimination, including sexual harassment and retaliation, within the school community. NAPS will promptly and fairly investigate and respond to all allegations and complaints of sexual harassment and retaliation. During the investigation process, NAPS will provide equitable treatment to complainants and respondents, ensure objective evaluation of all relevant evidence, and designate investigators and decision makers who are free from bias or conflict of interest. Following an investigation where it is determined that sexual harassment has occurred, NAPS will take prompt, appropriate disciplinary, corrective and remedial measures necessary to ensure a safe and equitable learning and workplace environment for all school community members.

### **Definitions**

Title IX identifies three separate types of conduct that would constitute “sexual harassment”:

- An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual’s participation in unwelcome sexual conduct (“quid pro quo harassment”);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient’s education program or activity (“hostile environment harassment”); or
- “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

Examples of unwelcome conduct that may establish a hostile environment include but are not limited to unwelcome sexual advances; requests for sexual favors; verbal, nonverbal or physical conduct of a sexual nature; sex discrimination; threats of violence; and/or physical assault.

The following additional definitions apply:



“Actual knowledge” means notice of sexual harassment or allegations of sexual harassment to any employee of NAPS, except that this standard is not met when the only official of NAPS with actual knowledge is the respondent (where the respondent is an employee). Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. Complaints will be addressed whenever NAPS has actual knowledge of the allegation.

“Administrative leave” means placing an employee on leave pursuant to state law. Nothing in the Title IX regulations precludes a recipient from placing a non-student employee respondent on administrative leave during the pendency of a grievance process, provided that Massachusetts laws are followed.

“Consent” means cooperation in act or attitude pursuant to an exercise of free will of a conscious person with informed knowledge of the nature of the act or actions. A current or previous relationship shall not be sufficient to constitute consent. Consent will not be found when submission to the act or actions is undertaken due the influence of fear, fraud, forcible compulsion, threats, and/ or the complainant possessed any legal incapacity to consent at the time of the act or actions. Consent is a defense to all types of sexual harassment.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Deliberate indifference” means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

“Emergency removal” means the suspension or expulsion of a student on an emergency basis, consistent with state law. Nothing in the Title IX regulations precludes NAPS from removing a respondent from NAPS’s education program or activity on an emergency basis, provided that NAPS follows all procedures under Massachusetts law, undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

Formal complaint means a document filed by a complainant (or the complainant’s parent or guardian if the complainant is a student) or signed by the Title IX Coordinator alleging sexual harassment and requesting that NAPS investigate the allegation of sexual harassment.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Supportive measures” means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the

respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. NAPS must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### **Application of Title IX/Sexual Harassment Policy**

To be covered by Title IX, the sexual harassment must have occurred in the school's education program or activity and the complainant must have been participating in or attempting to participate in an education program or activity at the school at the time the complaint is filed. The complainant must also have been in the United States when the conduct occurred.

NAPS will investigate all allegations of sexual harassment of which it has actual knowledge and which are alleged to occur in the school's programs and activities, including locations, events, and/ or circumstances in which the NAPS exercises substantial control, in accordance with this policy and in a way that is not deliberately indifferent.

While Title IX covers the above-described definition of "sexual harassment", NAPS recognizes that the Title IX standard does not capture all conduct that amounts to sexual harassment under school policy and other state and federal laws. Therefore, while NAPS prohibits "sexual harassment" as defined by Title IX, it also prohibits sexually harassing conduct that may fall outside of Title IX's definition and includes other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating, or humiliating to students or employees.

If NAPS determines that the alleged conduct falls outside of Title IX's scope but still constitutes sexual harassment under other school policies, NAPS will implement appropriate remedial and/or disciplinary action in accordance with those policies.

Please note that incidents of sexual harassment may constitute child abuse under state law and may also violate criminal laws. NAPS will also comply with all legal requirements governing the reporting of suspected cases of child abuse and criminal violations to the appropriate authorities, including the Department of Children and Families.

### **Complaint and Reporting Process:**

For allegations of sex-based discrimination, including sexual harassment, sexual violence, and gender-based harassment by a NAPS employee or volunteer, another student at NAPS or a third party, immediately report the incident to NAPS's Title IX Coordinator and /or the Principal of your school building. The Title IX Coordinator's contact information is as follows:

Michelle McKeon, Assistant Superintendent, 6 Morse Street, North Attleborough, MA 02760, 508-643-2100, .email- mmckeon@naschools.net

Nothing in this policy shall prevent any person from reporting alleged prohibited conduct to a different NAPS employee than the one designated in this policy.

Upon receiving actual notice of alleged sexual harassment, all non-student members of the NAPS community (including NAPS school committee members, administration, faculty, staff, volunteers in schools and/or parties contracted to perform work for NAPS, subject to school authority) must notify the Title IX coordinator as soon as practicable, but no later than 24 hours after becoming aware of the incident. Failure to comply with this mandatory reporting requirement or this Protocol may lead to disciplinary action.

The Title IX coordinator, and/or designated school administrator and/or employee, must then contact the complainant within two days of receiving the complaint and do the following:

- Promptly offer and discuss supportive measures with the complainant.
- Consider the complainant's wishes with respect to supportive measures;
- Explain that supportive measures may be received with or without filing a formal complaint;
- Explain the process of filing a formal complaint and determine whether the complainant wishes to file a formal complaint; and
- Explain to the complainant the purpose of filing a formal complaint.

The Title IX Coordinator must document in writing the supportive measures offered/provided or why no supportive measures were offered/provided. Complainant and respondents must be offered supportive measures even if they do not file a formal complaint.

If the complainant declines to file a formal complaint, the Title IX Coordinator must consider whether to sign a formal complaint and start an investigation despite the complainant's preferences. This decision may be appropriate when safety or similar concerns lead NAPS to conclude that a non-deliberately indifferent response to actual knowledge of Title IX sexual harassment could reasonably require NAPS to investigate and potentially sanction a respondent. A Title IX Coordinator's decision to override the complainant's decision not to file a formal complaint must be documented in writing along with an explanation of why this decision was necessary in order to avoid deliberate indifference. If a formal complaint is not made, NAPS may

still investigate the report of sexual harassment in accordance with its Non-Discrimination Policy, taking the complainant's wishes into consideration.

Formal complaints may also be filed directly with the Title IX Coordinator by a complainant in person, by mail, by email, or by telephone at any time, including during non-business hours.

The complaint may be written by the complainant, or it will be reduced to writing by either the school employee who receives the complaint, the building Principal, or the Title IX Coordinator. Whether the complaint is reduced to writing by a student, parent, or staff member, the written complaint should include the name of the complainant, the name of the alleged victim (if different), the name of the respondent, the location of the school/department where the alleged discriminatory action occurred, the basis for the complaint, witnesses (if any), and the corrective action the complainant is seeking. This information will be made on or transferred to a discrimination/ harassment complaint form maintained by NAPS.

There is no time limit or statute of limitation on timing to file a formal complaint. However, at the time of filing a formal complaint, an alleged victim must be participating or attempting to participate in a program or activity of NAPS. Additionally, NAPS has discretion to dismiss a formal complaint where the passage of time would result in NAPS's inability to gather evidence sufficient to reach a determination regarding responsibility, or when NAPS loses responsibility for the respondent (e.g., the respondent no longer attends or is employed by NAPS).

If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this policy even if proved, did not occur in NAPS's education program or activity, or did not occur against a person in the United States, then NAPS must dismiss the formal complaint under these procedures, but could investigate it under other policies and procedures. NAPS will send written notice of any dismissal.

### **Written Notice of Formal Complaint**

Upon receiving a formal complaint of sexual harassment, NAPS will provide the complainant and the respondent written notice of the allegations, the grievance process, the appeal process, available supportive measures, and possible disciplinary sanctions and remedies. The written notice will also include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice must inform the parties that the NAPS's code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If additional allegations are added during the course of the investigation, additional written notice must be provided.

### **Informal Resolution**

Where appropriate, and only after a formal complaint has been filed and written notice has been issued, the Title IX Coordinator should also consider offering the parties an option for informal resolution (e.g., mediation). Participation in an informal resolution process may only occur where both parties give voluntary, informed, written consent to attempt informal resolution, and either party has the right to withdraw from the informal process at any time. The informal complaint option is not available for reports of employee-on-student sexual harassment; in this context a formal investigation is required. Where an informal resolution process is agreed to, it will be facilitated by a facilitator designated by the Title IX coordinator who does not have a conflict of interest and/or bias for or against complainants or respondents and who has received proper training.

Informal resolution is entirely voluntary. Parties may elect to pursue formal procedures and decline informal resolution at any step in the process, even if informal resolution has already begun.

If the parties are not satisfied with the resolution from the informal process, or if he/she/they do not choose informal resolution, then he/she/they can begin the formal complaint procedure described below.

### **Investigation**

If informal resolution is not offered to or accepted by the parties, the Title IX Coordinator will designate an investigator and a decision maker, who may not be the same person.

All formal complaints will require a full investigation in accordance with the Title IX grievance process. For formal complaints of sexual harassment, the investigator will conduct and complete a thorough and impartial investigation into the reported conduct within a reasonably prompt timeframe, with delays for good cause only. Good faith efforts will be made to complete the investigation within 15 school days of the initiation of the formal complaint, except for good cause, as documented in the investigation file. Where feasible, the formal process will be completed within a ninety (90) day timeframe from the date a formal complaint is filed with NAPS. There may be a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

#### **Gathering Evidence**

The investigation will include personal interviews with the complainant(s), the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstance(s) giving rise to the complaint. The investigation may also consist of other methods deemed pertinent by the investigator, including but not limited to gathering physical evidence.

The investigator will find facts and making determinations related to credibility, all of which will be incorporated into a written report. The investigator must avoid all questions that are protected by legal privilege, unless the privilege has been waived, and should avoid asking about the complainant's sexual history unless it is directly relevant to prove consent to the conduct at issue or to prove that the conduct was committed by someone other than the respondent.

NAPS will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.

For Title IX purposes, if a student requests that his or her name not be revealed to the alleged perpetrator, honoring the request may limit NAPS's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. Title IX includes protections against retaliation, including retaliatory actions taken by the school and school officials, and school officials will not only take steps to prevent retaliation but will also take strong responsive action if it occurs. Confidentiality concerns should be brought to the attention of the Title IX Coordinator, whose contact information is provided above, and/or the Principal of your school building.

NAPS has the burden of gathering the evidence, not the parties. However, parties may gather and present evidence of their own. All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation.

All parties whose participation is invited or expected will be provided with written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

All parties will be provided with the opportunity to be accompanied to any related meeting, interview or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney.

NAPS will not require, allow or rely upon privileged information, unless privilege is waived in writing by the holder.

All parties will be provided with an equal opportunity to review and respond to evidence gathered during the investigation. Prior to completion of the investigative report, NAPS will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigative report.

#### Investigative Report & Written Questions

Upon its completion, the parties will be provided with a copy of the investigative report for their review and, if desired, written response. Written responses from the parties will be required within ten (10) days of receipt of the investigative report and will be incorporated into the investigative report.

After the parties' responses to the investigative report, if any, have been incorporated into the investigative report, but prior to reaching a determination regarding responsibilities, the decision-maker(s) – who will not be the same person(s) as the investigator and/or Title IX coordinator – will afford each party the opportunity to submit written questions for the other parties and witnesses to answer, provide each party with the answers, and allow for additional, limited follow-up questions from each party. If any questions are determined not to be relevant, the decision-maker may exclude the questions and will explain to the party proposing the questions any decision to exclude questions as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

#### Written Determination & Standard of Evidence

After this process, the decision-maker will issue a written determination simultaneously to the parties regarding whether sexual harassment has occurred using a preponderance of the evidence standard, as it does for all conduct code violations that do not involve sexual harassment but carry the same maximum disciplinary sanctions. Resolution proceedings are conducted to take into account the totality of all evidence available, from all relevant sources.

A "preponderance of the evidence" means that it is more likely than not that the alleged conduct occurred. The decision-maker shall further recommend what action, if any, is required. If it is determined that sexual harassment occurred, NAPS will take steps to prevent the recurrence of the harassment and correct its discriminatory effect on the complainant and others if appropriate. Such remedies may include supportive measures.

The written determination must be issued to both parties simultaneously and must include:

- Identification of the allegations potentially constituting sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, etc.;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the recipient's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to

the recipient's education program or activity will be provided by the recipient to the complainant; and

- NAPS's procedures and permissible bases for the complainant and respondent to appeal (a copy of, or direct reference to, this policy will suffice).

### **Disciplinary Action, Corrective Action, and Remedial Measures**

If the respondent is ultimately found responsible, the complainant will be made aware of any sanctions imposed on the respondent that directly relate to the complainant. The respondent will not be notified of individual remedies offered or provided to the complainant. If the respondent is ultimately found responsible, NAPS will effectively implement remedies for the respondent, complainant and where appropriate, for the broader student population. The remedies will be designed to restore or preserve equal access to the educational program or activity for a complainant, end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects. Remedies may include, but are not limited to, disciplinary sanctions against the respondent, up to and including termination and/or expulsion, counselling for the respondent, an escort for the complainant, ensuring that complainant and respondent do not share classes or extracurricular activities, providing comprehensive victim services, training or retraining school employees, changes to NAPS's policies and/or services, etc. Any disciplinary action will be in accordance with due process rights under State law and any applicable collective bargaining agreement.

As indicated above, these procedures do not limit NAPS from removing a student or employee from a program or activity on an emergency basis based on immediate threats to people's physical health or safety or placing an employee on administrative leave during the pendency of the investigation.

### **Appeal Process**

Parties may appeal the decision issued as a result of the investigation, or from NAPS's dismissal for a formal complaint or any allegations therein, within 15 school days of receipt of the findings of the formal procedure or a dismissal. The decision-maker(s) for the appeal will not be the same person as the decision-maker(s) who reached the determination regarding responsibility or dismissal, the investigator(s), and/or the Title IX Coordinator. Parties may appeal on the basis of procedural deficiencies; bias or conflict of interest; newly discovered evidence; and/or other good cause.

NAPS will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. Both parties will have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.



The appeal decision-maker will review the comprehensiveness and accuracy of the investigation and the conclusions, and issue written findings to both the complainant and respondent within thirty (30) school days of the appeal.

### **Training**

NAPS will ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

NAPS will ensure that decision-makers receive training on any technology to be used in interviews and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant,.

NAPS also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

These training materials will be posted on NAPS's website.

### **Records**

A record will be maintained for a period of seven years of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment and NAPS staff will document the basis for NAPS's conclusion that its response was not deliberately indifferent.

### **Referral to Law Enforcement, Other Agencies**

Some alleged conduct may constitute both a violation of NAPS policies and criminal activity. The building Principal, coordinator, Superintendent, or designee will refer matters to law enforcement and other agencies as appropriate under the law or NAPS policy, and inform the complainant/ alleged victim of the right to file a criminal complaint.

### **Retaliation**

Retaliation against an individual who has brought good faith allegations of sexual harassment to the attention of NAPS or who has cooperated in an investigation of a complaint under this policy is unlawful and will not be tolerated by NAPS. If a student/employee believes that he/she/they has/have been retaliated against in connection with any good-faith report of inappropriate conduct or harassment, the student/employee should immediately report such conduct to the Title IX Coordinator and/or Principal of your school building. The Title IX Coordinator and/or designee will investigate reports of retaliation and, where retaliation is found, take separate remedial and disciplinary action.

In addition to the above, if you believe you have been subjected to unlawful harassment and/or retaliation you may file a complaint with either or both of the following local government agencies. Each of the agencies has a short time period for filing a claim.

United States Equal Employment Opportunity Commission,  
JFK Federal Building,  
475 Government Center  
Boston, Massachusetts, 02203  
800-669-4000

Massachusetts Commission Against Discrimination,  
Boston office at One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108,  
617-994-6000

Office of Civil Rights (U.S. Department of Education)  
5 Post Office Square, 8<sup>th</sup> Floor  
Boston, MA 02129  
(617) 289-0111

You may also file a complaint directly with the Office of Program Quality Assurance at the Department of Elementary and Secondary Education or seek outside counsel.

## APPENDIX C

### Section 37H: Policies relative to conduct of teachers or students; student handbooks

Section 37H. The superintendent of every school district shall publish the district's policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel. Said policies shall further restrict operators of school buses and personal motor vehicles, including students, faculty, staff and visitors, from idling such vehicles on school grounds, consistent with section 16B of chapter 90 and regulations adopted pursuant thereto and by the department. The policies shall also prohibit

bullying as defined in section 37O and shall include the student-related sections of the bullying prevention and intervention plan required by said section 37O. Copies of these policies shall be provided to any person upon request and without cost by the principal of every school within the district.

Each school district's policies pertaining to the conduct of students shall include the following: disciplinary proceedings, including procedures assuring due process; standards and procedures for suspension and expulsion of students; procedures pertaining to discipline of students with special needs; standards and procedures to assure school building security and safety of students and school personnel; and the disciplinary measures to be taken in cases involving the possession or use of illegal substances or weapons, the use of force, vandalism, or violation of a student's civil rights. Codes of discipline, as well as procedures used to develop such codes shall be filed with the department of education for informational purposes only.

In each school building containing the grades nine to twelve, inclusive, the principal, in consultation with the school council, shall prepare and distribute to each student a student handbook setting forth the rules pertaining to the conduct of students. The student handbook shall include an age-appropriate summary of the student-related sections of the bullying prevention and intervention plan required by section 37O. The school council shall review the student handbook each spring to consider changes in disciplinary policy to take effect in September of the following school year, but may consider policy changes at any time. The annual review shall cover all areas of student conduct, including but not limited to those outlined in this section.

Notwithstanding any general or special law to the contrary, all student handbooks shall contain the following provisions:

- (a) Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife; or a controlled substance as defined in chapter ninety-four C, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school or school district by the principal.
- (b) Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school or school district by the principal.
- (c) Any student who is charged with a violation of either paragraph (a) or (b) shall be notified in writing of an opportunity for a hearing; provided, however, that the student may have representation, along with the opportunity to present evidence and witnesses at said hearing before the principal.

After said hearing, a principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have violated either paragraph (a) or (b).

- (d) Any student who has been expelled from a school district pursuant to these provisions shall have the right to appeal to the superintendent. The expelled student shall have ten days from the

date of the expulsion in which to notify the superintendent of his appeal. The student has the right to counsel at a hearing before the superintendent. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

(e) Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or 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, under section 21 of chapter 76.

(f) Districts shall report to the department of elementary and secondary education the specific reasons for all suspensions and expulsions, regardless of duration or type, in a manner and form established by the commissioner. The department of elementary and secondary education shall use its existing data collection tools to obtain this information from districts and shall modify those tools, as necessary, to obtain the information. On an annual basis, the department of elementary and secondary education shall make district level de-identified data and analysis, including the total number of days each student is excluded during the school year, available to the public online in a machine readable format. This report shall include district level data disaggregated by student status and categories established by the commissioner.

(g) Under the regulations promulgated by the department, for each school that suspends or expels a significant number of students for more than 10 cumulative days in a school year, the commissioner shall investigate and, as appropriate, shall recommend models that incorporate intermediary steps prior to the use of suspension or expulsion. The results of the analysis shall be publicly reported at the school district level.

## **APPENDIX D**

### **Section 37H1/2: Felony complaint or conviction of student; suspension; expulsion; right to appeal**

Section 37H1/2. Notwithstanding the provisions of section eighty-four and sections sixteen and seventeen of chapter seventy-six:

(1) Upon the issuance of a criminal complaint charging a student with a felony or upon the issuance of a felony delinquency complaint against a student, the principal or headmaster of a

school in which the student is enrolled may suspend such student for a period of time determined appropriate by said principal or headmaster if said principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the suspension to the superintendent. The student shall notify the superintendent in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the suspension.

(2) Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal or headmaster of a school in which the student is enrolled may expel said student if such principal or headmaster determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the superintendent.

The student shall have the right to appeal the expulsion to the superintendent. The student shall notify the superintendent, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The superintendent shall hold a hearing with the student and the student's parent or guardian within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The superintendent shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The superintendent shall render a decision on the appeal within five calendar days of the hearing. Such decision shall be the final decision of the city, town or regional school district with regard to the expulsion.

Any school district that suspends or expels a student under this section shall continue to provide educational services to the student during the period of suspension or expulsion, under section 21 of chapter 76. If the student moves to another district during the period of suspension or expulsion, the new district of residence shall either admit the student to its schools or provide

## APPENDIX E

### Section 37H3/4: Suspension or expulsion on grounds other than those set forth in Secs. 37H or 37H1/2

Section 37H3/4. (a) This section shall govern the suspension and expulsion of students enrolled in a public school in the commonwealth who are not charged with a violation of subsections (a) or (b) of section 37H or with a felony under section 37H1/2.

(b) Any principal, headmaster, superintendent or other person acting as a decision-maker at a student meeting or hearing, when deciding the consequences for the student, shall exercise discretion; consider ways to re-engage the student in the learning process; and avoid using expulsion as a consequence until other remedies and consequences have been employed.

(c) For any suspension or expulsion under this section, the principal or headmaster of a school in which the student is enrolled, or a designee, shall provide, to the student and to the parent or guardian of the student, notice of the charges and the reason for the suspension or expulsion in English and in the primary language spoken in the home of the student. The student shall receive the written notification and shall have the opportunity to meet with the principal or headmaster, or a designee, to discuss the charges and reasons for the suspension or expulsion prior to the suspension or expulsion taking effect. The principal or headmaster, or a designee, shall ensure that the parent or guardian of the student is included in the meeting, provided that such meeting may take place without the parent or guardian only if the principal or headmaster, or a designee, can document reasonable efforts to include the parent or guardian in that meeting. The department shall promulgate rules and regulations that address a principal's duties under this subsection and procedures for including parents in student exclusion meetings, hearings or interviews under this subsection.

(d) If a decision is made to suspend or expel the student after the meeting, the principal or headmaster, or a designee, shall update the notification for the suspension or expulsion to reflect the meeting with the student. If a student has been suspended or expelled for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year, the student and the parent or guardian of the student shall also receive, at the time of the suspension or expulsion decision, written notification of a right to appeal and the process for appealing the suspension or expulsion in English and in the primary language spoken in the home of the student; provided, however, that the suspension or expulsion shall remain in effect prior to any appeal hearing. The principal or headmaster or a designee shall notify the superintendent in writing, including, but not limited to, by electronic means, of any out-of-school suspension imposed on a student enrolled in kindergarten through grade 3 prior to such suspension taking effect. That notification shall describe the student's alleged misconduct and the reasons for suspending the student out-of-school. For the purposes of this section, the term

"out-of-school suspension" shall mean a disciplinary action imposed by school officials to remove a student from participation in school activities for 1 day or more.

(e) A student who has been suspended or expelled from school for more than 10 school days for a single infraction or for more than 10 school days cumulatively for multiple infractions in any school year shall have the right to appeal the suspension or expulsion to the superintendent. The student or a parent or guardian of the student shall notify the superintendent in writing of a request for an appeal not later than 5 calendar days following the effective date of the suspension or expulsion; provided, that a student and a parent or guardian of the student may request, and if so requested, shall be granted an extension of up to 7 calendar days. The superintendent or a designee shall hold a hearing with the student and the parent or guardian of the student within 3 school days of the student's request for an appeal; provided that a student or a parent or guardian of the student may request and, if so requested, shall be granted an extension of up to 7 calendar days; provided further, that the superintendent, or a designee, may proceed with a hearing without a parent or guardian of the student if the superintendent, or a designee, makes a good faith effort to include the parent or guardian. At the hearing, the student shall have the right to present oral and written testimony, cross-examine witnesses and shall have the right to counsel. The superintendent shall render a decision on the appeal in writing within 5 calendar days of the hearing. That decision shall be the final decision of the school district with regard to the suspension or expulsion.

(f) No student shall be suspended or expelled from a school or school district for a time period that exceeds 90 school days, beginning the first day the student is removed from an assigned school building.